Sec. 1. SCOPE OF POLICY

The purpose of this policy is to state the circumstances under which a firearm or weapon may be possessed or used on the premises of Midland Academy Charter.

Sec. 2. DEFINITIONS

1. Firearm. "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is: (A) an antique or curio firearm manufactured before 1899; or (B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition. *Penal Code § 46.01(3)(A)-(B)*

2. Handgun. "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand. *Penal Code § 46.01(5)*

3. Location-restricted knife. "Location-restricted knife" means a knife with a blade over five and one-half inches. *Penal Code § 46.01(6)*

4. Club. "Club" means an instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to the following:
   (A) blackjack;
   (B) nightstick;
   (C) mace;
   (D) tomahawk.
   Penal Code § 46.01(1)(A)-(D)

5. Prohibited Weapon. A "prohibited weapon" shall include

   (1) any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the United States Department of Justice:
   (A) an explosive weapon;
   (B) a machine gun; or
   (C) a short-barrel firearm;
   (2) armor-piercing ammunition;
   (3) a chemical dispensing device;

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(4) a zip gun;
(5) a tire deflation device; or
(6) an improvised explosive device.

Penal Code § 46.05(a)(1)-(4)

6. School Premises. "Premises" means a building or a portion of a building owned or leased by the School. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *See, Penal Code § 46.03(c)(4).*

Sec. 3. Prohibition of Firearms and Weapons Per School Policy

A. On School Premises. Midland Academy Charter prohibits the use, display or possession of firearms, handguns, location-restricted knives, clubs, and prohibited weapons on School Premises unless explicitly permitted in this policy or unless otherwise permitted by applicable federal or state law. This prohibition and related exceptions apply to all individuals on School Premises including but not limited to charter holder board members, charter school board members, employees, students, parents, vendors, contractors, and visitors.

B. At School Board Meetings. Firearms are prohibited in the room or rooms where a public meeting of the governing body of the Midland Academy Charteris being held pursuant to a properly noticed meeting under the open meetings law. *Penal Code § 46.03 (a)(14).*

Sec. 4. Prohibition of Firearms in a School Zone Under Federal Law and Exceptions

A. Prohibition of Firearms under Federal Law. Per the federal Gun Free School Zones Act, Midland Academy Charter prohibits the possession of firearms on or near school property. Thus, an individual may not knowingly possess a firearm in a school zone. For purposes of this federal law, the term "school zone" means property in, or on the grounds of, or within 1,000 feet from the grounds of a public, parochial, or private school.

B. Exception to the Federal Prohibition: The federal prohibition does not apply to the possession of a firearm:
   a. When the carrier is licensed to carry under state law;
   b. When the firearm is unloaded and stored in a locked container or a locked firearms rack that is in a vehicle;
   c. If the firearm is carried for use in a program approved by the school;
   d. If the firearm is carried as allowed by a written contract between the school and the licensed individual; or
   e. If the firearm is carried by a law enforcement officer acting in his or her official capacity.

Sec 5. Prohibition of Firearms and Weapons Under State Law

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A. It is a criminal offense for an individual to exhibit or threaten to use a firearm on school property or in a school vehicle in a manner intended to cause alarm or personal injury to another person or to damage school property. *Education Code § 37.125(a).*

B. It is a criminal offense for an individual to intentionally, knowingly, or recklessly possesses or go with a firearm, location-restricted knife, club, or prohibited weapon on the physical premises of the school, on any grounds or building on which an activity sponsored by the school is being conducted, on a passenger transportation vehicle of the school, or on the premises where a high school or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event. *Penal Code § 46.03.*

Sec 6. Exceptions to Prohibition of Firearms and Weapons Under State Law

A. Federal and State Officials Permitted Firearms Under State Law. Per state law, it is not a violation of this policy or state law for the following individuals to carry a firearm on the premises of Midland Academy Charter:

a. A member of the armed forces or national guard, a guard employed by a penal institution, or an officer of the court, while in the conduct of official duties;

b. On or off duty peace officers or special criminal investigators;

c. Authorized and on-duty parole officers;

d. Authorized and on-duty community supervision and corrections department officers;

e. Active judicial officers licensed to carry handguns;

f. Honorably retired peace officers, qualified retired law enforcement officers, federal criminal investigators, or former reserve law enforcement officers, with proper identification;

g. U.S. attorneys and assistant U.S. attorneys, district attorneys and assistant district attorneys, criminal district attorneys, county attorneys, the attorney general and assistant attorneys general, or municipal attorneys licensed to carry handguns;

h. Bailiffs designated to escort active judicial officers and licensed to carry handguns;

i. Juvenile probation officers authorized to carry firearms; and

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j. Volunteer emergency services personnel if the person is carrying a handgun under the authority of his or her license and is engaged in providing emergency services. *Penal Code § 46.15(a).*

B. Individuals Permitted to Carry Firearms Per State Law**.** No violation of this policy or state law occurs when:
   a. a Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area on School Premises if the handgun or other firearm is not in plain sight. *Education Code § 37.0815*;
   b. the use, possession, or display of an otherwise prohibited weapon takes place as part of a school-approved activity or sports competition supervised by proper authorities; or
   c. a firearm is possessed by a licensed campus school marshal who is appointed by the governing body of the charter school and approved by the Texas Commission on Law Enforcement, provided that the campus school marshal's possession and use of the firearm is in accordance with written board regulations *Education Code §§ 37.0811; 37 TAC 227.1 – 227.9.*

C. Conduct by Persons Permitted to Carry Firearms. Any individual permitted to carry a firearm on school premises under this policy or state law must not possess, transport, or store a handgun, a firearm, or ammunition in violation of Section 37.125, Texas Education Code (i.e., to exhibit or threaten to use a firearm on school property or in a school vehicle in a manner intended to cause alarm or personal injury to another person or to damage school property) or otherwise in violation of Section 46.03, Texas Penal Code, or other law. *Education Code § 37.081.*

Sec. 8. Signs Providing Notice of Prohibited Firearms

The Superintendent must provide notice that firearms are prohibited on school premises by posting a sign at each entrance to the premises as indicated below. The Superintendent may also produce a card or other document to disseminate the requirements of this policy as indicated below:

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Prohibiting Concealed Carry[1]	***Prohibiting Open Carry***[2]
Card or other document that includes the following language: "**Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.**" This notice may be given orally or in writing.	Card or other document that includes the following language: "**Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.**" This notice may be given orally or in writing.
Sign posted on school premises that includes the following language: "**Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.**" The sign must include the quoted language in English and Spanish, appear in contrasting colors with block letters at least one inch in height, and be displayed in a conspicuous manner clearly visible to the public.	Sign posted on premises that includes the following language: "**Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.**" The sign must include the quoted language in English and Spanish, appear in contrasting colors with block letters at least one inch in height, and be displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

[1] *Penal Code § 30.06*
[2] *Penal Code § 30.07*

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