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3 **STUDENTS**

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4  
5 Firearms and Other Weapons

6  
7 Firearms

8  
9 It is the policy of the School District to comply with the federal Gun Free Schools Act of 1994  
10 and Section 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a  
11 firearm at, any setting that is under the control and supervision of the school district.  
12

13 The District does not allow students to possess firearms on District property or at any setting that  
14 is under the control and supervision of the District. In accordance with Section 20-5-202 (3),  
15 MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a  
16 student who is determined to have brought a firearm to, or possess a firearm at, any setting that is  
17 under the control and supervision of the District. The Policy does not govern conduct in a  
18 student's home, a locked vehicle, a parking lot, or a commercial business when the student is  
19 participating in an online, remote, or distance-learning setting. In accordance with Montana law,  
20 a student who is determined to have brought a firearm to, or possess a firearm at, any setting that  
21 is under the control and supervision of the school district must be expelled from school for a  
22 period of not less than 1 year.  
23

24 For the purposes of the firearms section of this policy, the term "firearm" means (A) any weapon  
25 (including a starter gun) which will or is designed to or may readily be converted to expel a  
26 projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any  
27 firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4).  
28 Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).  
29

30 However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the  
31 underlying circumstances and, in the discretion of the Board, may authorize the school  
32 administration to modify the requirement for expulsion of a student.  
33

34 A decision to change the placement of a student with a disability who has been expelled pursuant  
35 to this section must be made in accordance with the Individuals with Disabilities Education Act.  
36

37 Before holding a hearing to determine if a student has violated this Policy, the Board shall, in a  
38 clear and timely manner, notify the student if the student is an adult or notify the parent or  
39 guardian of a student if the student is a minor that the student may waive the student's privacy  
40 interest by requesting that the hearing be held in public and invite other individuals to attend the  
41 hearing.  
42

43 Before expelling a student under this Policy, the Board shall hold a due process hearing that  
44 includes presentation of a summary of the information leading to the allegations and an  
45 opportunity for the student to respond to the allegations. The student may not be expelled unless

1 the trustees find that the student knowingly, as defined in Section 1-1-204, MCA, brought a  
2 firearm to school or possessed a firearm at school.

3  
4 When a student subject to a hearing is found to have not violated this Policy, the student's school  
5 record must be expunged of the incident.

6  
7 The provisions of this Policy do not require the Board to expel a student who has brought a  
8 firearm to school or possesses a firearm at school if the firearm is secured in a locked container  
9 approved by the school district or in a locked motor vehicle the entire time the firearm is at  
10 school, except while the firearm is in use for a school-sanctioned instructional activity.

#### 11 12 Possession of Weapons other than Firearms

13 The District does not allow students to possess other weapons on District property or at any  
14 setting that is under the control and supervision of the District. Any student found to have  
15 possessed, used or transferred a weapon on school property will be subject to discipline in  
16 accordance with the District's discipline policy. For purposes of this section, "weapon" means  
17 any object, device, or instrument designed as a weapon or through its use is capable of  
18 threatening or producing bodily harm or which may be used to inflict self-injury, including but  
19 not limited to air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs;  
20 metal knuckles; numchucks (also known as nunchucks); throwing stars; explosives; fireworks;  
21 mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have  
22 been modified to serve as a weapon.

23  
24 No student shall possess, use, or distribute any object, device, or instrument having the  
25 appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons,  
26 including but not limited to weapons listed above which are broken or non-functional, look-alike  
27 guns; toy guns; and any object that is a facsimile of a real weapon. No person shall use articles  
28 designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors,  
29 etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and  
30 use of a weapon.

#### 31 32 Definitions, Exceptions and Referral to Law Enforcement

33 The District may refer to law enforcement for immediate prosecution any student who possesses,  
34 carries, or stores a weapon in a school building as specified in Section 45-8-361, MCA. In  
35 addition the District will refer for possible prosecution a parent or guardian of any minor  
36 violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a  
37 school building. For the purposes of this section of the policy, "school property" means within  
38 school buildings, in vehicles used for school purposes, or on owned or leased school land or  
39 grounds. "Building" specifically means a combination of any materials, whether mobile,  
40 portable, or fixed, to form a structure and the related facilities for the use or occupancy by  
41 persons or property owned or leased by a local school district that are used for instruction or for  
42 student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The  
43 term is construed as though followed by the words "or part or parts of a building" and is  
44 considered to include all stadiums, bleachers, and other similar outdoor facilities, whether  
45 temporary or permanently fixed.

1 The Board of Trustees may grant persons and entities advance permission to possess, carry, or  
2 store a weapon in a school building. All persons who wish to possess, carry, or store a weapon  
3 in a school building must request permission of the Board at a regular meeting. The Board has  
4 sole discretion in deciding whether to allow a person to possess, carry, or store a weapon in a  
5 school building.

7 This section does not apply to a law enforcement officer acting in the officer's official capacity  
8 or an individual previously authorized by the Board of Trustees to possess a firearm or weapon  
9 in a school building.

11 The Board of Trustees shall annually review this policy and update this policy as determined  
12 necessary by the trustees based on changing circumstances pertaining to school safety.

14 Cross Reference:	3310	Student Discipline
	4332	Conduct of School Property
	5332	Personal Conduct

18 Legal Reference:	§ 20-5-202, MCA	Suspension and expulsion
	§ 45-8-361, MCA	Possession or allowing possession of
		a weapon in a school building
	20 U.S.C. § 7151, et seq.	Gun Free Schools Act of 1994
	18 U.S.C. § 921	Definitions
	ESSA, Section 4141	Gun Free Requirements

24 Policy History:

25 Adopted on: 07/16/13

26 Reviewed on:

27 Revised on: 7/15/21