

1 **Charlo School District**

2
3 **COMMUNITY RELATIONS**

4332

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4
5 Conduct on School Property

6
7 General Conduct

8
9 In addition to prohibitions stated in other District policies, a person on school property who is not an
10 enrolled student or District employee shall not:

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12 1. Injure or threaten to injure another person;
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14 2. Damage another's property or that of the District;
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16 3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;
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18 4. Smoke or otherwise use tobacco or nicotine products, and alternative nicotine and vapor
19 products as defined in 16-11-302, MCA, or other similar products;
20
21 5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or marijuana;
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23 6. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational
24 program or any other activity occurring on school property;
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26 7. Possess a non-firearm weapon as defined in this policy;
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28 8. Enter upon any portion of school premises at any time for purposes other than those which are
29 lawful and authorized by the Board; or
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31 9. Willfully violate other District rules and regulations.
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33 For the purposes of this policy, "school property" means within school buildings, in vehicles used for
34 school purposes, or on owned or leased school land or grounds. District administrators are authorized to
35 appropriate action, as circumstances warrant, to enforce this section of the policy including but not
36 limited to requesting the assistance of law enforcement in accordance with Montana law.
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38 Firearms and Weapons

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40 A person who is not an enrolled student or District employee shall not possess any firearm or other non-
41 firearm weapon in a school building at any time.
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43 For the purposes of this policy, the term "firearm" means (A) any weapon which will or is designed to or
44 may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of
45 any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to
46 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).
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48 For purposes of this policy, "non-firearm weapon" means any object, device, or instrument designed as a
49 weapon or through its use is capable of intimidating, threatening or producing bodily harm or which may
50 be used to inflict injury, including but not limited to air guns; pellet guns; BB guns; fake or facsimile

weapons; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

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

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

For the purposes of this policy, "School building" means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

Legal Reference: Pro-Children Act of 1994, 20 U.S.C. § 6081

Smoke Free School Act of 1994

16-11-302, MCA Definitions

§ 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited

§ 20-1-206, MCA Disturbance of School

§ 20-5-410, MCA Civil penalty

§ 45-6-201, MCA Definition of enter or remain unlawfully

§ 45-8-101, MCA Disorderly conduct

§ 45-8-102, MCA Failure of disorderly persons to disperse

§ 45-8-351, MCA Restriction on Local Government Regulation of Firearms

§ 45-8-361, MCA Possession or allowing possession of weapon in school building -- exceptions -- penalties -- seizure and forfeiture or return authorized -- definitions.

Article X, section 8 Montana Constitution

Initiative 190 – "Montana Marijuana Regulation and Taxation Act." January 1, 2021

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