

3-03-101.1 **Gun Free & Weapon Free Schools.**

Gun Free Schools:

In accordance with the provisions of the Gun-Free Schools Act, 20 USC 335 l, any student who brings a firearm onto school property, except as provided below, shall be expelled for a period of not less than one calendar year unless modified by the Board.

In accordance with the provisions of the Gun-Free School Zones Act, 18 USC 922(q), students and other authorized persons may bring unloaded firearms onto school property for use in instructional activities with the prior written permission of the Superintendent. At the conclusion of the activity, the firearms must be immediately removed from school property.

No student shall possess any firearm, without authorization, on the way to and from school, or during intermission or recess. Violation of this provision shall result in discipline up to and including expulsion.

The term "firearm" shall be defined as provided in 18 USC 921. This term shall include any weapon which is designed, or may be readily converted, to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or any explosive, incendiary, or poison gas.

If a student violating this policy is identified as disabled either under the IDEA or Section 504, a determination must be made whether the student's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed for suspensions of greater than ten days.

Any student subject to expulsion shall be entitled to a hearing before the Board in accordance with § 20-5-202 MCA. Nothing in this policy shall prevent the Board from making an alternative placement for a student in lieu of expulsion provided that such placement removes the student from the regular school program.

The District shall keep a record of all students disciplined under this policy and the circumstances surrounding their discipline, including the number of students expelled and the types of weapons involved. This information shall be provided to local law enforcement authorities and other governmental agencies as required by law.

Weapon Free Schools:

Any person who possesses, carries, or stores a weapon on the school property, except as provided in this policy, shall be referred to law enforcement for immediate prosecution. In addition, a parent or guardian of any minor violating this policy shall also be referred for possible prosecution on the grounds of allowing the minor to possess, carry, or store a weapon on the school property.

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For the purposes of this policy only, the following terms are defined:

“school property” shall be defined as all buildings and grounds owned or leased by the school district.

“weapon” shall be defined as any device, instrument, material, or substance, animate, or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except such term does not include a pocket knife with a blade of less than two and one half inches in length.

The Board may grant persons and entities advance permission to possess, carry, or store a weapon on school property. All persons who wish to possess, carry, or store a weapon on school property shall present this request to the Board in a regular meeting. It is solely within the Board’s discretion whether to allow a person to possess, carry, or store a weapon on school property.

This policy does not apply to law enforcement personnel.

Adopted:

Revised: May 16, 2000