

PROHIBITION OF WEAPONS

DATES (Adopted/Revised)	GUIDE WORDS
Adopted September, 2007 Revised September, 2008	Weapons Students Expulsion Discipline

Zero Tolerance

The District has a "zero tolerance" for students and adults who possess, use or store firearms or other deadly or dangerous weapons, objects or substances used or capable of being used as a weapon or which pose a threat to the health and safety of other students, staff members or visitors, or are disruptive of the educational process.

This "zero tolerance" policy applies regardless of whether or not the weapon is brought upon school grounds, a school bus or is brought to a school-sponsored activity, regardless of whether on or off school grounds.

- Zero tolerance means that each incident will be dealt with in accordance with Policy 8210.

Definitions:

- Firearm - Firearm includes:
 - Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel any projectile by the action of an explosive;
 - Any frame or receiver of any such weapon;
 - Any firearm muffler or firearm silencer;
 - Any destructive device, including any explosive, incendiary or poison gas bomb, grenade, rocket having propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than ¼ ounce, minor, or device similar to any of these devices;
 - Any type of weapon which will or may readily be converted to expel a projectile by the action of any explosive or other propellant, and which has any barrel with a bore of more than 1/2 inch in diameter; or
 - Any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may readily be assembled.
- Deadly or Dangerous Weapon - A weapon is defined as any device, instrument, material or substance designed to cause serious physical injury, or any item which, under the circumstances for which it is used, attempted to be used or threatened to be used, is readily capable of causing serious physical injury to another student, staff member or visitor to the school or any property at the school, on the school bus or at any school-sponsored event.

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Such items may include but not necessarily be limited to:

- o Knives of any and all kinds - If the blade is less than 2-1/2 inches and the knife is not used as a weapon, discretion may be used as to the consequence. If the blade is 2-1/2 or more inches, regardless of use, the student is subject to expulsion.
- o Martial Arts weapons;
- o Bows/Arrows;
- o Clubs;
- o Brass/Metal knuckles;
- o Sharp edged utensils;
- o Razors;
- o Any explosive;
- o Any incendiary device;
- o Any poison;
- o Any combustible or flammable liquid or other item such as hair spray or deodorant spray.
- Possession - Includes both actual and constructive possession:
 - o Actual Possession - the individual has knowingly exercised direct physical control over an object.
 - o Constructive Possession - the individual is not in actual physical possession of the time but knowingly has the power and intent at a given time to exercise control or dominion over an object, either directly or through other persons.Examples of when a weapon is in a student's possession include but are not limited to time when weapons are found in the following locations:
 - o On a student's person;
 - o In the student's personal property - i.e. clothing, purse, backpack;
 - o In the vehicle driven by the student parked on school property;
 - o In a student's desk
 - o In a student's locker
 - o Any other school-related location.

Prohibitions:

Students attending district schools are prohibited from:

- Possessing, carrying, using, and/or threatening to use objects/substances which are manufactured, used or intended for use as a "weapon" or any reproduction thereof, on any school property, on any school bus, or at any school sponsored activity held at any location.
- Possessing, carrying, using, and/or threatening to use any normally non-dangerous or non-traditionally considered "weapon" with the threat, intent or result of causing harm to another person or property, while on any school property, on any school bus, or at any school sponsored activity held at any location.
- Knowingly assisting other person(s) to possess, carry or use any "weapon" while on any school property, on any school bus or at any school sponsored activity held at any location.

PROHIBITION OF WEAPONS**Applicable State and Federal Laws:**

Section 18-3302D, Idaho Code, makes it unlawful to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school of this state, or while riding in school-provided transportation. It is also unlawful for a student to possess such a firearm or other deadly or dangerous weapon while attending or participating in any school sponsored activity, program or event regardless of location.

The definition of "weapon" for purposes of expulsion pursuant to this code section includes only those items defined under Idaho Code 18-3302D. However, failure of any such item to be included pursuant to this code section/definition does not prohibit or prevent the District from expelling or otherwise disciplining a student pursuant to other provisions of this policy.

Should the Principal have reason to believe that there has been a violation of Idaho Code 18-3302D, after consultation with his Director; a report shall be made to the School Resource Officer. The District will cooperate with any investigation by the agency, including but not limited to delivering to the law enforcement agency the confiscated item(s).

The Gun Free Schools Act is applicable when it is found by District personnel or law enforcement personnel that an individual has carried a dangerous weapon as defined by 18 U.S.C. 921, onto school property.

The definition of weapon for purposes of expulsion pursuant to this code section include firearms or destructive devices which may be readily converted to and expel a projectile by the action of an explosion or other propellant. BB guns, air soft guns, pellet guns, and paint ball guns fall into this category. Antique firearms and rifles which the owner intends to use solely for sporting, recreational or cultural purposes are specifically excluded from this definition. However, failure of any such item to be included pursuant to this code section/definition does not prohibit or prevent the District from expelling or otherwise disciplining a student pursuant to other provisions of this policy.

Investigation and Disciplinary Actions:

Any adult employee or staff member of the District who observes any firearm or weapon of any nature or kind shall immediately notify the administration of the building. Thereafter, the building Principal or designee shall immediately consider all elements of safety and if possible, confiscate any item identified as a firearm or weapon.

Dependent on the circumstances, the administrator may seek immediate assistance from law enforcement to confiscate any firearm or weapon.

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The building principal shall notify the Superintendent and the School Resource Officer of the events and an investigation shall immediately commence.

The Student in question shall immediately meet with the Principal to address immediate disciplinary actions. Students reasonably believed to have been in possession of, having used or having intended to use any firearm or weapon as outlined above, may be suspended from school until such time as an investigation is completed and/or further disciplinary actions taken.

Any conduct which is determined to violate this policy may result in disciplinary action up to and including formal suspension and/or expulsion. The Board of Trustees shall expel a student, within the discretion of the Idaho Code, when it is determined that the student's actions violate federal and/or state laws regarding the prohibition of weapons.

Any expulsion pursuant to this policy and Idaho Code shall be for a period of not less than one (1) year (12 calendar months). The Board may modify the expulsion on a case-by-case basis.

A student shall be expelled for violations of this policy unless the board votes otherwise after considering the totality of the circumstances. An expulsion may be based upon this policy or State or Federal law as incorporated in this policy.

Right to Search:

Employees of the District shall have the right to search all student or other minors found to be on school property, including their personal belongings and lockers, when such individuals are reasonably believed to be in violation of state law or any school rule or regulation regarding the possession of a firearm or other deadly or dangerous weapon.

Students with Disabilities:

Disciplining students with disabilities, as defined through IDEA and Section 504, under this policy will follow all applicable federal guidelines.

Denial of Enrollment:

The District will reserve the option of denying enrollment to any student who has been expelled from this district, another school district, private school or charter school, for a violation of statute, regulation or policy which prohibits a student from possessing, using or storing any firearm or dangerous or deadly weapon in association with their schooling.

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If a student wishes to challenge that decision, he or she is entitled to a due process hearing before the District Board of Trustees, pursuant to Idaho Code 33-205.