

## **JICI—Weapons in School**

### **Prohibition**

Students are prohibited from:

- Possessing or carrying objects/substances which are manufactured, used, or intended for use as a weapon, or facsimiles thereof, at school, on a school bus, or at any school-sponsored activity without prior permission of school officials.
- Possessing, carrying, using, and/or threatening to use, any normally non-dangerous object or substance with the intent or result of causing harm to another individual at school, on a school bus, or at any school-sponsored activity.
- Knowingly assisting another student(s) to possess, carry, or use a weapon at school, on a school bus, or at any school-sponsored activity.

### **Definitions**

“Possess” is defined as bringing an object, or causing it to be brought, onto the property of a school, or onto a vehicle being used for school-provided transportation, or exercising dominion and control over an object located anywhere on such property or vehicle. A student will be determined to possess a weapon when the item is found to be in any of the following locations:

- On a student’s person;
- In the student’s personal property, including, but not limited to, the student’s clothing, backpack, purse, or any other item the student transports or carries and/or causes to be transported or carried to school;
- A vehicle parked in the school parking lot which the student drives and/or is transported in;
- The student’s locker; or,
- Any other school-related or school-sponsored event, regardless of location.

“Deadly or dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length as defined in 18 U.S.C. Section 930.

“Firearm” shall mean any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame receiver of any such weapon; any firearm muffle or firearm silencer; any destructive device, including any explosive, incendiary or poisonous gas, bomb, grenade, or rocket, missile, mine, or similar device, as defined in 18 U.S.C. Section 921. Antique firearms are specifically excluded.

### **Reporting and Investigation**

Any employee who observes any person in possession of a weapon or simulated weapon on school premises shall immediately report the matter to the Administrator.

The Administrator will immediately investigate any allegation that a student is in violation of this policy. If determined necessary by the Administrator, law enforcement may be requested to conduct the investigation. Any item identified as a weapon may be confiscated by the Administrator.

Students reasonably believed to be in possession of these items may be suspended from school until a thorough investigation is completed.

### **Disciplinary Actions**

Any student found to be in violation of this policy will be subject to disciplinary action, including, but not limited to, expulsion, suspension, or other appropriate penalties. The Board may, at its discretion, expel a student for the possession and/or use of a weapon, regardless of whether the item at issue falls within the definition of “weapon” under the Gun Free Schools Act.

Disciplinary action will be taken after reviewing all factors, including, but not limited to:

- the mandates of federal and state law;
- the student’s actions;
- the risk of harm to the students, district personnel, and patrons;
- the student’s academic standing;
- the likelihood of a recurring violation; and,
- the student’s prior conduct.

### **Expulsion Mandated by Federal Law**

The Board shall expel a student when the student’s actions violate federal law, as set forth in the Gun-Free Schools Act and Idaho law, regarding the prohibition of weapons:

**Gun-Free Schools Act.** A student is found by district personnel or by law enforcement personnel to have carried a dangerous weapon as defined by 18 United States Code Section 921 on school property. The definition of weapon, for purposes of expulsion under this provision, includes a firearm or destructive device which is designed to or may be readily converted to and expels a projectile by the action of an explosive or other propellant. Destructive devices such as any explosive, incendiary, or poisonous gas, bomb, or grenade are also defined as firearms. Specifically excluded from the definition of “weapons” pursuant to the Gun-Free Schools Act, and therefore not subject to mandatory expulsion, are the following:

- Antique firearms and rifles which the owner intends to use solely for sporting, recreational, or cultural purposes;
- Firearms that are lawfully stored inside a locked vehicle on school property; and
- Weapons which are used in activities, approved and authorized by the Administrator when appropriate safeguards are adopted to ensure student safety.

The expulsion, pursuant to the Gun-Free Schools Act, will be for a period of not less than one (1) year (twelve (12) calendar months). The Board may modify the expulsion

order on a case by-case basis, taking into account the individual circumstances and the severity of the incident.

**Students with Disabilities**

Disciplining students with disabilities, as defined by Public Law 94-142 and subsequent amendments, and Section 504 of the 1973 Rehabilitation Act, under this policy will follow federal guidelines.

*References*      *Idaho Code §§ 33-205, 18-3302D*  
*18 USC 921*  
*18 USC 930*  
*Elementary and Secondary Education Act, Section 4141 (2001)*