

1 **Boundary County School District No. 101**

2
3 **STUDENTS**

3345

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5 **Weapon-Free School Zone**

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7 Boundary County School District is committed to provide a safe environment for all students and
8 school personnel. As a result, weapons are strictly prohibited. This District has no tolerance for
9 any person who brings weapons or other objects or substances to school, which may pose a threat
10 to the health and safety of other students, staff members, or visitors, or are a disruption to the
11 educational process.

12
13 Per Idaho Code 18-3302D, it is unlawful and is a misdemeanor for any person (student or non-
14 student) to possess a firearm or other deadly or dangerous weapon while on school property or in
15 those portions of any building, stadium, or other structure on school grounds which, at the time of
16 the violation, are being used for an activity sponsored by or through a school in this state or while
17 riding school-provided transportation. The possession of a firearm or other deadly or dangerous
18 weapon shall also apply to students of schools while attending or participating in any school
19 sponsored activity, program, or event regardless of location.

20
21 Students attending district schools are prohibited from:

- 22
- 23 1. Possessing or carrying objects/substances which are manufactured, used, or intended for
24 use as a weapon, or facsimiles thereof, at school, on a school bus, or at any school-
25 sponsored activity without prior permission of school officials.
 - 26
27 2. Possessing, carrying, using, and/or threatening to use, any normally non-dangerous object
28 or substance with the intent or result of causing harm to another individual at school, on a
29 school bus, or at any school-sponsored activity.
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31 3. Knowingly assisting another student(s) to possess, carry, or use a weapon at school, on a
32 school bus, or at any school-sponsored activity.
- 33

34 Definitions. As used in this section:

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- 36 – **"Deadly or dangerous weapon"** as defined in 18 U.S.C. section 930; means any
37 weapon, device, instrument, material or substance, animate or inanimate that is used for,
38 or is readily capable of, causing death or serious bodily injury, except that such term
39 does not include a pocket knife with a blade of less than 2½ inches in length.
 - 40
41 – **"Firearm"** as defined in 18 U.S.C. section 921; shall mean any weapon (including a
42 starter gun) which will or is designed to or may readily be converted to expel a projectile
43 by the action of an explosive; the frame receiver of any such weapon; any firearm muffle
44 or firearm silencer; any destructive device, including any explosive, incendiary or
45 poisonous gas, bomb, grenade, or rocket, missile, mine, or similar device, as defined in

46 18 U.S.C. Section 921, and air rifles or other weapons that propel a projectile with air,
47 or pellet guns, or paint ball guns.

- 48
- 49 – **"Possess"** as defined in IC18-3302D means to bring an object, or to cause it to be
50 brought, onto school property, or onto a vehicle being used for school provided
51 transportation, or to exercise dominion and control over an object located anywhere on
52 such property or vehicle.

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54 Right to Search

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56 Per Idaho Code 18-3302D(3), employees of the school district shall have the right to search all
57 students or minors believed to be in violation of the provisions of this section, or applicable school
58 rule or district policy, regarding the possessing of a firearm or other deadly or dangerous weapon
59 on school property.

60

61 A student is deemed to “possess” a weapon when the item is found to be in any of the following
62 locations:

- 63
- 64 1. On a student’s person;
 - 65 2. In the student’s personal property, including but not limited, to the student’s
66 clothing, backpack, purse, or any other item the student transports or carries or
67 causes to be transported or carried to school;
 - 68 3. A vehicle the student drives or is transported in and is parked on school property;
 - 69 4. The student’s locker; or
 - 70 5. Any other school-related location.

71 Pocketknife Disclosure

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73 Pocketknives are prohibited on school property. In the event a student discovers a pocketknife in
74 their possession or on school property, the student must disclose and immediately turn it over to a
75 staff member at the school.

76

77 A pocketknife (with a blade of less than 2½ inches in length) is not typically considered a “deadly
78 or dangerous” weapon, unless it is used under circumstances where serious physical injury is
79 caused, attempted, or threatened. Any student who brandishes a pocketknife (whether intentional
80 to cause harm or not) will be subject to suspension and an expulsion hearing.

81

82 In instances where a student is found to have brought a pocketknife onto school grounds, the
83 following will occur:

- 84
- 85 1. The school administrator will investigate and determine the reason for possession of a
86 pocketknife on school grounds;
 - 87 2. The school administrator will determine the appropriate disciplinary action and/or consult
88 the Superintendent, which may include suspension or expulsion;
 - 89 3. The student’s parent/guardian will be contacted immediately; and
 - 90 4. Documentation of the “pocketknife” incident shall be added to the Student Information
91 System.

92 Investigation

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94 The Principal or designee will immediately investigate any allegation of any person found in
95 violation of this policy and may confiscate any item identified as a weapon. If determined
96 necessary, law enforcement may be requested to conduct the investigation. Students reasonably
97 believed to be in possession of, have used or have intended to use these items may be suspended
98 from school until a thorough investigation is completed. Parents or legal guardians shall be notified
99 immediately.

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101 Referral to Law Enforcement

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103 The District will refer any person reasonably believed to have violated Idaho Code 18-3302D to
104 the local law enforcement and will cooperate with any investigation by the agency, including, but
105 not limited to delivering to law enforcement the item which was confiscated.

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107 Students with Disabilities

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109 If a student violating this policy is identified as disabled, either under the IDEA or Section 504, a
110 determination must be made whether the student's conduct is related to the disability. If the
111 violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful
112 procedures for changes in placement must be followed. (See: Policy 3360/3360 – Students with
113 Disabilities)

114

115 Disciplinary Actions

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117 Any student found to be in violation of this policy will be subject to disciplinary action, including,
118 but not limited to, expulsion, suspension, or other appropriate penalties. The Board may, at its
119 discretion, expel a student for the possession and/or use of a weapon, regardless of whether the
120 item at issue falls within the definition of "weapon" under the Gun-Free Schools Act. Disciplinary
121 action will be taken after reviewing all factors, including, but not limited to, the mandates of federal
122 and state law; the student's actions; the risk of harm to the students, district personnel, and patrons;
123 the student's academic standing; the likelihood of recurring violation; and the student's prior
124 conduct.

125

126 Expulsion Mandated by Federal Law

127

128 Under federal law, the Board of Trustees shall expel a student when the student's actions violate
129 federal law, as set forth in the Gun-Free Schools Act and Idaho law, regarding the prohibition of
130 weapons. The board may modify the expulsion order on a case-by-case basis, taking into account
131 the individual circumstances and the severity of the incident. If the board modifies the expulsion
132 in a specific instance, it has the right to impose alternative disciplinary measures.

133

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

136

137

138 Denial of Enrollment

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140 The District shall deny admittance of a student who has been expelled from another district for
141 violating the Gun-Free Schools Act until that student has completed the expulsion period. If a
142 student wishes to challenge the decision, the student is entitled to a due process hearing before the
143 Board of Trustees, pursuant to Idaho Code Section 33-205.

144
145 In particular situations, the Board of Trustees is mandated to expel a student for violation of federal
146 and/or state law. The Board of Trustees retains the discretion for expulsion for all other violation
147 of this policy.

148
149 Weapons Exceptions

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151 Per Idaho Code 18-3302D, the Board may grant persons and entities advance permission to
152 possess, carry, or store a weapon on campus. All persons who wish to possess, carry, or store a
153 weapon on campus shall present this request to the Board in a regular meeting. It is solely within
154 the Board’s discretion whether to allow a person to possess, carry, or store a weapon on campus.

155
156 This section of this policy does not apply to:

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158 (a) A peace officer;
159 (b) A person who lawfully possesses a firearm or deadly or dangerous weapon as an
160 appropriate part of a program, an event, activity or other circumstance approved by
161 the board of trustees or governing board;
162 (c) A person or persons complying with the provisions of section 19-202A, Idaho Code;
163 (d) Any adult over eighteen (18) years of age and not enrolled in a public or private
164 elementary or secondary school who has lawful possession of a firearm or other
165 deadly or dangerous weapon, secured and locked in his vehicle in an unobtrusive,
166 nonthreatening manner;
167 (e) A person who lawfully possesses a firearm or other deadly or dangerous weapon in
168 a private vehicle while delivering minor children, students or school employees to
169 and from school or a school activity;
170 (f) Notwithstanding the provisions of section 18-3302C, Idaho Code, a person or an
171 employee of the school or school district who is authorized to carry a firearm with
172 the permission of the Board of Trustees of the school district or the governing board.

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175 Cross Reference: 3330 Student Discipline
176 3340/3340P Corrective Actions and Punishment
177 3360/3360P Discipline of Students with Disabilities
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179 Legal Reference: §18-3302D, §18-3302E, §18-3302F, §33-205; 18USC921, 18USC930, et seq.
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181 Policy History:
182 Adopted on: January 11, 2017
183 Revised on: