

STUDENTS

1 FIREARMS AND WEAPONS

2

3 Firearms

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5 For the purpose of the firearms section of this policy, the term “firearm” means (A) any weapon
6 (including a starter gun) which will or is designed to or may readily be converted to expel a
7 projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any
8 firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4).
9 Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16)

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11 It is the policy of Jefferson High School District to comply with the federal Gun Free Schools
12 Act of 1994 and state law 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or
13 possess a firearm at, any setting that is under the control and supervision of the school district. In
14 accordance with 20-5-202 (3), MCA, a teacher, superintendent, or principal shall suspend
15 immediately for good cause a student who is determined to have brought a firearm to, or possess
16 a firearm at, any setting that is under the control and supervision of the school district. In
17 accordance with Montana law, a student who is determined to have brought a firearm to, or
18 possess a firearm at, any setting that is under the control and supervision of the school district
19 must be expelled from school for a period of not less than 1 year.

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21 However, the Board of Trustees through this policy authorizes the Superintendent, or principal of
22 the school without a Superintendent, to use his/her discretion on a case-by-case basis and modify
23 the requirement of expulsion of a student if he/she deems such modification to be warranted
24 under the circumstances.

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26 A decision to change the placement of a student with a disability who has been expelled pursuant
27 to this section must be made in accordance with the Individuals with Disabilities Education Act.

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29 Possession of Weapons other than Firearms

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31 The District does not allow weapons on school property. Any student found to have possessed
32 used or transferred a weapon on school property will be subject to discipline in accordance with
33 the District’s discipline policy. For purpose of this section, “weapon” means any object, device
34 or instrument designed as a weapon or through its use is capable of threatening or producing
35 bodily harm or which may be used to inflict self-injury, including but not limited to air guns;
36 pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles;
37 numchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other
38 propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified
39 to serve as a weapon.

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41 No person shall possess, use, or distribute any object, device or instrument having the
42 appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons,
43 including but not limited to weapons listed above which are broken or non-functional, look-alike
44 guns, toy guns; and any object that is a facsimile of a real weapon. No person shall use articles

STUDENTS

1 designed for other purposes (i.e., lasers or laser pointers, belts, combs pencils, files, scissors,
2 etc.) to inflict bodily harm and or intimidate, and such use will be treated as the possession and
3 use of a weapon.

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5 The District will refer to law enforcement for immediate prosecution any person who possesses
6 carries, or stores a weapon in a school building, and the District may take disciplinary action as
7 well in the case of a student. In addition the District will refer for possible prosecution a parent
8 or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry,
9 or store a weapon in a school building. (45-8-361 (1)(2))

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11 For purposes of this section only, “school building” means all buildings owned or leased by the
12 school district are used for instruction or for student activities. (45-8-361 (5a))

13
14 The Board may grant person and entities advanced permission to possess, carry, or store a
15 weapon in a school building. All persons who wish to possess, carry, or store a weapon in a
16 school building must request permission of the Board at a regular meeting. The Board has sole
17 discretion in deciding whether to allow a person to possess, carry, or store a weapon in a school
18 building. (45-8-361 (3b))

19
20 This policy does not apply to law enforcement officers acting in his or her official capacity. (45-
21 8-361 (3a))

22
23 The trustees shall annually review this policy and update this policy as determined necessary by
24 the trustees based on changing circumstances pertaining to school safety.

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26	Cross Reference:	Policy 3310	Student Discipline
27		Policy 4332	Conduct on School Property
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29	Legal Reference:	§ 20-5-202, MCA	Suspension and Expulsion
30		§ 45-8-361, MCA	Possession or allowing possession of a weapon in a school building
31			Gun Free Schools Act of 1994
32		20 U.S.C. §7151, et seq.	Definitions
33		18 U.S.C. § 921	Gun Free Requirements
34		NCLB, Section 4141	
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36 Policy History:

37 Adopted on: July, 2013

38 Revised on:

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40 *Revision Note:*