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Conduct on School Property

In addition to prohibitions stated in other District policies, no person on school property shall:

1. Injure or threaten to injure another person;
2. Damage another's property or that of the District;
3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;
4. Smoke or otherwise use tobacco or nicotine products, including alternative nicotine and vapor products as defined in 16-11-302, MCA, or other similar products;
5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or marijuana;
7. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property;
8. Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or
9. Willfully violate other District rules and regulations.

For the purposes of this policy, "school property" means within school buildings, in vehicles used for school purposes, or on owned or leased school land or grounds. District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

Firearms and Weapons

A person who is not an enrolled student or District employee shall not possess any firearm in a school building at any time.

For the purposes of this policy, the term "firearm" means (a) any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

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This section does not apply to a law enforcement officer acting in the officer's official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

The Board of Trustees shall annually review this policy and update this policy as determined necessary by the trustees based on changing circumstances pertaining to school safety.

Definitions

Option 1: For the purposes of this policy, "school building" means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

Cross Reference: Policy 3311 Firearms and Weapons

Legal Reference: Pro-Children Act of 1994, 20 U.S.C. § 6081
Smoke Free School Act of 1994
16-11-302, MCA Definitions
§ 20-1-220, MCA Use of tobacco product in public school building or property prohibited
§ 20-1-206, MCA Disturbance of School
§ 20-5-410, MCA Civil penalty
§ 45-6-201, MCA Definition of enter or remain unlawfully
§ 45-8-101, MCA Disorderly conduct
§ 45-8-102, MCA Failure of disorderly persons to disperse
§ 45-8-351, MCA Restriction on Local Government Regulation of Firearms
§ 45-8-361 Possession or allowing possession of weapon in school building – exceptions – penalties- seizure and forfeiture or return authorized - definitions
Article X, section 8 Montana Constitution
Initiative 190 "Montana Marijuana Regulation and Taxation Act", January 1, 2021

Policy History:

Adopted on: February 2007

Revised on: January 2016, March 2020, May 2021, July 2021

Note: Revision included the insertion of the word "nicotine" in #4 and the change of policy in the Cross Reference.

January 2016 Revision adds definitions as per 16-11-302 MCA and reference to vapor cigarettes