

PROHIBITION OF WEAPONS POLICY

Mountain Home School District No. 193 is committed to providing a safe environment for all students and staff when they are at school, on or near owned or contracted school property and school buses, or at school-sponsored activities regardless of location, and as interpreted by the School Board of Trustees. The District's commitment includes the prohibition against any weapons or other objects/substances which may pose a threat to the health and safety of other students, staff members, or visitors, or could be used to disrupt the educational process. It also includes the prohibition against willful threats of violence directed at schools, school buses, school activity venues, school staff and/or students regardless of the point of origin and delivered by any means of communication.

The Board has no tolerance for individuals who use, threaten to use, possess, or bring a firearm, destructive device, weapon, dangerous instrument, explosive, or look-alike weapon on any District premises, or at any District sponsored activity, regardless of location, or store them in their personal vehicle on school campuses or for individuals who assist others in doing any of the above. For the purposes of this policy, no tolerance means that consequences will occur if this policy is violated, and that the consequences will be commensurate with the circumstances of each situation.

The Board delegate's authority to the Superintendent, principal or designee to determine when exceptions will be made, and permission will be given for an individual or a group to bring any of the weapons listed above to school. Such permission will be based on a determination by the Superintendent, principal, or designee that the circumstances do not constitute a threat and/or disruption to the health, safety and/or educational process of other individuals and that adequate safeguards are in place.

DEFINITIONS & PROHIBITIONS

1. Weapons are defined as, but not limited to:
 - a. Any device, instrument, material, animate or inanimate, or substance designed to cause serious physical injury or is readily capable of, causing death, or look-a-like devices, weapons, or other objects or substances capable of being used as weapons, such as, but not limited to, any item that under the circumstances it is used, attempted, or threatened to be used, is readily capable of causing serious physical injury.
 - b. Weapons may include, but are not limited to: firearms of any kind, knives or sharp instruments of any kind, or look-a-like devices, weapons, or other objects; any explosive, incendiary, or poisonous gas; any combustible or flammable liquid; or other objects/substances which may pose a threat to the health and safety of other students, staff members, or visitors, or could be used to disrupt the educational process; or any other item that is used to threaten, strike terror, or cause bodily harm or death even though it is normally considered not to present a danger to others.

- c. 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, and air rifles or other weapons that propel a projectile with air, or pellet guns, or paintball guns. Antique firearms are specifically excluded.
 - d. 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. Weapon” additionally includes a knife with a blade of any length.
 - e. Dangerous Instrument: anything that, although not specifically designed to hurt someone, is used to cause injury or to put someone in fear. Examples include belts, combs, writing utensils, compasses chains, etc. Such items should be considered dangerous instruments when they are used to cause injury or to put someone in fear.
2. Possess is defined as bringing a weapon or look alike weapon or 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.

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.

- 3. Threatening by word, electronic/digital/technological means, or act to use a firearm or other deadly or dangerous weapon to do violence to any person on school grounds or to disrupt the normal operations of the school district’s operations by making a threat of violence is forbidden.
- 4. Knowingly possessing, altering or repairing a firearm or other deadly or dangerous weapon in the furtherance of carrying out a threat made by word, electronic/digital/ technological means, or act to do violence to any person on school grounds, or to disrupt the normal operations of the school district is forbidden.
- 5. Willful threats of violence directed at schools, school buses, school activity venues, school staff and/or students regardless of the point of origin and delivered by any means of communication is forbidden.

6. On school grounds means in or on or near owned or contracted school property, buildings, facilities, and grounds on District property, and school buses, District parking areas, school lockers and closets, school desk and cabinets, vehicles parked in District parking areas, or at school-sponsored activities regardless of location, and as interpreted by the School Board of Trustees

INVESTIGATION

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

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

DISCIPLINARY ACTIONS

The Superintendent, principal, or designee has the authority to determine the threat and/or potential disruptiveness to the health, safety and/or educational process by an individual or group.

Discipline for violation of this policy:

- An employee may receive disciplinary action up to and including termination.
- A person other than an employee may be prohibited from entering District premises or attending any District sponsored activity, regardless of location.
- Students in violation of this policy will be immediately suspended for a minimum of five (5) days by the building administrator or designee, may have the suspension extended an additional ten (10) days by the Superintendent, may have the suspension extended an additional five (5) days by the Board of Trustees or designee until the completion of the investigation, and may be brought before a District Review Committee for disciplinary measures or other appropriate penalties. The School Board of Trustees reserves the right to expel a student permanently. (I.C. 33-205, 33-512). (I.C. 33-205)

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 staff or student’s actions; the student’s age; the risk of harm to the students, district personnel, and patrons; the student’s academic standing; the likelihood of recurring violation; and the student’s prior conduct. Each incident will be addressed on a case-by-case basis.

Those persons who willingly assist other persons to possess, store, or use firearms, look-a-like weapons, or other objects or substances capable of being used, as defined in section without

permission from school officials will be referred to the Building Administrator and Superintendent or designee.

Students with disabilities violating this policy will be dealt with within the guidelines of Individuals with Disabilities Educational Act (IDEA), the American Disabilities Act (ADA), and the Special Education Manual, and 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.

In accordance with the federal Gun-Free Schools Act and Idaho Code §33-205, the Board of trustees shall expel a student from school who has been found to possess a firearm on school property in this state or any other state.

- The expulsion 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 when the Board determines that reasonable conditions apply, and the student’s presence is not detrimental to the health and safety of other students.

REFERRAL TO LAW ENFORCEMENT

The superintendent or designee may refer any person who possesses a weapon or firearm on school property in violation of state or federal law to the appropriate Law enforcement Agency. The superintendent or designee may refer other persons who violate this policy to Law Enforcement. The Board may, at its discretion, refer other persons, who violate this policy to Law Enforcement.

Release or Referral to Law Enforcement – (I.C. 20-516) – Release of a student to Law Enforcement officials). The school administrator, or designee, may release a student to Law Enforcement officials if a warrant is issued, or if the officer is arresting the student without a warrant, or the officer requires the removal of a student from school district property. In the absence of parental or guardian consent, the school administrator, or designee, shall document the release by using the Prohibition of Weapons Form – Juvenile Release to Law Enforcement Form.

DENIAL OF ENROLLMENT

This District will not admit a student who has been expelled from another school district for violation of a statute, regulation, or policy which prohibits weapons until the student is eligible to return to his or her home school district. If a student wishes to challenge that decision, he or she is entitled to a due process hearing pursuant to Idaho Code §33-205.



LEGAL REFERENCE:

Idaho Code Sections

33-205 – Denial of School Attendance

33-512 – Governance of Schools

18-3302C – Concealed Weapons

18-3302D – Possessing Weapons or Firearms on School Property

18-3302I – Threatening Violence on School Grounds
18 USC §921
18 USC §930
Elementary and Secondary Education Act, Section 4141 (2001)

ADOPTED: April 19, 2022

Note: The District has the right to determine what items constitute a weapon. The definitions of “deadly or dangerous weapon” and “firearm” are the definitions referenced in Idaho Code §18-3302D, which is the state statute governing carrying weapons or firearms on school property. Districts may add other items to its definition of “weapon” to address local concerns.

Expulsion is currently only mandated (to be modified on a case-by-case basis) in those instances where a weapon, as defined by the Gun-Free Schools Act, is involved. If the Board modifies the expulsion in a specific instance, it has the right to impose alternative disciplinary measures.