

Great Falls School District

STUDENTS

3311

Firearms and Weapons

Firearms

For the purposes of the firearms section of this policy, the term “firearm” means (A) 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; (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).

It is the policy of the Great Falls Public Schools to comply with the federal Gun Free Schools Act of 1994 and state law 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. The Policy does not govern conduct in a student’s home, a locked vehicle, a non-school parking lot, or a commercial business when the student is participating in an online, remote, or distance-learning setting unless they have made a threat or there is a perceived threat. In accordance with Montana law, a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district must be expelled from school for a period of not less than one (1) year.

However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the underlying circumstances and, in the discretion of the Board, may authorize the school administration to modify the requirement for expulsion of a student.

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

Before holding a hearing to determine if a student has violated this Policy, the Board shall, in a clear and timely manner, notify the student if the student is an adult or notify the parent or guardian of a student if the student is a minor that the student may waive the student’s privacy interest by requesting that the hearing be held in public and invite other individuals to attend the hearing.

Before expelling a student under this Policy, the Board shall hold a due process hearing that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless the Trustees find that the student knowingly, as defined in Section 1-1-204, MCA, brought a firearm to school or possessed a firearm at school.

The provisions of this Policy do not require the Board to expel a student who has brought a firearm to school or possesses a firearm at school if the firearm is secured in a locked container approved by the District or in a locked motor-vehicle the entire time the firearm is at school, except while the firearm is in use for a school-sanctioned instructional activity.

Possession of Weapons other than Firearms

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

No student shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons, including but not limited to weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon. No student shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon.

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

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

The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. For the purposes of education, instruction and ceremonial occasions, the building principal, in consultation with the school resource officer, may grant students or faculty prior written permission to bring a weapon or disabled firearm into a school building. The Superintendent or designee will be notified by the building principal each time permission is granted for an individual or group to bring weapons on to a GFPS school campus for educational purposes. (ex. Hunter education classes, History lessons, Shop class, etc.)

All other persons who wish to possess, carry, or store a weapon in a school building must request permission of the Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to possess, carry, or store a weapon in a school building. (MCA 45-8-361 (3b))

This policy does not apply to law enforcement officers. (MCA 45-8-361 (3a))

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

Cross Reference:

Policy 3226	Hazing/Harassment/Intimidation/Bullying - Students
Policy 3310	Student Discipline
Policy 4226	Hazing/Harassment/Intimidation/Bullying – Community Relations
Policy 4315	Spectator Conduct
Policy 4332	Conduct of School Property
Policy 5223	Personal Conduct
Policy 5226	Hazing/Harassment/Intimidation/Bullying - Personnel

Legal Reference:

§ 20-5-202, MCA	Suspension and expulsion
§ 45-8-361, MCA	Possession or allowing possession of a weapon in a school building
20 U.S.C. § 7151, et seq.	Gun Free Schools Act of 1994
18 U.S.C. § 921	Definitions
NCLB, Section 4141	Gun Free Requirements

Policy History:

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