



State Department of Education Contact:

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The following is a summary of Federal law, Idaho statute, IDAPA rule, Idaho school and student data and school policies related to weapons on campus.

- Idaho Administrative Code 160.08.02.03 (Safe School Environment and Discipline)
- Idaho State Statutes Related to Weapons on Campus, Threats and Safety Patrols
- USDOE Gun Free Schools Act
- Data submitted by Idaho districts regarding weapons on campus
- Student survey data regarding endorsement of physical violence and weapons on school campus
- District Policy Examples (Bonneville S.D. & Homedale S.D.)

IDAHO ADMINISTRATIVE CODE 160.08.02.03

Safe School Environment and Discipline

Each school district will have a comprehensive districtwide policy and procedure encompassing the following:

- School Climate
 - SDE working definition: School climate refers to the quality and character of school life. School climate is based on patterns of students', parents' and school personnel's experience of school life and reflects norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures. A sustainable, positive school climate fosters youth development and learning necessary for a productive, contributing and satisfying life in a democratic society. This climate includes:
 - Norms, values and expectations that support people feeling socially, emotionally and physically safe.
 - People are engaged and respected.
 - Students, families and educators work together to develop, live and contribute to a shared school vision.
 - Educators model and nurture attitudes that emphasize the benefits and satisfaction gained from learning.

- Each person contributes to the operations of the school and the care of the physical environment.
- Discipline
- Student Health
- Violence prevention
- Gun-free schools
- Substance abuse- tobacco, alcohol and other drugs
- Suicide prevention
- Student harassment
- Drug-free school zones
- Building safety including evacuation drills

Districts will conduct an annual review of these policies and procedures (See Section 33-1612).

The SDE currently lacks the capacity to require and review these policies for adequacy.

Idaho State Statutes Related to Weapons on Campus, Threats and Safety Patrols

TITLE 33

EDUCATION

CHAPTER 16

COURSES OF INSTRUCTION

33-1612. Thorough system of public schools. The constitution of the state of Idaho, section 1, article IX, charges the legislature with the duty to establish and maintain a general, uniform and thorough system of public, free common schools. In fulfillment of this duty, the people of the state of Idaho have long enjoyed the benefits of a public school system, supported by the legislature, which has recognized the value of education to the children of this state.

In continuing recognition of the fundamental duty established by the constitution, the legislature finds it in the public interest to define thoroughness and thereby establish the basic assumptions which govern provision of a thorough system of public schools.

A thorough system of public schools in Idaho is one in which:

1. A safe environment conducive to learning is provided;
2. Educators are empowered to maintain classroom discipline;
3. The basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized;
4. The skills necessary to communicate effectively are taught;
5. A basic curriculum necessary to enable students to enter academic or professional-technical postsecondary educational programs is provided;
6. The skills necessary for students to enter the work force are taught;
7. The students are introduced to current technology; and

8. The importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

The state board shall adopt rules, pursuant to the provisions of [chapter 52, title 67](#), Idaho Code, and section [33-105\(3\)](#), Idaho Code, to establish a thorough system of public schools with uniformity as required by the constitution, but shall not otherwise impinge upon the authority of the board of trustees of the school districts. Authority to govern the school district, vested in the board of trustees of the school district, not delegated to the state board, is reserved to the board of trustees. Fulfillment of the expectations of a thorough system of public schools will continue to depend upon the vigilance of district patrons, the dedication of school trustees and educators, the responsiveness of state rules, and meaningful oversight by the legislature.

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 33

FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-3302D. POSSESSING WEAPONS OR FIREARMS ON SCHOOL PROPERTY.

(1) (a) It shall be unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school in this state or while riding school provided transportation.

(b) The provisions of this section regarding the possession of a firearm or other deadly or dangerous weapon on school property shall also apply to students of schools while attending or participating in any school sponsored activity, program or event regardless of location.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means any weapon as defined in 18 U.S.C. section 930;

(b) "Firearm" means any firearm as defined in 18 U.S.C. section 921;

(c) "Minor" means a person under the age of eighteen (18) years;

(d) "Possess" means to bring an object, or to cause it to be brought, onto the property of a public or private elementary or secondary school, or onto a vehicle being used for school provided transportation, or to exercise dominion and control over an object located anywhere on such property or vehicle. For purposes of subsection (1)(b) of this section, "possess" shall also mean to bring an object onto the site of a school sponsored activity, program or event, regardless of location, or to exercise dominion and control over an object located anywhere on such a site;

(e) "School" means a private or public elementary or secondary school.

(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the possessing of a firearm or other deadly or dangerous weapon.

(4) The provisions of this section shall not apply to the following persons:

(a) A peace officer;

(b) A person who lawfully possesses a firearm or deadly or dangerous weapon as an appropriate part of a program, an event, activity or other circumstance approved by the board of trustees or governing board;

(c) A person or persons complying with the provisions of section 19-202A, Idaho Code;

(d) Any adult over eighteen (18) years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his vehicle in an unobtrusive, nonthreatening manner;

(e) A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students or school employees to and from school or a school activity;

(f) Notwithstanding the provisions of section 18-3302C, Idaho Code, a person or an employee of the school or school district who is authorized to carry a firearm with the permission of the board of trustees of the school district or the governing board.

(5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars (\$1,000) or both. If a violator is a student and under the age of eighteen (18) years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 33

FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-3302I. THREATENING VIOLENCE ON SCHOOL GROUNDS.

(1) (a) Any person, including a student, who willfully threatens on school grounds by word or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds is guilty of a misdemeanor.

(b) The threats prohibited by this section encompass only those statements or acts where the speaker or actor intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "Firearm" means any weapon, whether loaded or unloaded, from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, regardless of whether such weapon is operable;

(c) "On school grounds" means in, or on the property of, a public or private elementary or secondary school.

TITLE 33
EDUCATION
CHAPTER 12
TEACHERS

33-1225. Threats of violence -- Limitation on liability. (1) A communication by any person to a school principal, or designee, or a communication by a student attending the school to the student's teacher, school counselor or school nurse, and any report of that communication to the school principal stating that a specific person has made a threat to commit violence on school grounds by use of a firearm, explosive, or deadly weapon defined in chapter 33, title 18, Idaho Code, is a communication on a matter of public concern. Such communication or report shall only be subject to liability in defamation by clear and convincing evidence that the communication or report was made with knowledge of its falsity or with reckless disregard for the truth or falsity of the communication or report. This section shall not be interpreted to change or eliminate other elements of defamation required by law.

(2) As used in this section, "school" means any public or private school providing instruction in kindergarten or any grades from grade one (1) through grade twelve (12) which is the subject of a threat.

TITLE 33
EDUCATION
CHAPTER 18
SAFETY PATROLS

33-1801. School safety patrols. The board of trustees of any school district, including chartered school districts, or other officer or board performing like functions with respect to any private or parochial school or schools, may authorize its administrative officers to create, maintain and supervise a school safety patrol or patrols, and to establish regulations for the management and conduct thereof not inconsistent with this act. Such administrative officers may cause to be appointed from the student body of any such school, students who shall be known as members of such school safety patrol, and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school safety patrol shall wear a badge or other appropriate insignia marked "school patrol" when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public street or highway, but members of the school

patrol shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

TITLE 33
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SAFETY PATROLS

33-1802. Purchase of uniforms, equipment, insurance. Any school district maintaining any school patrol may purchase uniforms and other appropriate insignia, traffic signs, or other materials, all to be used by members of such school safety patrol while in the performance of their duties. Such school districts may pay for the uniforms and equipment mentioned above out of the funds of the district.

Boards of trustees are authorized to purchase life and accident, or casualty, insurance covering members of the school safety patrol while engaged in the performance of their duties, and indemnifying the district, and its officers, and any employees who direct or supervise the school safety patrol, according to the provisions of chapter 35 of title 41.

TITLE 33
EDUCATION
CHAPTER 18
SAFETY PATROLS

33-1803. Failure to obey safety patrol member unlawful. It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed so to do by a member of a school safety patrol while in the performance of his duty and wearing the appropriate insignia; and it shall further be unlawful for the operator of any vehicle to disregard any other reasonable directions of a member of the school safety patrol while properly identified and performing his duties as such. A member of the school safety patrol while on duty may properly report to any peace officer any violation of the foregoing paragraph by the operator of any vehicle.

UNITED STATES DEPARTMENT OF EDUCATION GUN FREE SCHOOLS ACT

<http://www2.ed.gov/about/offices/list/osdfs/gfsa.html>

SEC. 4141. GUN-FREE REQUIREMENTS.

- (a) SHORT TITLE- This subpart may be cited as the Gun-Free Schools Act'.
- (b) REQUIREMENTS-

- (1) IN GENERAL- Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.
- (2) CONSTRUCTION- Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.
- (3) DEFINITION- For the purpose of this section, the term firearm' has the same meaning given such term in section 921(a) of title 18, United States Code.
- (c) SPECIAL RULE- The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.
- (d) REPORT TO STATE- Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance —
- (1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and
 - (2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including —
 - (A) the name of the school concerned;
 - (B) the number of students expelled from such school; and
 - (C) the type of firearms concerned.
- (e) REPORTING- Each State shall report the information described in subsection (d) to the Secretary on an annual basis.
- (f) DEFINITION- For the purpose of subsection (d), the term school' means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.
- (g) EXCEPTION- Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.
- (h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL-
- (1) IN GENERAL- No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.
 - (2) DEFINITION- For the purpose of this subsection, the term school' has the same meaning given to such term by section 921(a) of title 18, United States Code.

SUBPART 4 — GENERAL PROVISIONS

SEC. 4151. DEFINITIONS.

In this part:

- (1) CONTROLLED SUBSTANCE- The term controlled substance' means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- (2) DRUG- The term drug' includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.
- (3) DRUG AND VIOLENCE PREVENTION- The term drug and violence prevention' means —
 - (A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;
 - (B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.
- (4) HATE CRIME- The term hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.
- (5) NONPROFIT- The term nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.
- (6) PROTECTIVE FACTOR, BUFFER, OR ASSET- The terms protective factor', buffer', and asset' mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.
- (7) RISK FACTOR- The term risk factor' means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.
- (8) SCHOOL-AGED POPULATION- The term school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.
- (9) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER- The term school based mental health services provider' includes a State licensed or State certified school counselor, school psychologist, school social worker, or other

State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

(10) SCHOOL PERSONNEL- The term school personnel' includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

(11) SCHOOL RESOURCE OFFICER- The term school resource officer' means a career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to —

- (A) educate students in crime and illegal drug use prevention and safety;
- (B) develop or expand community justice initiatives for students; and
- (C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.

SEC. 4152. MESSAGE AND MATERIALS.

(a) WRONG AND HARMFUL' MESSAGE- Drug and violence prevention programs supported under this part shall convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

(b) CURRICULUM- The Secretary shall not prescribe the use of specific curricula for programs supported under this part.

SEC. 4153. PARENTAL CONSENT.

Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this part. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this part, other than classroom instruction.

SEC. 4154. PROHIBITED USES OF FUNDS.

No funds under this part may be used for —

- (1) construction (except for minor remodeling needed to accomplish the purposes of this part); or
- (2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs.

SEC. 4155. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

(a) NONAPPLICATION OF PROVISIONS- This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a

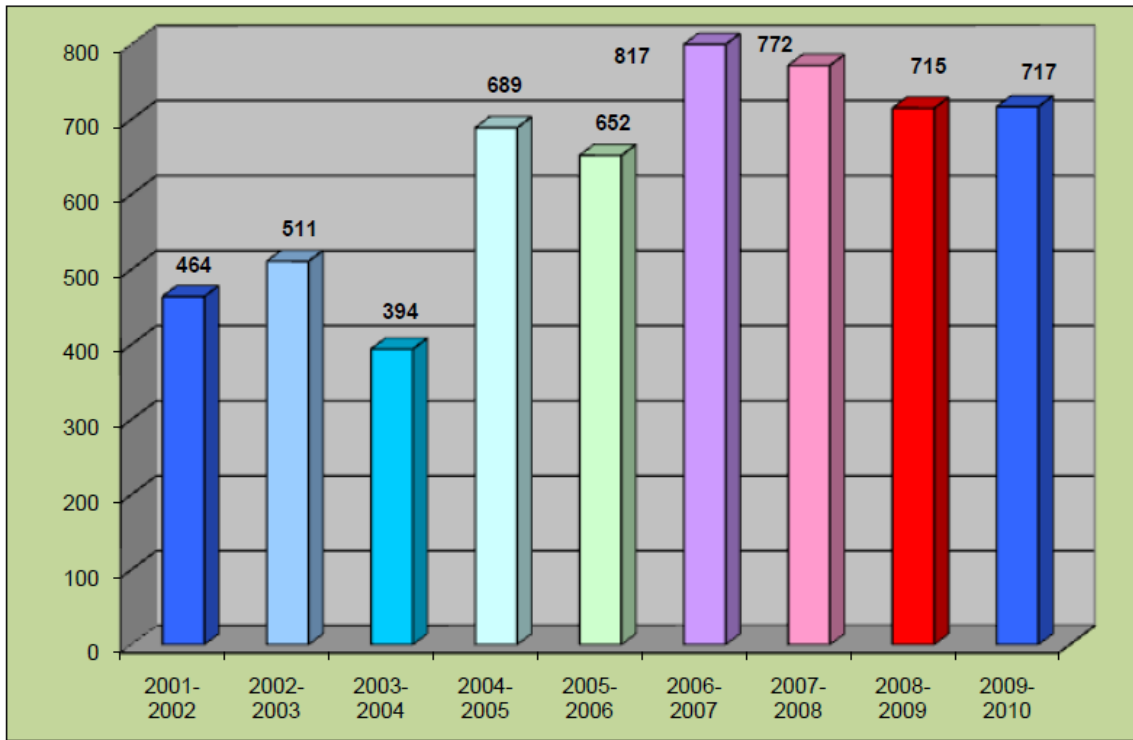
private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

(b) DISCIPLINARY RECORDS- In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

The following represents data submitted by Idaho districts:

**School Campus and School Activities Incident Report
2001- 2010**

Total Weapons on School Grounds



Weapon types reported: toy guns, paintball gun, pellet guns, BB guns, nail files, Mace, brass knuckles, metal mop handle, matches, fire crackers, lighter, smoke and stink bombs, needles/pins, chain, pencils, pens, police baton, screw driver, razor blades, straight paper clip, baseball bat, box cutters, Chinese star, scissors, sling shot, knives, handguns, shotguns, and rifles

The following data is from an SDE administered school climate survey conducted among 15,200 students in grades 6, 8, 10 & 12 throughout the state (sample size by grade and region are indicated below the graphs).

Endorsement of Physical Violence

On the survey, students were asked, “Is it okay to physically hurt someone if they disrespect you or your friends, or call you names?” Results for this item are displayed in Table S1. *About one-fourth of high school students endorsed the use of physical violence in response to being disrespected or called names.* When the margin of error is taken into account, this percentage appears to have changed little compared to previous years. Students in the sixth grade were much less likely to endorse physical violence (9.3%) than were students at the other grade levels.

Table S1
Percentage of Idaho Students Endorsing Physical Violence, 1998–2008

Grade	Idaho 1998		Idaho 2000		Idaho 2002		Idaho 2004		Idaho 2006		Idaho 2008		Idaho Change Since 1998
	%	Margin of Error	%	Margin of Error	%	Margin of Error	%	Margin of Error	%	Margin of Error	%	Margin of Error	
Grade 6	8.7	± 1.4	6.7	± 1.3	8.3	± 1.8	10.1	± 1.2	9.7	± 0.7	9.3	± 1.2	+0.6
Grade 8	20.7	± 2.2	17.8	± 2.4	20.5	± 1.8	21.9	± 1.5	21.9	± 0.8	20.3	± 1.6	-0.4
Grade 10	28.1	± 3.2	25.6	± 4.7	27.9	± 2.1	26.5	± 1.4	28.0	± 1.2	26.5	± 1.8	-1.6
Grade 12	22.2	± 3.3	24.8	± 2.3	24.2	± 2.3	24.2	± 2.0	25.9	± 1.0	24.6	± 1.8	+2.4

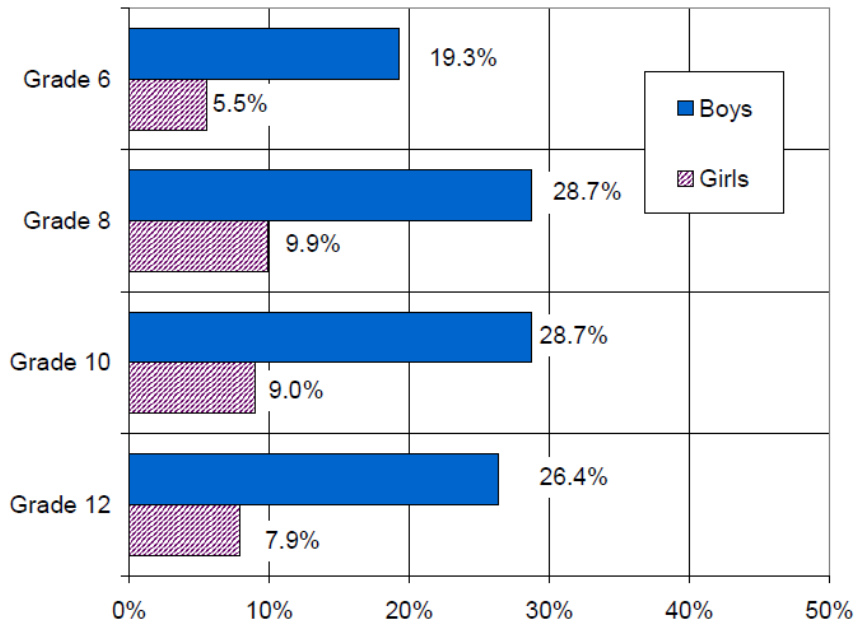
Weapon-Carrying

The survey asked students several questions about weapons, including whether they had ever carried them, if they had carried them to school, and what type of weapon they had carried.

In all the questions about weapons, boys and girls answered very differently. One question asked “Have you ever carried a weapon, such as a gun, knife, or club for self-protection or because you thought you might need it in a fight?” This question asks about a weapon carried in general, not just to school. A weapon carrying to school is specifically addressed in a later question in the survey. While senior girls in high school were unlikely to report having carried weapons (7.9%), almost one-quarter of senior boys (26.4%) responded that they had done so at least once.

These differences, shown by grade level, are illustrated in Figure S2. About 19.3 percent of boys as young as sixth grade reported having carried a weapon, and this percentage rose to a peak of 28.7 percent among eighth and 10th-grade boys. Among girls, the highest percentage reporting having carried a weapon was the 9.9 percent of eighth-graders who said they had carried a weapon at least once.

Figure S2



Lifetime Prevalence – Any Weapon Carrying (In General) – Boys and Girls, 2008

Table 1
Final Statewide Sample Size, by Grade and Region, 2008

	Region I	Region II	Region III	Region IV	Region V	Region VI	TOTAL
Grade 6	626	527	866	613	620	622	3,874
Grade 8	606	575	607	655	627	539	3,609
Grade10	775	552	831	751	655	687	4,251
Grade 12	625	474	4663	638	558	508	3,466
TOTAL	2,632	2,128	2,967	2,657	2,460	2,356	15,200

District Policy Examples

Bonneville Joint District Number 93

CODE OF STUDENT CONDUCT RULES

The following is a list of rules describing possible student misconduct. In addition to specific offenses set forth, the District has the right to discipline any student who engages in conduct that is not listed, but threatens the health, safety, or welfare of others or disrupts the learning environment.

Rule 66: Purchase or Sale of a Weapon (E4:66; S4:66)

66.1 Sale or purchase of an instrument or object designed to inflict harm on other persons on school premises or at a school sponsored activity regardless of location.

Rule 67: Threat with a Dangerous Object or Weapon (E3:67; S4:67)

67.1 Using a sharp or dangerous object or weapon to threaten another person with bodily injury.

Rule 68: Possession of a Weapon or Facsimile Weapon (E2:68; E3:68, S2:68; S3:68)

68.1 While on school premises or at any school-related activity regardless of location having in one's possession a knife, box cutter, dirk, brass knuckle, martial arts implement, razor, ice pick, BB gun, pellet gun, pump gun, stun gun, blackjack, unauthorized tools, sword, spear in a cane, billie club, sap, facsimile weapon, or any other instrument that is specifically designed, made or adapted, or is capable of inflicting physical injury to another person.

68.2 While on school premises or at any school-related activity regardless of location having in one's possession a facsimile weapon.

Rule 69: Possession or Use of Firearms (E4:69; S4:69)

69.1 Possession of a firearm, whether loaded or unloaded, without written permission from school authorities.

69.2 Possession of any device that will, is intended to, or may readily be converted to; expel a projectile by the action of an explosive.

69.3 Possession of the frame or receiver of any weapon.

69.4 Possession of any firearm muffler or silencer.

69.5 Discharging any pistol, rifle, shotgun, air gun, or any other such device.

Rule 70: Use of Mace or Chemical Agents (E3:70; S3:70)

70.1 Use of mace, pepper spray, or other chemical agents that may cause irritation or physical discomfort and/or bodily harm.

Rule 71: Possession or Use of Explosives or Fireworks (E3:71; S4:71)

71.1 Preparing, possessing, using, or threatening to use any explosives or other such devices capable of inflicting bodily harm or property damage.

71.2 Possession of fake devices or devices that are claimed to be explosive devices.

71.3 Possession of any destructive device.

71.4 Possession and/or igniting of fireworks on District property.

Rule 72: Making or Planning a Bomb or Fake Bomb (E4:72; S4:72)

72.1 Involved in making a bomb, plans for a bomb, or a fake bomb while at school or a school sponsored activity regardless of location.

72.2 Involved in making a bomb, plans for a bomb, or a fake bomb for use at school or at a school sponsored function regardless of location.

Rule 73: Chemical and Biological Attacks (E4:73; S4:73)

73.1 Involved in making a chemical or biological attack with the intent to harm or destroy school premises.

73.2 Involved in making a chemical or biological attack with the intent to harm or destroy an individual on school premises or at school function regardless of location.

Homedale School District

The Homedale School District hereby adopts the “Gun-Free Schools Act of 1994”.

Under this policy the Homedale School District will require that any individual who brings a weapon to school will be expelled from school for a period of not less than one year, except that the Homedale Board of Trustees may modify the expulsion requirement on a case-by-case basis. The individual who brings a weapon to school will also be referred to the local police.

For the purposes of the Gun-Free Schools Act a “weapon” means a firearm as defined in Section 921 of Title 18 of the United States Code.

- 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.

The term “destructive device” means:

- A. Any explosive, incendiary, or poison gas; bomb; grenade; rocket having a

propellant charge of more than four ounces; missile having an explosive or incendiary charge of more than one quarter ounce; mine; or device similar to any of the devices described in the preceding clauses;

B. any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore; and

C. any combination of parts either designed or intended for use in converting any device into any destructive device described in sub paragraphs A. or B. and from which a destructive device may be readily assembled.

The procedure for the expulsion of an individual that falls under the Gun-Free Schools Act will be subject to the procedure for expulsion as spelled out in Homedale School District's Policy. The Homedale School District will not admit a student who has been expelled from another district for violating the federal law until that student has completed the expulsion period of not less than one year. The timing will be based on written confirmation from the district that initially expelled the student. Any student who wishes to challenge this decision--that is, the decision not to admit a student who has been expelled from another district under the Gun-Free Schools Act--is entitled to a due process hearing. This will follow the district's normal procedure for conducting an expulsion