

It is the policy of the Minidoka County Joint School District No. 331 that every student should be accorded the opportunity of attending school in a safe environment. This policy is designed to meet the federal requirements of the Gun-Free Schools Act and assure compliance. Since the logical progression of action to comply with the Gun-Free Schools Act is a required expulsion, the Trustees grant its authority to continue a suspension to the Superintendent in order to assure compliance with law.

Provisions:

The following will govern the implementation of this policy:

1. Each principal will notify staff and students of the provisions of this policy.
2. Any student having in his/her possession a weapon, as defined under the Gun-Free School Act, on school property or in any school building, will be immediately suspended from the schools of the District and recommended to the Board of Trustees for expulsion. Such suspension will be for those days permitted by law under Idaho Code 33-205 up to and automatically including those additional suspension days permitted by Board action if needed.
3. A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered to be or look like a firearm, shall be referred to the Board for expulsion. The Board, however, may modify the expulsion period on a case-by-case basis. The building administrator shall notify the appropriate law enforcement agency of any student who brings a firearm, or facsimile of a firearm, to school.
4. The Board of Trustees or its official designee will hold a hearing on the facts and circumstances relating to any violation of this policy and will take the appropriate actions. If it is determined that the student is guilty of possession of a firearm as defined by the Gun Free Schools Act, he/she will be expelled from the schools of the district for a period of time of not less than three hundred sixty-five (365) days from the date of the determination by the Board of Trustees. Nothing herein shall be construed to prevent the district from providing educational services in an alternative setting to a student expelled from the regular school setting.
5. Notice of expulsion shall be filed with proper law enforcement personnel for possible court action. Such notice shall be made by the building principal and/or Resource Officer or designee.
6. The Board under certain circumstances may modify the expulsion requirements on a case by case basis as may be required by law such as Special Education and Section 504 cases or as may be deemed appropriate by the Superintendent on a case by case basis. The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act [20 U.S.C.A. §1400 et seq.]. Any such modifications shall be in writing consistent with 20 U.S.C. § 7151.

- 67. The superintendent must include on any application to the Idaho State Department of Education or the United States Department of Education a description of the circumstances surrounding any expulsions imposed under this policy, including:
 - a. The name of the school concerned
 - b. The number of students expelled from the school
 - c. The type of weapons concerned.
- 78. This District will not admit any student to the schools of this District, who has been expelled under the provisions and policies of any other school district's Gun Free School Policy relating to weapons on school grounds, prior to completion of the expulsion period. The principal or designee will contact such other school or school district to determine any student's standing prior to admitting him/her to the district's schools.
- 89. Any student denied entrance as shown in #7 above may appeal that decision to the Board of Trustees or its designee for a due process hearing on the matter.



LEGAL REFERENCE: Idaho Code §18-3302D

ADOPTED: March 21, 1995

AMENDED/REVISED: November 15, 2004

REVIEWED: July 20, 2020