**Billings School District 2**

**STUDENTS**

Student Rights, Responsibilities, and Code of Conduct

Gun-Free Schools

In accordance with the provisions of the Gun-Free Schools Act, 20 USC 3351, any student who brings a firearm onto school premises or at a school-related function or activity, except as provided below, shall be suspended or expelled for a period of not less than one calendar year unless modified by the Superintendent on the basis of facts determined through the hearing process, as set forth in the District discipline policies below.

In accordance with the provisions of the Gun-Free School Zones Act, 18 USC 922(q), students and other authorized persons may bring unloaded firearms onto school property for use in instructional activities that have prior written permission of the District Superintendent. At the conclusion of the activity, the firearms must be immediately removed from school property.
No student shall possess any firearm, without authorization, on school premises, on the way to and from school or school activities, or during intermission or recess, or any school function or activity. Violation of this provision shall result in discipline up to and including expulsion. All students charged with violation of this procedure shall have the right to a hearing.

The term "firearm" shall be defined as provided in 18 USC 921. This term shall include any weapon which is designed, or may be readily converted, to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or any explosive, incendiary or poison gas, or which can reasonably be considered, or looks like, a firearm. The Superintendent shall develop a process to notify the criminal justice or juvenile delinquency system of any student who brings a firearm to school.

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon in a school building or on school premises. In addition, the District will refer for possible prosecution a responsible adult of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school. The District shall keep a record of all students disciplined under this policy and the circumstances surrounding their discipline, including the number of students expelled and the types of weapons involved. This information shall be provided to local law enforcement authorities and other governmental agencies as required by law.

This policy in no instance applies to law enforcement officers and other officials provided for in law.

The Board of Trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building related to education, as outlined in this policy. (MCA 45-8-361 (3b))

Cross References:

| Number | Title |
|---|---|
| 1700 | Uniform Complaint Procedure |
| 3210-F1 | Form: Harassment/Intimidation/Bullying Incident Reporting Form |
| 3200 | Student Rights, Responsibilities, and Code of Conduct |
| 3201 | Student Freedom of Expression |
| 3202 | Student Publications |
| 3203 | Student Dress |
| 3203-P1 | Student Dress – Gang Activity or Association and Extracurricular Activities |
| 3204 | Searches and Seizures |
| 3204-P1 | Searches of Students and Their Property |
| 3204-P2 | Video Surveillance |
| 3204-P3 | Video Surveillance – School Buses, Vehicles, School Buildings and Grounds |
| 3205 | District-Provided Access to Electronic Information, Services, and Networks for Students |
| 3205-P1 | District-Provided Access to Electronic Information, Services, and Networks for Students |
| 3210 | Harassment, Intimidation, and Bullying |
| 3210-F1 | Form: Billings Public Schools – Harassment/Intimidation/Bullying Incident Reporting Form |
| 3220 | Equal Educational Opportunity (use reporting Form 3210-F1) |
| 3230 | Non-Discrimination and Anti-Harassment (use reporting Form 3210-F1) |
| 3235 | Student Drug and Chemical Use and Abuse |
| 3235-P1 | Chemical Use Procedure |
| 3235-F1 | Activities Participation Agreement |
| 3240 | Tobacco Free Schools |
| 3250 | Gun-Free Schools |
| 3255 | Bomb Threats and Threats of Hazardous Substances |
| 6430 | Development of Administrative Procedures |
| 1700 | Uniform Complaint Form |

Legal References:

§ 20-5-101, MCA Admittance of child to school
§ 20-5-102, MCA Compulsory enrollment and excuses
§ 20-5-103, MCA Compulsory attendance and excuses
§ 20-5-201, MCA Duties and sanctions
§ 20-5-202, MCA Suspension and expulsion
§ 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment
§§ 49-3-101, et. seq., MCA Montana Human Rights Act
18 USC 921 Gun-Free School Zones Act et. seq.
20 USC 3351 Gun-Free Schools Act
20 USC 1400 Individuals with Disabilities Education Act et. seq.

29 USC 701 Rehabilitation Act of 1973 et. seq.
Title IX of the Educational Amendments, 20 U.S.C. §1681, et seq. 34 CFR Part 106
Art. X, Sec. 1, Montana Constitution
Office for Civil Rights, U.S. Department of Education
Montana Human Rights Bureau

*Tinker v. Des Moines Ind. Sch. Dist.*, 89 S.Ct. 733 (1969)

Policy History

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