

SCHOOL FACILITIES

9410

Garden Valley School District Firearms Policy & Procedure

It is the intention of the Garden Valley School District to provide a safe, disciplined and drug free school environment for all who visit and occupy our buildings. Pursuant to its authority under Idaho Code, the School Board may, from time to time, authorize specific District employees to possess certain firearms or other equipment on school property, at school- sponsored or school-related events, and at Board meetings. Selection and authorization of employees shall be in compliance with this policy and any other applicable rules or regulations of the District. The Superintendent shall issue written authorization to an approved employee. Any duties performed by an employee under this policy shall be considered within the course and scope of his or her employment.

The following procedures will provide guidance to the Garden Valley School District and personnel for the carrying of firearms and the use of force.

DEFINITION OF TERMS

NECESSARY: Means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

DEADLY FORCE: Means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

SCHOOL PROPERTY: All property owned and operated by the Garden Valley School District may also include, by definition, school activities that are sponsored by the Garden Valley School District and held off-campus in a neutral location.

PHYSICAL FORCE: Intentional application of force through the use of physical contact. This includes counter joints, hitting, kicking, and the use of OC/pepper spray, or any other use of force that results in injury or complaint of injury. This does not include routine handcuffing and escort techniques, not amounting to the conditions above.

BODILY INJURY/HARM: Physical pain or injury or an impairment of physical condition.

GREAT BODILY HARM: Bodily injury which creates the probability of death or causes significant serious permanent disfigurement or loss or impairment of any part of an organ.

DEADLY WEAPON: Any explosive, firearm (loaded or unloaded), any other instrument, device, article, or substance, including vehicles, and personal weapons such as hands and feet which under circumstances of its use, is readily capable of causing death or substantial bodily harm.

PERSONS AND QUALIFICATIONS

All school personnel that carry firearms authorized by the school board and district shall undergo an extensive background check that includes fingerprinting and psychological screening by the trainer. The Garden Valley School District shall bear the cost of these screenings.

Any school personnel hired by the Garden Valley School District, that will be engaged in school security activities must qualify and be in possession of an enhanced concealed weapons permit (or a Law Enforcement equivalent or higher) prior to performing job duties that require him or her to carry a firearm while on school district property.

USE OF FORCE

Use of Force policy will be reviewed annually and the district may decide to test staff on their knowledge of the policy.

The Garden Valley School District recognizes that school personnel, especially those engaged in school security activities may be confronted with circumstances where control must be exercised, to restrain individuals who pose harm to themselves or others, to quell disturbances, or to effect protective custody detainment. In most circumstances, and whenever reasonably possible, the decision to use physical force, to gain compliance, will follow verbal persuasion, advisement, or warning.

This policy is intended to guide school personnel in their decision to use reasonable force and to consider alternative methods in the application of that force. The reasonableness of the force applied shall be evaluated against the facts and collective knowledge available to the school personnel at the time the force is applied.

WHEN FORCE MAY BE USED

Reasonable physical force may be used by school personnel when necessary to defend against an attack, restrain, remove, or disarm persons who present a threat of harm to themselves or others, property damage or theft, or who disrupt school activities.

Physical force is necessary only when other means of defense, restraint, removal, or disarmament would likely be ineffective after such other means have been attempted and were ineffective.

In determining whether the use of physical force is reasonable and necessary, all circumstances shall be considered, including without limitation the person's age, physical strength, size, sex, maturity and previous history, the seriousness of the problem and the threat posed by the person, and the availability and use of other means of defense, restrain, removal or disarmament not involving the use of physical force.

Examples of force that could be reasonable and necessary include, but are not limited to the following:

- Using reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person;

- Using reasonable and necessary force to obtain possession of a weapon or other dangerous object within a person's control;
- Using reasonable and necessary force for the purpose of self-defense or the defense of others;
- Using reasonable and necessary force for the protection of property;
- Using reasonable and necessary force to remove a disruptive student from a classroom or school premises, motor vehicle or school bus or from school sponsored activities;
- Using reasonable and necessary force to prevent a person from inflicting harm on himself or herself;
- Using reasonable and necessary force to protect the safety of others;
- Using incidental, minor or reasonable physical contact designed to maintain order and control, protect and defend;
- Using reasonable force in physical activities associated with athletics.

When physical force is no longer necessary, it should be discontinued. Action taken after the fact may be in the form of a student conference, referral, suspension, expulsion or civil or criminal court action.

The categories and use of force guidelines are as follows:

LEVELS

VERBAL COMMUNICATION: The use of verbal skills, to include commands can achieve the desired results in most situations. Proper communication can de-escalate a tense situation and deter the need for a physical intervention.

Use of Force Beyond Verbal Communication Must be Justified.

PHYSICAL INTERVENTION: Situations arise where words alone do not resolve a conflict. Physical force/bare hand contact to guide, direct, hold, restrain or defend are necessary at this level. Defensive tactics holds may be applied to restrain aggressive individuals. Handcuffs may be applied to person(s) who are aggressive, pose a real threat or are believed to have committed a crime that the level of offense dictates the need for restraints prior to an arrest by law enforcement.

PEPPER SPRAY/FOAM: When an individual or individuals are violent, damaging school property or posing a threat to others, Pepper Spray/Foam may be used in an attempt to de-escalate the threat and to gain compliance. It is assumed that verbal and other less physical measures have been used or deemed inappropriate. Using Pepper Spray/Foam on highly aggressive persons, who could pose a physical threat of injury, may be advisable in lieu of physical force/physical intervention. Anytime the situation is serious enough to require the use of Pepper Spray/Foam, law enforcement will be notified and criminal charges requested.

TEMPORARY INCAPACITATION/TASER: At this level the situation should be so extreme, potentially dangerous, and immediate that for safety reasons it could be necessary to temporarily

incapacitate the individual. This includes all methods of non-deadly force beginning with empty hand up through impact tools or Taser (if authorized). Temporary incapacitation is used to stop an individual from injuring you or others and to gain compliance or alleviate the threat. Anytime the situation is serious enough to require the use of a Taser, law enforcement will be notified for further investigation for possible criminal charges.

DEADLY FORCE: Use of deadly force must be justified as set out in I.C. 19-201-203.

Use of Force Requires a Report

Any use of force that escalates the behavior of the intended person or any use of force that requires a staff member to place their hands upon a student or adult, other than to escort said person, will require a report to be written and submitted to the superintendent or their designee. The use of force that can be interpreted as assaultive behavior or results in injury, substantial or great bodily harm and possibly death will require a report to be made and mandatory notification of law enforcement for investigation.

Caring for Injured Due to Use of Force

Any use of force on behalf of school personnel engaged in school security activities where injury results will summon appropriate medical attention immediately. This will cause a report to be made and law enforcement may be called for investigation depending on the severity of the injury.

EQUIPMENT

Any equipment that is used for school safety and security and carried by school personnel engaged in school security activities shall be supplied by the district. All equipment supplied by the Garden Valley School District will be inventoried, inspected and records, including serial numbers, will be on file at the Superintendent's Office.

All staff who are authorized to carrying or possess firearms and other equipment while on school district property will be trained in the proper use of such equipment. Refer to training requirements.

Annual Inspection

All equipment used for school security activities will be inspected annually for structural and functional integrity; any equipment not meeting industry standards will either be repaired or replaced in a timely manner. Any equipment, such as ballistic vests and OC/pepper spray that have expiration dates, will be replaced on or before the expiration date. All equipment that has an expiration date will be recorded and information kept at the Superintendent's Office.

Carrying Equipment

The decision to carry and use equipment will be made by the Garden Valley School District. The equipment listed below are options for the Garden Valley School District to

consider and authorize. All equipment that is used will be approved by the school board.

- Ballistic Vests
- ASP/Collapsible Baton
- OC/Pepper Spray
- Handcuffs- either hinged or chained
- TASER
- Two Way Radios with one channel connected to a law enforcement frequency. The frequency used will be determined by the cooperating law enforcement agency and the Garden Valley School District.

FIREARMS

Types of Firearms

Handguns: Any handgun used in school security activities must meet the following criteria:

Any American made, solid frame, double action revolver of .38, 38+P or .357 caliber with at least a 1 ¾ inch and no longer than 4 inch barrel. Semi-auto pistols either single or double action .380 , 9mm .40 or .45 caliber; Smith & Wesson, Berretta, Sig Sauer, Glock, H&K, Springfield, .381 Para Ordnance, Kimber, Colt or a similar handgun that is approved and used by the local law enforcement agency or sheriff's office, the barrel length: minimum of 1 ¾ inch to a maximum of 4 inches. Match grade, competition grade, or "Race Guns" are not approved for use in school.

Long guns: approved and available for use by security; it will be mandatory that they be stored in an approved gun safe, during school hours, that is in a secure location, inside the school and readily available for use if needed.

Magazines and Speed Loaders

The number of and storage capacity of speed loaders or magazines, to be carried, will be determined by the Garden Valley School District and local law enforcement agency.

Storage of Firearms

If firearms are stored at school during non-school hours they will be secured in a gun safe and the safe will be stored in a secured room within the school.

Firearms Training

Garden Valley School District will seek training from a private vendor. Firearms training instructors, whether from a private vendor or a local law enforcement agency, must have completed a course of instruction and be certified by the National Rifle Association. The Garden Valley School District will notify the local law enforcement agency of the times and places that training sessions will be provided to school personnel. In addition, the Garden Valley School District will invite the local law enforcement agency to attend the training sessions that will be

provided to school personnel.

Only those school employees who have obtained and maintain a current enhanced concealed weapons permit (or a Law Enforcement equivalent or higher) and have successfully completed the GVSD Use of Force training course are eligible for authorization by the Garden Valley School Board to carry a firearm on school property. They must pass an extensive background check and be fingerprinted before final authorization is given. The trainer will evaluate and determine acceptability of each person's qualifications to perform the duties that may be required in the event of a threatening situation. GVSD will bear the cost of screenings and ongoing training at the school.

Any school personnel working in a school security capacity that fails to qualify will be required to re-qualify; failure to re-qualify the person will surrender their firearm immediately to their supervisor. Remediation training will be required until the individual is able to qualify with and demonstrate competence with a firearm.

All persons receiving firearms training will engage on the range with a certified instructor live fire situations that require shoot, don't shoot decision making and other dynamic scenarios.

Firearms Simulation Training Simulators (FATS) offered by some insurance carriers will be an accepted form of training but it will not fully replace live fire training. Force on force training using simunition or air-soft equipment with certified instructors will be acceptable supplemental training.

All school personnel must train and qualify at least 3 times per year. Two of which are live fire and one of which can be simulation.

Care and Maintenance of Firearms

All firearms shall be cleaned after every qualification. Any malfunction will be reported to the Superintendent or their designee; the firearm will be removed from service until appropriate repairs can be made by a licensed and certified gunsmith or the manufacturer.

Modifications to Firearms

All firearms, whether handguns or long guns, cannot be modified and must meet the specifications of the manufacturer; the only exception will be the installation of approved "night sights," or rifle sights on the shotgun barrel.

Types of Holsters

Open carry holster will meet retention level II or level III law enforcement standards. Concealed carry holsters; shoulder holsters must meet a minimum retention level I or greater.

Ammunition

All ammunition must meet the local municipal police department or county sheriff's office standards for both handguns and long guns. Hand or reloaded ammunition is not allowed.

The Garden Valley School District will purchase all ammunition and storage of additional rounds of ammunition will be in a locked in safe within the school.

Only ammunition that meets national Law Enforcement standards for duty carry will be permitted in firearms authorized to be on school property.

Open Carry or Concealed Carry

The decision to have school staff engaged in school security activities carry firearms in the open or concealed will be a decision made by the Garden Valley School District in conjunction with local law enforcement based upon best practices.

Identification

If school personnel are ever required to draw a firearm to confront an active shooter in the school it will be important for them to be easily identified when law enforcement arrives on campus to avoid a “friendly fire” situation. Therefore the district will work with local law enforcement personnel to determine procedures for easy identification.

Discharge of Firearms

The discharge of a firearm falls into an intentional or accidental situation. Intentional discharge will occur either during qualification at the range or in the line of duty. Any intentional or accidental discharge of a firearm on school campus, within any building or school sponsored activity will require a law enforcement investigation. Discharging a firearm at the shooting range during training and qualification is exempt from the reporting requirement.

Firing warning shots in the line of duty are not allowed; the risks of injury to innocent parties are too great.

Training Requirements and Training Plans

All school personnel engaged in school security activities that carry firearms, and other equipment, will be required to develop a training plan. An initial and a recertification training plan will be required for any and all of the following equipment that will be carried:

- Firearms
- ASP/Collapsible Baton
- Handcuffs
- OC/Pepper Spray
- TASER

Use of force training

Any person employed by Garden Valley School District that may be engaged in security

activities or where there is a reasonable expectation that use of force will be a part of their job function, shall receive training in and understand all facets regarding use of reasonable and necessary force. Including the continuum of force taught in basic law enforcement training. The Garden Valley School District will conduct an annual review and test of all individuals engaged in school security activities to measure the level of knowledge. Any school employee authorized to possess a firearm on school property shall also be provided additional training in crisis intervention, management of hostage situations, and other training as the Board or designee may determine necessary or appropriate.

Training records and retention of records

All school district training records will be kept on file in a secure location for a period not to exceed 3 years after the person leaves district employment.

Legal References:

Idaho Code §18-3302D; Idaho Code §19-201; Idaho Code §19-202A; Idaho Code §19-203.

Policy History:

Adopted on: Oct 14, 2014

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