

January 31st, 2022 Special Board Meeting
8:45 a.m. Via Zoom Webinar Only
Link: <https://us06web.zoom.us/j/81324616873>

Call to Order
Pledge of Allegiance
Public Comment on non-agenda items

Discussion Items
1. 2nd Reading Policy 1715

Next Board meeting: regularly scheduled meeting February 14th, 3:45 p.m.

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Discussion Items

1. 2nd Reading Policy 1715 - School Marshal - In Packet. This is the policy we need in place to employ a school marshal in the school district. *Recommended motion = Approve the 2nd reading of policy 1715 as presented.*

Next Board meeting: regularly scheduled meeting February 14th, 3:45 p.m.

1 _____ **School District**

2
3 **THE BOARD OF TRUSTEES**

1715

4
5 School Marshal

6
7 In accordance with Section 20-7-1336(3), MCA, the Board of Trustees adopts this school
8 marshal policy.
9

10 Definitions

11
12 The Board may appoint an independent contractor or a school district employee to be certified as
13 school marshal.
14

15 “School marshal” means a person who is appointed by the board of trustees and employed or
16 retained by a school district to protect the health and safety of persons and to maintain order on
17 public school property. A school marshal may act only as necessary to prevent or stop the
18 commission of an offense that threatens serious bodily injury or death of persons on public
19 school property. If a district employee is appointed to serve as school marshal, the employee
20 must be a full-time employee of the district. A school marshal may be employed full-time as a
21 school marshal or retained or employed on a full-time or part-time basis and may have other
22 assigned duties in the discretion of the board of trustees.
23

24 "Public school building" or "public school property" means public land, fixtures, buildings, or
25 other property owned or occupied by an institution for the teaching of minor children that is
26 established and maintained under the laws of the state of Montana at public expense; and
27 includes school playgrounds, school steps, parking lots, administration buildings, athletic
28 facilities, gymnasiums, locker rooms, and school buses.
29

30 A “weapon” as defined in Section 45-8-361(5)(b), MCA, means any type of firearm and
31 possess/carry” means the state of having, controlling and keeping on one’s person and “store”
32 means to securely put away for future access in a manner that will prevent unauthorized use.
33

34 The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to
35 or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or
36 receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive
37 device pursuant to 18 U.S.C. 921(4). Such term does not include an antique firearm pursuant to
38 18 U.S.C. 921(16).
39

40 Eligibility

41
42 To be eligible to serve as a school marshal, the independent contractor or school district
43 employee must hold the qualifications that include but are not limited to:
44
45
46

- (a) permit to carry a concealed weapon pursuant to Section 45-8-321, MCA;
- (b) meet the qualifications required for peace officers pursuant to Section 7-32-303, MCA;
- (c) be an active or retired peace officer as defined in Section 46-1-202, MCA, or, if an applicant for a school marshal position is an active or retired public safety officer from another state, the applicant must be certified by the Montana public safety officer standards and training council as set forth in Section 2-15-2029, MCA; and
- (d) successful completion of all hiring standards including a name and fingerprint based background check consistent with Policies 5120 and 5122.

The Board may set additional qualifications when adopting the school marshal position description, contract, or District policy. The school marshal shall be subject to all District policies as stated in Policy 5121.

The Board shall submit the school marshal's name, date of birth, and address of the school marshal's place of employment to the Montana public safety officer standards and training council and all applicable law enforcement agencies with jurisdiction and emergency response authority in the school district, including:

- (a) the chief law enforcement officer of the local municipal law enforcement agency, if the school district is located within a municipality;
- (b) the sheriff of a county where a school district is located; and
- (c) in the case of a district located within the boundaries of a reservation, the chief tribal law enforcement officer and area federal law enforcement authorities.

A retained, hired, or appointed individual's status as a school marshal in the District ends if:

- (a) the individual's license to carry a concealed weapon is suspended or revoked;
- (b) the school marshal is an employee of the school district and the employee's employment with the school district ends; or
- (c) the board of trustees sends written notice to the individual that the individual's services as a school marshal are no longer required.

The Board shall review the status of a retained, hired, or appointed school marshal's certifications, training, and professional development on an annual basis. At the discretion of the Board, a school marshal shall be required to complete additional professional development and training to learn and implement techniques necessary to meet the requirements of the school marshal position in coordination with local first responders and District staff.

Firearm Possession, Carrying, and Storage on District Property

~~The Board authorizes the individual or individuals retained, hired, or appointed to serve as school marshal under this policy to possess, carry, or store a weapon, including a firearm as defined in this policy, in or on school buildings or property, in accordance with Section 45-8-361(3), MCA~~

As part of the District safety and emergency plan and protocols adopted in accordance with Policy 8301, the Board has set forth procedures specifying the types of firearms, ammunition, and other related equipment that a school marshal is authorized to possess, carry, and store on public school property. These procedures will be reviewed and approved or adjusted annually at the regularly scheduled June meeting of BSSD Board of trustees. When developing procedures for storage of the firearm, the District shall consider the guidance available from 18 USC 921(a)(34). These procedures are specifically exempt from public disclosure in accordance with Policy 4340 and Section 2-6-1003(2), MCA, to avoid jeopardizing the safety of students, staff, and the public in school building or on district property.

The Board authorizes the District administrator to adopt and implement procedures regarding the possession, carrying, and storage of a firearm by a school marshal based on the amount of time the school marshal has regular, direct contact with students in accordance with the requirements of Policy 1310 and compliant with District insurance policies as stated in Policy 8300 and Policy 8320.

Cross Reference:	Policy 4332	Conduct on School Property
	Policy 4340	Public Access to Records
	Policy 5120	Hiring Process and Criteria
	Policy 5121	Applicability of Personnel Policies
	Policy 5122	Fingerprints and Criminal Background Investigation
	Policy 5223	Personal Conduct
	Policy 8300	Risk Management
	Policy 8301	District Safety
	Policy 8320	Property Damage

Legal Reference:	§ 20-7-1335-1338, MCA	School Marshal Program
	§ 20-6-501, MCA	Definition of various schools
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	§ 45-8-351 (2), MCA	Restriction on local government regulation of firearms
	§ 45-8-361 (3)(b), MCA	Possession or allowing possession of a weapon in school building
	§ 45-8-361 (5)(b), MCA	Definitions
	§ 2-6-1003, MCA	Access to Public Information
	Article X, section 8	Montana Constitution
	18 U.S.C. § 921-922	Gun-Free School Zone Act of 1990

Policy History:

Adopted on:

Reviewed on:

Revised on: