

2021 ISBA RESOLUTION NO. 3

RESOLUTION TO AMEND IDAHO CODE 33-205: DENIAL OF SCHOOL ATTENDANCE

WHEREAS, the requirements of Section 33-205, Idaho Code currently exceed the requirements of the Gun-Free Schools Act and unduly restrict the autonomy of local school boards to determine individual circumstances warrant a student's expulsion from school,

WHEREAS, Section 33-205, Idaho Code, requires school boards to expel any student who has been found to have carried not only firearms, but also other items that meet the federal definition of a weapon regardless of the student's age, level of understanding, or intent, exceeding the requirements of the federal Gun-Free Schools Act; and

WHEREAS, an expulsion becomes part of a child's permanent academic record; and

WHEREAS, there is a wide range of diversity in the age, maturity, and understanding among Idaho public school students who range from three to 21 years of age; and

WHEREAS, local school boards and administrators should have the local autonomy to determine whether each child's individual circumstances warrant their expulsion from school within the bounds of the requirements of the Gun-Free Schools Act.

NOW, THEREFORE, BE IT RESOLVED that the Idaho School Boards Association work collaboratively with the Idaho legislature to propose and adopt a legislative bill to amend Section 33-205, Idaho Code in order to align with the minimum requirements of the Federal Gun-Free Schools Act and to provide Boards and administrators greater latitude to address students who are facing disciplinary/expulsion associated with the possession of a firearm or other deadly or dangerous weapon on school property to confirm that a student does not automatically have to face expulsion but that there be latitude by administrators and/or board members to not expel on a case-by-case basis.

STATEMENT OF PURPOSE

This resolution directs the Idaho School Boards Association (ISBA) to work with legislators to change Idaho Code §33-205 to align more closely to the minimum requirements of the federal Gun-Free Schools Act and to provide local school boards with the local authority to make judgments as to when expulsion from school may not be the most appropriate discipline for a student based on a professional assessment of the threat of harm to others or self.

Recommendation of the ISBA Executive Board: No Recommendation

Alan Erickson will address the ISBA Executive Board's Recommendation