

## **Xavier Charter School**

### **SCHOOL FACILITIES**

#### **Policy: 9450 Firearms Policy & Procedure**

##### Permission to Carry Concealed Firearms on School Property

Xavier Charter School is committed to providing a safe environment for students and staff members. In furtherance of this goal, the Board may designate district employee/s written permission to possess firearms and ammunition on school property pursuant to the guidelines described below.

Xavier Charter School recognizes that in compliance with state and federal law and district rules, policies, and regulations, if the Board grants written permission for an individual to possess a firearm and ammunition on school property, the Board does so within the scope of its duties and pursuant to this policy (safety program), as approved by the Board.

The following procedures will provide guidance to the 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 Xavier Charter School may also include, by definition, school activities that are sponsored by Xavier Charter School 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 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.

## Use of Force

Any person employed by Xavier Charter School that may be engaged in security activities or where there is a reasonable expectation that use of force will be 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. Any school employee authorized to possess a firearm on school property shall receive additional training in crisis intervention, management of hostage situations, and other training as the Board or designee may determine necessary or appropriate.

Xavier Charter School 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 detention. 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, 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;

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.

**LESS LETHAL FORCE:** 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. It is assumed that verbal and other less physical measures have been used or deemed inappropriate. This includes all methods of less lethal 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.

### Board Authorization of Employee Possession of Firearms and Ammunition

No employee will be required to carry a firearm and/or ammunition while on school property. Employees who are interested in carrying a firearm and ammunition while on school property and who are aware of and understand the consequences of the risks involved in carrying a firearm and ammunition on school property may apply in accordance with Board Policy. Permission to carry firearms and ammunition on school property is a privilege, not a right, and no notice or due process is owed upon the revocation of such privilege.

The Board may exercise its discretion to grant written permission to a district employee to possess a firearm and ammunition on school property (i.e., all real property, facilities, buildings, fields, and parking lots, belonging to the district) who meets all of the appropriate criteria.

Minimum required criteria will include possession of a current Idaho enhanced concealed carry weapon permit or current active duty or retired law enforcement credentials and a recommendation from the Head of Schools or Assistant Head of Schools. Other factors that may be considered by the Board prior to granting permission to a district employee to possess a firearm on school property include the employee's discipline records, employee evaluations, knowledge and experience with firearms, and employee's conduct on and off school property.

Such permission shall be conditional upon peaceful and lawful activity by the possessor at all times, as well as compliance with all terms included in the district's Firearms and Ammunition Possession Agreement.

The Board may grant or deny permission in its sole discretion for any reason, and the Board's decision is final. A grant of permission shall be reviewed annually by the Board unless earlier revoked by the Board.

The Board may revoke permission to possess firearms and ammunition on school property at any time by verbal or written notice to the individual granted permission. Any verbal notice will be followed by written notice to the individual within 24 hours.

## Firearms Training

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 a Board-approved Use of Force training course are eligible for authorization by the Xavier Charter School Board to carry a firearm on school property. The School Board may reimburse the cost of the training course if requested by the employee.

Prior to bringing a firearm on school property, an authorized employee will have completed a minimum of **30 hours** of firearms and tactical training from a private vendor (National Rifle Association-certified instructor) or a local law enforcement agency within the previous 12 months. Training will include engagement on the range with a certified instructor in live fire situations that require shoot, don't shoot decision making and other dynamic scenarios. Initial training requirement may be waived by the Board for an employee who also is a sworn law enforcement officer.

After the initial training, all school personnel authorized to carry a firearm must complete a minimum of **16 hours** of firearms and tactical training annually and qualify at least twice per year with their weapon. Training may be obtained from a private vendor (National Rifle Association-certified instructor) or a local law enforcement agency. Training will include engagement on the range with a certified instructor in live fire situations that require shoot, don't shoot decision making and other dynamic scenarios. Ongoing training requirement may be waived by the Board for an employee who also is a sworn law enforcement officer.

## 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.

## Training Records and retention of records

Xavier Charter School will keep a copy of each authorized employee's concealed carry weapon license and all training records on file in a secure location for a period not to exceed 3 years after the person leaves district employment.

## Request Process

The employee will submit a completed and signed Application For Concealed Carry of Firearm and Ammunition on school property to the Head of Schools and/or designee, who will then forward it to the Board. The employee will also submit a letter stating their motivation for and commitment to participate as an Xavier Charter School “concealed carry” employee. The letter should contain an explanation of their background and experience with firearms.

The Board will consider each employee request in open session of a Board meeting. The name of the requesting applicant will remain confidential so as to add to the safety and security of the district.

The Board will deny or permit the request based on the criteria in this policy and will notify the requesting applicant within 10 business days after the decision.

**APPLICATION FOR CONCEALED CARRY OF FIREARM AND  
AMMUNITION ON SCHOOL PROPERTY**

Please complete all sections of this application completely and attach Letter of application. Incomplete applications will not be processed. Return a copy of your completed application to the Head of Schools and/or designee.

**Section 1: Identifying information:**

Name:	Phone:
Title:	SSN:
DOB	Idaho Driver's License Number
Home Address:	
<p>Have you ever been charged, convicted, pled guilty or received a withheld judgment for a violent misdemeanor or felony offense? Yes_____ No_____ If yes, please explain.</p>	

**Section 2: Attachment-**

- Letter of application (please attach to this form)
  - Please explain your motivation for and commitment to participate in Conceal Carry for Xavier Charter School.
  - Please explain your background and experience in using firearms.

**Section 3: Acknowledgement**

I understand that by submitting this application I am certifying under penalty of perjury that the information provided is accurate and all documents attached are true and correct copies of the original.

I understand the consequences and risks involved with making this commitment to conceal carry a firearm and ammunition on school district property.

Further, I understand that the Board may grant or deny my request to carry firearms and/or ammunition on school property for any reason or no reason at all.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name



**Xavier Charter School  
Firearms and Ammunition Possession Agreement**

The below information is provided to notify employees regarding the acceptable ways in which firearms may be used and carried on school property of the Xavier Charter School (“District”). The District permits, consistent with applicable Federal Law, State Law and District Policy, the use of firearms by responsible employees to protect the District students and staff. The purpose of this Firearms and Ammunition Possession Agreement (“Agreement”) is to provide for the safe and appropriate possession of firearms on school property (as defined below)

I. Definitions:

- a. “Firearm” means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion of other form of combustion.
- b. “Ammunition” means, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. “Ammunition” does include blanks.
- c. “School property” means all real property belonging to the District, including but not necessarily limited to, facilities, buildings, field, and parking lots.
- d. “ECCW” (Enhanced Concealed Carry Weapon) means a valid, current permit to carry a concealed firearm issued by the State of Idaho containing no restriction on the concealed carry of a firearm on school property where the written approval of the Board has been obtained.

II. District Rights:

It is the policy of the District to maintain an environment that promotes safety and responsible conduct by all employees. It shall be a violation of this Agreement for any employee to engage in any activity that does not conform to the established purpose and general rules and policies of the District with respect to the carrying of a firearm on school property.

Employees granted permission to carry a firearm and/or ammunition have no expectation of privacy in the firearm they are carrying, the manner in which it is carried, or their ECCW when on school property. Any employee given permission to carry a firearm on school property must allow inspection of the firearm, the means by which it is being carried, and their ECCW upon request of the Board (or designee) or peace officer.

The District reserves the right to revoke permission to carry a firearm or ammunition on school property at any time in the sole discretion of the Board for any reason. Notice of revocation may be given verbally or in writing in accordance with applicable policy and regulations.

The District reserves the right to change the terms under which an employee is granted permission to carry a firearm or ammunition on school property at the Boards discretion for any reason at any time. The District shall provide notice of any changes in writing.

The District reserves the right to require an additional background check and/or a mental health evaluation at the sole discretion of the Board for any reason at any time.

### III. Employee Responsibilities

Permission to carry a firearm and ammunition on school property is contingent on the undersigned's completion of a training course approved by the Board and a recommendation from an approved trainer.

Permission to carry a firearm and ammunition on school property is contingent on the undersigned's completion of any training program required by the Districts workers' compensation, liability or insurance carrier.

Permission to carry a firearm and ammunition on school property is contingent on the undersigned's possession of an ECCW.

The undersigned is responsible for knowing and following all District policies, rules, and regulations regarding the use and possession of firearms and ammunition on the District's property.

The undersigned is responsible for knowing and following all federal and Idaho laws and regulations regarding the use and possession of firearms and ammunition.

### IV. Restriction on Firearms Possession by District Employees

All firearms (provided by the individual) and ammunition (provided by the individual) must be possessed so that they are fully concealed upon the person at all times and tightly secured to the person's body. All firearms must be carried in a holster (provided by the individual) worn inside the pants, around the chest/upper body, on the front hip, or in a holster worn at the ankle underneath pants or behind the back during the school day (per the individual's Concealed Carry guidelines). The employee must carry the firearm and ammunition each day on campus while school is in session unless prior notice is given by the employee to the Head of Schools and/or designee. No firearms or ammunition will be left on school property when school is not in session. Failure to keep the firearm or ammunition concealed or to remove a firearm or ammunition from campus when school is not in session will result in disciplinary action which may include immediate termination.

Concealed carry holsters and shoulder holsters must meet a minimum retention level II or greater.

Only ammunition that meets national Law Enforcement standards for duty carry will be permitted in firearms authorized to be on school property. Hand or reloaded ammunition is not allowed.

A firearm may only be discharged or brandished on District property in self-defense or in defense of others, and in compliance with Idaho and Federal law.

It is prohibited to clean, disassemble or demonstrate any part of the firearms to any person while on school property, unless inspected by Board or Board designee, law enforcement officer or approved certified trainer or unless the firearm is discharged in self-defense or defense of others.

Failure to follow any part of the District's Firearms policy will result in disciplinary action which may include immediate termination.

V. Acknowledgement of Receipt of Agreement

I acknowledge that I have received, read and understood the District's Firearms and Ammunition Possession Agreement. I understand that any violations of this agreement may be grounds for disciplinary action, up to and including termination. I understand that a copy of the signed District's Firearms and Ammunition Possession Agreement will be placed in my personnel file. I understand that, if granted permission to carry a firearm and ammunition on school property it will be reviewed annually in August, at which time I will need to submit documentation to the Board, for their approval, that I have met the training requirements for that year. I understand that the District reserves the right to revoke this permission at any time. My signature below indicates my knowing and voluntary acceptance of all the terms of this Agreement.

Information of Approved Weapon:

_____	_____	_____
Make	Model	Serial Number
_____		_____
Signature		Date
_____		
Print Name		

VI. Board's Written Permission to Carry Firearm and/or Ammunition

The Board of Xavier Charter School grants written permission to the following individual, whose name appears on the signature line under Section V – Acknowledgement of Receipt and Agreement, to carry a firearm on the school property of Xavier Charter School. This grant of permission is conditioned on compliance at all times with all applicable laws, policies, regulations, and the terms of this Agreement. The District reserves the right to revoke this permission at any time for any reason.

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Board Chair Signature

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Date

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Print Name

Policy History

Adopted on: October 18, 2018

Reviewed on: March 21, 2019

Revised on: May 19, 2022; October 20, 2022