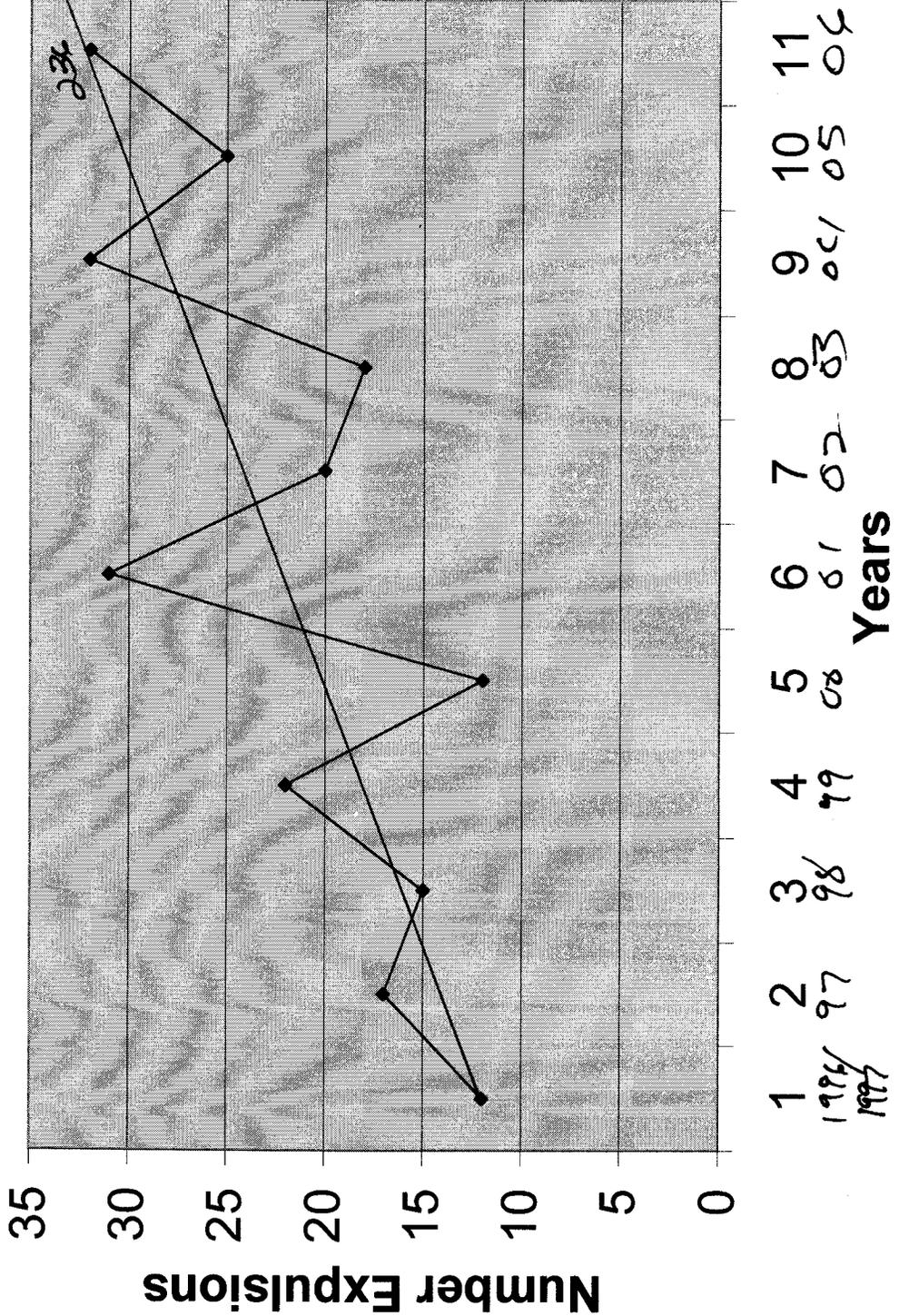


EXHIBIT 3

DATE 8/18/2011

HR 558

MT GFSA Expulsions 1996-2007



◆ Series1

352

34 37 40

1996 1997

FEDERAL LAW - GUN FREE SCHOOLS ACT

<http://www2.ed.gov/policy/elsec/leg/esea02/pg54.html>

ELEMENTARY & SECONDARY EDUCATION
Subpart 3 — Gun Possession

SEC. 4141. GUN-FREE REQUIREMENTS.

(a) SHORT TITLE- This subpart may be cited as the Gun-Free Schools Act'.

(b) REQUIREMENTS-

(1) IN GENERAL- Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

(2) CONSTRUCTION- Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) DEFINITION- For the purpose of this section, the term firearm' has the same meaning given such term in section 921(a) of title 18, United States Code.

(c) SPECIAL RULE- The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

(d) REPORT TO STATE- Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance —

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including —

(A) the name of the school concerned;

(B) the number of students expelled from such school; and

(C) the type of firearms concerned.

(e) REPORTING- Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

(f) DEFINITION- For the purpose of subsection (d), the term school' means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) EXCEPTION- Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL-

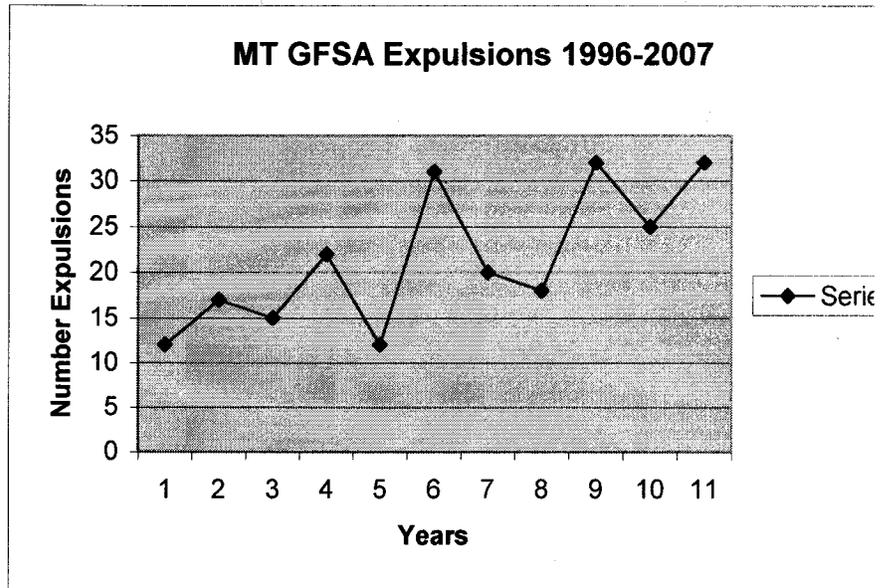
(1) IN GENERAL- No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) DEFINITION- For the purpose of this subsection, the term school' has the same meaning given to such term by section 921(a) of title 18, United States Code.

**Montana School Expulsions
1996 to 2007
Per U.S. Department of Education**

1996-1997	12
1997-1998	17
1998-1999	15
1999-2000	22
2000-2001	12
2001-2002	31
2002-2003	20
2003-2004	18
2004-2005	32
2005-2006	25
2006-2007	32
Total	236

1996-1997	12
1997-1998	17
1998-1999	15
1999-2000	22
2000-2001	12
2001-2002	31
2002-2003	20
2003-2004	18
2004-2005	32
2005-2006	25
2006-2007	32



Gun-Free Schools

The Board will expel any student who uses, possesses, controls, or transfers a firearm or any object that can reasonably be considered a firearm, or looks like a firearm, at any setting that is under the control and supervision of the District. The expulsion shall be for a period of at least one (1) calendar year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis. Any modification from the one (1) year mandatory expulsion must be in writing. A building administrator will notify the criminal justice of any student who brings a firearm to school.

The term "firearm" shall be defined as provided in 18 USC 921. This term shall include any weapon that is designed, or may be readily converted, to expel a projectile.

The District Superintendent may allow authorized persons to display firearms or other dangerous objects for educational purposes. Advance written permission must be received before such objects may be brought onto school property. The firearm must be unloaded and in a condition that renders it incapable of being fired. No ammunition for the firearm may be on school property concurrently with the firearm. At the conclusion of the display, the firearm must be immediately removed from school property.

If a student violating this policy is identified as a child with disabilities either under the IDEA or Section 504, a determination must be made whether the child's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed for suspensions of greater than ten days.

Any student subject to expulsion shall be entitled to a hearing before the board of trustees in accordance with Section 20-5-202, MCA. Nothing in this policy shall prevent the board of trustees from making an alternative placement for a student in lieu of expulsion provided that such placement removes the student from the regular school program.

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 other governmental agencies as required by law.

News re Demari DeReu

http://www.dailyinterlake.com/news/local_montana/article_30256480-0282-11e0-ac8f-001cc4c03286.html

<http://www.examiner.com/gun-rights-in-seattle/zero-tolerance-may-not-always-mean-zero-intelligence>

<http://www.spokesman.com/blogs/hbo/2010/dec/08/model-studenthunter-faces-expulsion/>

<http://www.wnd.com/index.php?fa=PAGE.view&pageId=237385>

<http://dailycaller.com/2010/12/08/high-school-student-faces-expulsion-for-accidentally-leaving-unloaded-hunting-rifle-in-car/>

<http://www.nbcmontana.com/news/26054282/detail.html>

<http://www.foxnews.com/us/2010/12/09/honor-roll-students-future-balance-gun-law/>

http://www.dailyinterlake.com/news/local_montana/article_ba86d8ca-040d-11e0-9e13-001cc4c002e0.html

<http://www.wnd.com/index.php?fa=PAGE.view&pageId=238509>

<http://www.kaj18.com/news/columbia-falls-student-shares-her-side-of-school-gun-incident/#>

http://missoulian.com/news/local/article_ef8f9168-05b3-11e0-bc9a-001cc4c002e0.html

http://www.dailyinterlake.com/news/local_montana/article_96a4baac-073d-11e0-a8e8-001cc4c002e0.html

http://missoulian.com/news/local/article_fac51a08-0739-11e0-aff2-001cc4c03286.html

http://www.dailyinterlake.com/news/local_montana/article_011a6784-0b20-11e0-a211-001cc4c03286.html

Incident Report - school discipline re guns

Community/Town: Shelby, MT

Name of School: Shelby High School

Name/Grade/Age of Student: Tony Tomsheck, Senior

Date of Incident: May 2006

Short Narrative/Details of Incident: Sniffer dog hit on truck a week or two before graduation. Tony had .22 rifle, unloaded, under seat. Cops were called. Tony lives on a ranch and would shoot gophers. Dad shoots competition (Master) and started 4H shooting sports program in Shelby, and rebuilt range. Tony grew up going to Dad's matches and also shot air rifle competitively (was chosen to represent MT in the Nationals 2006). Principal said Tony was a good kid, but had to do things *by the book*. Dad's impression was the school wanted to make him an example. No common sense was brought into play. Admin's stance was that this was now a legal matter and it was out of the school's hands (school contacts LEO). Principal's comment was that other kids could have access to rifle (despite that it was under seat and out of site).

Incident Report - school discipline re guns

Community/Town: Darby, MT

Name of School: Darby High School

Name/Grade/Age of Student: Travis Koch, known to have graduated June 2010 (see links).

Date of Incident: January 5, 2009, expulsion hearing minutes dated January 12, 2009

Short Narrative/Details of Incident: Travis and his parents waived his privacy rights. Sniffer dogs hit on Travis' car. Search revealed .22 handgun under the seat. Travis was unaware of gun's presence, father had forgotten. Vehicle was unlocked.

Outcome for Student: Suspended for five days until expulsion hearing. Principal Peters informed board that Travis had been in school two months and has had no discipline problems. "Mr. Yanzick" stated Travis is on track to graduate and has good grades. Travis apologized. Board by consensus accepted this incident as a mistake on the student's part. Considered as time served for "unknowing and unintentional possession of a firearm in a vehicle on school property." Incident accepted as a mistake.

Links Regarding Incident/Informational Links:

<http://www.darby.k12.mt.us/schoolboardagenda/08-09agendas&packets/january/011209specminutescor2.pdf>

http://missoulian.com/article_39e0ab6e-7002-11df-acb6-001cc4c03286.html

Subject: testimony for HB 458
From: "Dr. Annie" <annie@mtdig.net>
Date: Thu, 17 Feb 2011 22:17:35 -0700
To: <oneil@centurytel.net>

**House Bill 458 presented to the House Education Committee 2/18/2011
Annie Bukacek, Kalispell**

Please incorporate into Montana law the federal exception already in place for firearms on school property that are kept in a locked trunk of a car. This is necessary in a state like Montana where hunting is common, where many of us encourage our children to learn self-sufficiency that includes the skills and responsibility involved in hunting. Many students will want to hunt before and after school, and it could be a time-consuming hassle to have to drop off and pick up the firearm from home.

The case by case basis currently needed for exemption involves humiliation, harassment, and time lost from school for innocent students. A case in point is Demari DeReu, a Columbia Falls student suspended December 2010 for forgetting her unloaded hunting rifle in her car on school grounds after a weekend of hunting. She missed school, her grades dropped, and she lived in fear of expulsion until the trustees unanimously voted to reinstate her at her expulsion hearing. To treat this student (with an unloaded hunting rifle, and she was the one who told authorities about it), like she's a homicidal maniac until proven otherwise—is patently absurd.

I urge you to vote YES on House Bill 558

1 2/18/2011