

Lakeland Joint School District #272

Jake Massey, Interim Superintendent of Schools

15506 N Washington St., Rathdrum, Idaho 83858

(208) 687-0431

jake.massey@lakeland272.org ~ web.sd272.org



Board Agenda Item

AGENDA ITEM: Action Item

PURPOSE: Surplus ADSS Item- Service Pistol at Retirement

MEETING DATE: July 15, 2026

PREPARED BY: Jake Massey

INFORMATIONAL SUMMARY:

After years of the ADSS program, we had our first retiring ADSS this Spring. Upon that retirement, we learned it is customary for retiring law enforcement officers to either be given, or have the chance to purchase their service pistol when they retire.

Our retiree would like the opportunity to purchase his service pistol, if possible.

Since it is uncommon for school districts to be in the position of owning, let alone transferring firearms, we checked with legal to make sure there is a legal process for this to take place. I consulted with Lyons & O'Dowd.

Ultimately, the attorney's recommendation is to retain the firearm. If the board chooses to allow the retiring ADSS to purchase the firearm, the legal pathway to do so is copied below:

"Should the board decide they want to dispose of the firearm through a private sale, the district must first declare the property as surplus. If the firearm's estimated value is less than \$500, a district employee may dispose of the property "in the most cost-effective and expedient manner by an employee of the district empowered for that purpose by the board, provided however, such employee shall notify the board prior to disposal of said property." See [I.C. § 33-601](#).

In addition to following the procedure outlined in 33-601, the firearm should only be transferred to a federally licensed firearms dealer (abbreviated "FFL"). Because this is a unique situation, we believe the best practice is to follow the procedure used by ISP and other LE agencies when they have surplus firearms. This process is outlined [here](#).

To be totally clear, our position is that the district should either retain the firearms

as district property or, if the board wishes, designate the firearm as surplus property and follow the process to exchange the gun to an FFL. The district should not give or transact independently with the retiring individual.”

Additionally, Trustee Thompson asked me to seek the opinion of Bret Walther with Anderson, Julian & Hull.

Mr. Walther’s response is as follows:

I generally agree with the guidance. Typically, if a state agency (a school district is an analogous government entity) is selling firearms (such as surplus service weapons), they must either hold a Federal Firearms License (FFL) or partner with an FFL to sell firearms to an individual. Sales directly to the public require standard background checks, which is best done by a licensed FFL. The District will still need to go through the Section 33-601 process to designate the property as surplus, and then require the District partner with an FFL to effectuate the sale and transfer own ownership.

For your reference, attached is the federal ATF Form 4473 that must be filled out and filed with the Department of Justice.

SUPERINTENDENT RECOMMENDATION:

I recommend allowing our retiring ADSS to purchase back his service pistol following the processes outlined by Lyons & O’Dowd and confirmed by Mr. Walther above.