

Section 3000

STUDENTS

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Entrance, Placement and TransferEntrance, Date and Age

No pupil may be enrolled in the kindergarten or first grade whose fifth (5<sup>th</sup>) or sixth (6<sup>th</sup>) birthday does not occur on or before the first (1<sup>st</sup>) day of September of the school year in which the child registers to enter school. Any child of the age of five (5) years who has completed a private or public out-of-state kindergarten for the required 450 hours but has not reached the age and date requirements set forth above, shall be allowed to enter the first grade.

Initial Enrollment

Up to date immunization records (or an appropriate waiver) and birth certificate (subject to provisions of McKinney Homeless Assistance Act) are required for admission to the District.

If a birth certificate is not provided upon enrollment of a student for the first time in elementary or secondary school, the District shall notify the person enrolling the student in writing that he must provide within thirty (30) days either a certified copy of the student's birth certificate or other reliable proof of the student's identity and birth date, which proof shall be accompanied by an affidavit explaining the inability to produce a copy of the birth certificate. Other reliable proof of the student's identity and birth date may include a passport, visa or other governmental documentation of the child's identity. If the person enrolling a student fails to provide the information within the requested thirty (days), the District shall immediately notify the local law enforcement agency of such failure and again notify the person enrolling the student, in writing, that he has an additional ten (10) days to comply. If any documentation or affidavit received pursuant to this section appears inaccurate or suspicious in form or content, the District shall immediately report the same to the local law enforcement agency. Local law enforcement will investigate these reports. Failure of a parent, or person in custody of a child, or a person enrolling a student, to comply with the documentation requirements of this section after a lawful request ... shall constitute a misdemeanor.

A student transferring schools within the District need not provide proof of identity and birth date if the student's record already contains such verified information.

Placement

The goal of the District shall be to place students at levels and in settings that will enhance the probability of student success. Developmental testing, together with other relevant criteria, including, but not limited to, health, maturity, emotional stability, and developmental disabilities, may be considered in the placement of all students. All retentions and accelerations must be reviewed and approved by the Superintendent or designee.

Transfer

District policies regulating pupil enrollment from other elementary and accredited secondary schools are designed to protect the educational welfare of the child and of other children enrolled in the District.

**Elementary Grades (K-8):** Any student transferring into the District will be admitted and placed on a probationary basis for a period of two (2) weeks.

Should any doubt exist with teacher and/or principal as to grade and level placement of the student, the student shall be subject to an educational assessment to determine appropriate grade and level placement.

During the two-(2)-week probationary period, the student will be subject to observation by the teacher and building principal.

Secondary Grades (9-12), Credit Transfer: Requests for transfer of credits from any secondary school shall be subject to a satisfactory examination of the following:

1. Appropriate certificates of accreditation.
2. Length of course, school day and school year.
3. Content of applicable courses.
4. The school facility as it relates to credit earned (i.e., lab areas for appropriate science or vocational instruction).
5. An appropriate evaluation of student performance leading toward credit issuance.
6. Final approval of transfer credits will be determined by the high school principal, subject to review upon approval by the Superintendent and Board of Trustees.

Cross Reference: 3125

Education of Homeless Children

Legal Reference: Art. IX, § 9,  
I.C. § 18-4511

I.C. § 33-201

I.C. § 33-209

I.C. § 39-4801

I.C. § 39-4802

Idaho Constitution- Compulsory Attendance at School  
School Duties—Records of Missing Child—Identification  
Upon Enrollment—Transfer of Student Records  
School age  
Transfer of Student Records – Duties  
Immunization required  
Exemptions

#### Policy History

Adopted on:

Revised on: January 8, 2020

Unless open enrollment status is granted by the Jefferson Joint School District 251, students who enroll in District schools must reside full-time in the School District boundaries with their natural parent or legal guardian. Students and their parent(s)/guardian(s), not granted open enrollment status, must remain full-time residents of the District for the entire period of enrollment in District schools.

## **Guidelines**

### **Proof of Residence**

1. Proof of residence will be required when a student initially enrolls in a school and whenever a change of residence occurs.
  - a. Proof of residency records must include the name and street address of the parent/guardian.
  - b. The property address given must be the actual location where the student and parent/guardian live full-time.
2. The principal/designee shall accept any of the following records as proof of residency:
  - a. A lease or rental agreement consisting of written evidence that the agreement is valid and current, and a current utility bill (gas, electric, water, home telephone, or cable); OR
  - b. A current residential property tax statement or deed, and a current utility bill (gas, electric, water, home telephone, or cable);OR
  - c. A third-person affidavit of residency completed with the school district
    - (1) The notarized affidavit shall be completed and signed by the parent/guardian, as well as the legal owner or lesser of the property where the student and parent/guardian reside.
    - (2) The affidavit will be in effect until the parent/guardian provides the required proof of residence, but no longer than the end of the current school year.

### **Verification of Residency**

A District representative may visit the address given by any parent/guardian to verify residency.

### **Consequences for Violating the Policy**

1. Students who are illegally enrolled shall be withdrawn from school.
2. The parent/guardian may be charged tuition for the period of time that a student is illegally enrolled, together with all court and legal expenses incurred by the Board in collecting school tuition.
3. Charges may be filed for providing false information on a legal document.

### **DEFINITION:**

**Resident:** is an individual who is a full-time occupant of a dwelling located in the Jefferson Joint School District 251 boundaries and who, on any given school day, is likely to be at their stated address when not at work or school. A person who owns property in the District boundaries, but does not reside in the boundaries, is not considered a resident for the purpose of this policy.

Policy History:

Adopted on: January 12, 2022

Revised on: July 12, 2023

## **STUDENTS**

**3010**

### Open Enrollment by Students Who Reside Within and Outside the District

The Board of Trustees recognizes that some of its patrons may want to enroll their children in a different school than the school that serves the attendance area in which they reside. The Board also recognizes that some out-of-District parents/guardians may want to send their child to a District school. Therefore, this policy is adopted to allow all in-District and out-of-District patrons to choose among this District's schools under specified conditions. In making a decision on a student's open enrollment application, the District shall consider the needs of the student requesting the transfer as well as the other students affected by the transfer and will accept students if capacity allows.

The District will prioritize applications from students who live within the District and may deny students for one or more of the following reasons:

1. The student was expelled by the previous District;
2. The student has a documented history of significant disciplinary issues or history of chronic absenteeism. However, students applying who have a 504 plan or IEP may not be denied enrollment or have enrollment revoked if the behavior resulting in disciplinary action or chronic absenteeism is a manifestation of the student's disability.
3. The receiving school within the District does not have space available according to the capacity limits set by the Board of Trustees.

The process outlined in this policy is required for admission to any school within the District, and shall be initiated again when a change in grade warrants a change in school – such as when the pupil wishes to continue open enrollment into middle school or high school.

Due process for all students remains the same regardless of which school they attend within the District and regardless of where the student resides once accepted under the open enrollment policy.

### Transportation

Parents/guardians of a student accepted under this policy will be responsible for transporting the



accepted student. If bus space is available, then students accepted under the open enrollment policy may be transported from an appropriate, established bus stop within District boundaries. However, this may not apply to students with disabilities who have transportation identified in their IEP as a related service need.

### Sports

Eligibility rules for participating in extracurricular activities shall apply to students who request to attend a different school as described in this policy and any related procedures.

It is recommended that a student who is considering submitting an open enrollment application to this District and who anticipates participating in a sport governed by the Idaho High School Activities Association (IHSAA) review IHSAA rules prior to submitting their open enrollment application. Certain school transfers could lead to a student being ineligible to play at the varsity level for one year.

### Application/Approval Process

Applications will be accepted on a form provided by the State Department of Education (which must be substantially similar to the State's form) until February 1 of each year for enrollment in the subsequent school year. This deadline shall be waived in the case of students who move out of their attendance zone during the school year. The District may also consider other applications submitted after February 1.

At the time of application, the District will provide the student's parent/guardian a list of eligible reasons for denial or revocation of open enrollment.

### Maximum Capacity

The District will only accept an open enrollment student if the grade level and/or programs they require are below the capacity limits specified in 3010P. The District shall report, at least four times during the school year, the space available at each grade level, by school, using these capacity limits and will post it prominently on the District website.

The Superintendent shall establish a procedure for:

1. Determining which students are chosen when classroom space allows the admission of some, but not all, qualified applicants;
2. Notifying parents/guardians of the possible reasons for denial or revocation;
3. Notifying parents of the action taken on the open enrollment application, including the reasons for the denial of any application;
4. Removing a student from a transfer school, including the grounds for removal, parent notification, and the appeal process; and
5. Notifying parents/guardians of the appeal process available to them in the event their student's application is denied.

### Re-enrollment

Open Enrollment students do not need to re-apply to maintain their enrollment at the school in which they're enrolled; However, the parent/guardian shall notify the District of their intention to re-enroll on an annual basis no later than February 1.

Students who reside in the District and move out of their school attendance zone during the school year must initiate an Open Enrollment request to stay in their school.

### Revocation of Open Enrollment

Open enrollment students are required to comply with all District policies. Unacceptable behaviors by a student or false or misleading information on their open enrollment application are grounds for the District to remove an open enrollment student at any time. The District may revoke a student's enrollment if one or more of the following occurs:

1. The student is chronically absent.
2. The student commits repeated, serious disciplinary infractions.
3. The student has been expelled.
4. The number of resident students exceeds the capacity limits set in Procedure 3010P. A student's open enrollment cannot be revoked on these grounds if a student has attended the receiving school for more than two consecutive school years. If a student's enrollment is revoked for this reason, the District shall offer information about other District schools that may be accepting open enrollment students.

Students under consideration of revocation who have a 504 plan or IEP may not have enrollment revoked if the behavior resulting in disciplinary action or chronic absenteeism is a manifestation of the student's disability.

### Student Appeals

If an open enrollment application request is denied or revoked, a parent/guardian may request an administrative review by the Board. The parent/guardian must request the review within five school days of receiving the written denial notice. The Board shall consider the appeal at its next regularly scheduled meeting, and issue its decision in writing.

### Student Rights and Responsibilities

All student's rights and responsibilities remain the same regardless of what school they attend within the District and regardless of where the student resides once accepted under the open enrollment policy.

### Preventing or Recruiting Potential Open Enrollment Students

Neither the District nor its employees will take any action to prohibit or prevent application by a

student to attend school in another school district or to attend another school within the District. In no event is the District, or an employee of the District to recruit students outside of their attendance area. Violation of this policy may involve disciplinary action up to and including dismissal.

#### Evaluation of Policy

Annually, the Superintendent shall report to the Board the effect of this policy. The report should include the number of open enrollment requests accepted or denied by each school, the reasons for denial, and any unanticipated results of this policy.

Cross Reference: 2240	Class Size
3080	Nonresident Student Attendance by Out of State Students

Legal Reference: IC §33-512	Governance of Schools
IC §33-1401	Transfer of Pupils - Definitions
IC §33-1402	Enrollment Options
IC §33-1404	Districts to Receive Pupils
IC § 33-1409	Measuring and Reporting Capacity
IC § 33-1410	Student Appeals
IC §33-2001	Education of Exceptional Children - Definitions

#### Policy History:

Adopted on: June 8, 2011

Revised on: August 9, 2023

Open Enrollment Application forms are available ~~on~~ at any Jefferson School District 251 or on the District's website. Students who reside in the District and move out of their school attendance zone during the school year must initiate an Open Enrollment request to stay in their school. The application, together with the student's cumulative record, special education file, IEP, or other applicable documents, if any, shall be submitted to the receiving district no later than February 1 for enrollment during the following school year. The District will not admit any student prior to viewing that student's records from their previous school districts.

The District has the option of accepting a student who does not meet the criteria set forth herein, if the student agrees to special conditions of admission, as set forth by the District.

No tuition shall be charged when a student from another school attendance area or other Idaho school district attends a District school as described in this procedure and the related District policy.

#### Application for District Students

For students who reside in the District, the parent/guardian shall complete the Open Enrollment Application form and submit it to the principal of the school they wish to attend (receiving school).

#### Application for Out-of-District Students

For students who reside outside the District boundary, the parent/guardian shall complete the Open Enrollment Application form and submit it to the principal of the school they wish to attend (receiving school).

#### Decision Regarding Application

Once the receiving school principal receives the application from an in-District or out-of-District parent/guardian, along with the student's file from their home district, the principal or designee makes a recommendation to approve or not approve the transfer using the criteria set forth in Policy 3010.

The principal sends the form to the Superintendent, who shall: designate an administrator to evaluate data, if any, and/or the placement options. After reviewing the student's file, the designee has discretion to review and accept or deny the open enrollment applications on a case by case basis, considering and applying the factors noted above. The administrator, if possible, should be knowledgeable and/or review the applicable records concerning:

1. The student;
2. The student's disciplinary record;
3. The student's attendance record;
4. The student's disability, if applicable;
5. The placement options, given The student's academic history;
6. The student's disability evaluation data, if any; and/or
7. The placement options.

Applications will normally be considered on a "first-come first-serve" basis. However, in situations where openings are limited and applications are received in a similar timely fashion, the Superintendent may give priority if a student:

1. Resides in the Jefferson School District 251 and seeks enrollment in another District school;
2. Has a brother or sister enrolled at the requested school;
3. Has a parent/guardian who is employed by the District;
4. Has a unique situation or extraordinary circumstances; or
5. Seeks full-time enrollment rather than part-time enrollment.

Any non-resident student placed by court order under the Idaho Youth Rehabilitation Act or the Child Protection Act and residing in a licensed home, agency, or institution located within the District shall be enrolled and shall not be charged tuition.

Homeless children as defined by the Steward B. McKinney Homeless Assistance Act (P.L. 100-77), may attend any school district or school within a district without payment of tuition when it is determined to be in the best interest of the homeless child.

The Superintendent will notify the parent/guardian of their decision no later than March 31.

If the request for open enrollment is denied, the denial will include a written explanation. If the application is denied because classroom capacity has been reached at the school of choice, the denial will include information about other schools in the District that are below capacity. All parents/guardians whose open enrollment application for a student is denied shall be provided with notice of the denial and information about their options to appeal the denial.

If the request for open enrollment is approved, the notification will inform the parents of the following:

1. Parents must provide transportation or get student to the nearest District bus stop, if space is available;
2. Parents must notify the District by February 1 of each year regarding their intention to re-enroll their child under the Open Enrollment program;
3. That open enrollment may be revoked if the student presents issues of chronic absenteeism, commits serious disciplinary infractions, is expelled, or if the receiving school exceeds maximum capacity with resident students within their first two years of admission;

### Grounds for Denial of Application

Factors which may cause an Open Enrollment Application to be denied include:

1. A school, grade, or program(s) has lack of available classroom space and/or staff, such as when the current enrollment is at or above the following capacity limits:

<b>Grade</b>	<b>Class Size</b>
K-1	20
2-3	20
4-6	26
7-12	Core classroom of 26
Special Education classroom, Self-Contained	An average of 6 students per teacher
English Language Learners (ELL)/Special Programs	20 per full-time ELL teacher or Special Program Teacher
Alternative Schools	18 students

2. The student has been suspended or expelled in their home district. The student has a documented history of repeated serious disciplinary infractions. This includes infractions which could be grounds for suspension or exclusion.
3. The student has issues of chronic absenteeism. A student is considered chronically absent if the student is absent 10% or more school days during the school year.
4. It is determined that information on the Open Enrollment Application has been misrepresented or was incomplete.

However, if the student has a 504 plan or IEP and the disciplinary or absenteeism issues are a manifestation of the disability, this shall not be grounds for denial of the application.

#### Revocation of Open Enrollment

As long as an open enrollment student's parent/guardian has, before the preceding February, notified the District of their intention to re-enroll the student the Superintendent shall treat that student as if they reside in that school's attendance area. However, the District reserves the right to remove an open enrollment student if:

1. The student has a documented history of chronic absenteeism;
2. The student has a documented history of repeated serious disciplinary infractions;
3. The student has been expelled.
4. The number of resident students exceeds the capacity limits set in this procedure. A student's open enrollment cannot be revoked on these grounds if a student has attended the receiving school for more than two consecutive school years. If a student's enrollment is revoked for this reason, the District may offer information about other District schools that may be able to accept open enrollment students.

If a student's open enrollment is revoked, the parent/guardian appeal the revocation to the Board within five school days.

The Board of the receiving school must render a decision to the parent/guardian at their next regular meeting, and the Board must issue their decision in writing. The decision of the Board may be appealed to the State Board of Education.

If a student who is a resident of another district applies to this District and is accepted under the terms of this policy and fails to attend they shall be ineligible to apply again for open; enrollment in

this District.

### Students with Disabilities

In-district and out-of-district students with disabilities are not treated differently from students without disabilities with respect to consideration for placement in the school of their choice, unless the District has made an individual determination that disability-related needs of a particular student with a disability cannot be reasonably met at the school of their choice. Additionally, students applying who have a 504 plan or IEP may not be denied enrollment or have enrollment revoked if the behavior resulting in disciplinary action or chronic absenteeism is a manifestation of the student's disability.

#### Procedure History

Adopted on: June 8, 2011

Revised on: August 9, 2023

## **STUDENTS**

**3020**

### Enrollment and Attendance Records

Since accurate enrollment and attendance records are essential both to obtain state financial reimbursement and to fulfill the District's responsibilities under the attendance laws, staff shall be diligent in maintaining such records.

#### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3020P**

### Enrollment and Attendance Records

#### Average Daily Attendance

A day of attendance is one in which a pupil is physically present for a full day (at least four (4) hours for grades 1 through 12 (1-12) and at least two and one-half (2 ½) hours for kindergarten) under the guidance and direction of a teacher or other authorized school personnel while school is in session or is a homebound student under the instruction of a teacher employed by the District.

Average Daily Attendance (ADA) is the aggregate number of days enrolled students are present divided by the number of days of school in the reporting period. Students who attend school in another state that abuts the student's resident district, shall be counted for purposes of ADA. Students for whom no Idaho school district is a home district shall not be counted for purposes of ADA. Funding for districts is based on ADA and must be accurate.

### Attendance Accounting:

Days present and absent for every student are be recorded in each building for the purpose of informing parents of a student's attendance record.

Legal Reference:	I.C. § 33-1001	Definitions
	I.C. § 33-1002E	Pupils attending school in another state
	IDAPA 08.02.01.250.05	Day of Attendance (ADA) – Grades One Through Twelve (1-12)
	IDAPA 08.02.01.250.03	Day in Session When Counting Pupils in Attendance
	IDAPA 08.02.01.250.04	Day of Attendance - Kindergarten

### Procedure History

Promulgated on:

Revised on:

## **STUDENTS**

**3030**

### Dual Enrollment of Non-Public School Students

For purposes of this policy the term “non-public school student” is any student who is enrolled in a non-public school (including a home school or private school), enrolled in a public charter school or enrolled in a post-secondary institution.

Any non-public school student will be allowed to enroll in the District and be entitled to participate in any program (curricular or extracurricular), subject to the same requirements as other students who are enrolled full-time in the District and subject to the requirements set forth below in this Policy.

Non-public school students admitted to the District shall only be on school property during the hours of enrollment or as otherwise indicated by the Superintendent or Principal. The District will not be responsible for the student during non-enrollment hours or times. Any transportation needs for such students not provided for otherwise under this policy during the school day shall be the sole responsibility of the student and his/her parents or guardian.

### Admittance

The parent/legal guardian of any non-public school student wishing to admit their son/daughter in this District for any academic or nonacademic program must register the student and provide the following prior to acceptance of any such student:

1. Birth certificate;
2. Evidence of residency within the District;
3. Immunization records (or an appropriate waiver); and
4. Student records from the previously attended public school, if any, and any other records providing academic background information.



### Extracurricular Activities

The following rules apply for a non-public school student to be eligible to participate in non-academic school activities (i.e., extracurricular activities) for which public school students must demonstrate academic proficiency or eligibility:

1. Eligibility standards must be met the same as other regular full-time students;
2. The non-public school student must, on any state board of education recognized achievement test, portfolio, or other mechanism, demonstrate composite grade level academic proficiency;
3. The non-public school student must achieve a minimum composite, core or survey test score within the average or higher than average range as established by the test service utilized on any nationally-normed test. The minimum score on each assessment is the fifth (5th) stanine for the battery total score. The parents or guardian of a dual enrollment student are responsible for obtaining third party testing for their child at their expense in accordance with I.C. 33-203 and State Board of Education rules. Demonstrated proficiency shall be used to determine eligibility for the current and next school year, not to exceed a period of twelve (12) months from the date the test results are released;
4. Non-public school students must be provided the opportunity to take state tests or other standardized tests given to all regularly enrolled public school students when pre-arranged with the principal of the building where the student is registered. A fee may be assessed to cover extra administration costs.
5. A non-public school student will be subject to the same requirements as public school students regarding school attendance on the date of an activity. If the nonpublic school student is not scheduled to attend academic courses in the District on activity days, the non-public school student's primary education provider shall provide assurance to the District that such student has met the attendance requirements in the non-public school academic setting.

### Priority

Priority for enrollment, when school programs reach maximum capacities, will be given to students enrolled on a regular full-time basis. If a number of non-public school student's request admission into the same class, they will be accepted on a first-come basis. In the event the class enrollment position of a non-public school student is needed for a regular full-time student during the course of the year, the full-time student will have priority for the position beginning with the semester after the need is identified.

### Average Daily Attendance

Students who are dual enrolled (i.e., enrolled on a part-time basis) shall be used in calculating the District's state fund, but only to the extent of the student's participation in District programs.

### Transportation

All non-public school students will be eligible for District transportation services. A public charter school student or nonpublic student, upon admission to a school in this District, may ride a school

bus on regularly scheduled routes (including activity bus routes) and use regularly established bus stops or stops which would require no deviation from the regularly established bus route. No alteration of routes will be made to specially accommodate a dual enrollment student. If a dual enrollment student attends only part time, the District may furnish transportation at the regularly scheduled time closest to the time period for which a student is enrolled (i.e., morning busing for a.m. classes or afternoon busing for p.m. classes). The District will not provide such transportation if there is no available space, if the furnishing of such transportation would cause a deviation or alteration of the regularly established bus routes or stops or if the furnishing of such transportation would require the purchase of additional or substitute equipment.

### Graduation

In order to graduate from this District, all non-public school students must meet the grade and other graduation requirements the same as regular full-time students.

### Mixed Curriculum

If a public charter school student or nonpublic student wishes to attend activities or programs in a particular discipline, in a class or grade where the curriculum is merged or integrated, such request shall be made in writing particularizing the subject matter presentment which the student desires to attend (i.e., art instruction in a third grade class). The teacher and principal of that school shall, upon request, provide scheduling information to the dual enrollment student. It shall be the dual enrollment student's responsibility to contact the District and ascertain when such subject matter will be presented. Where certain subject matter is integrated into a mixed curriculum, no change in the presentation of that curriculum needs to be made because of a nonpublic student's request for attendance. It is also the intent of this policy to insure that the teacher's right to integrate disciplines and be flexible in planning and modifying the daily classroom presentations shall not be hindered or restricted in any way.

### IDEA/ADA/Section 504 Students

Parents who wish dual enrollment students to be enrolled in special programs must comply with the requirements of the Individuals with Disability Act (IDEA) and the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973 (Section 504). If a request for a referral is made by said parents and if the evaluation of the student by the multidisciplinary or child study team determines that special services are appropriate for the student, then such programs will be provided when possible. Until such determination is made, such special educational services or accommodations will not be provided.

Legal Reference:	I.C. § 33-203	Dual enrollment
	I.C. § 33-1001, et. seq.	Average Daily Attendance
	IDAPA 08.02.03.111.13	Dual Enrollment

### Policy History

Adopted on: March 14, 2007

Revised on:

Student Tuition for Dual Enrollment Non-Public School Students

Tuition rates will be charged for students as follows:

- Out of state students will be charged the full Monthly Per Capita Cost as provided by the State Department of Education.
- Out of District students may be charged the Net Monthly Tuition as provided by the State Department of Education. This amount represents local support for the District's education program (i.e. local property taxes), which are not supported by families who live outside the District.
- Students who live in District, but are enrolled through the Idaho Distance Education Academy (IDEA) will be charged the amount of Monthly State Support per Capita as provided by the State Department of Education. The District does not (and cannot) claim these students in its ADA calculation because they are claimed by IDEA. Thus, the District receives no support from the State for these students. The amount charged for these students will cover any support that the District would have otherwise received from the State.

For students enrolled part time, tuition will be prorated based on how many periods out of each day the student attends (or in case of elementary students, what percentage of the day they attend).

Policy History

Adopted on: October 11, 2006

Revised on:

Compulsory Attendance

"The parent or guardian of any child who has attained the age of seven (7) years, but not the age of sixteen (16) years shall cause that child to be instructed in subjects commonly and usually taught in the public schools. Unless the child is otherwise comparably instructed, the parent or guardian shall cause the child to attend a public, private, or parochial school for a period each year equal to that during which the public schools are in session." Idaho Code § 33-202

Attendance:

Parents or guardians are responsible to have children (7 through 16) enrolled and in attendance in a public, private, or parochial school. This school must meet the certification and standard requirements of the State of Idaho. Idaho Code 33-202 through 205

The Board of Trustees is responsible for the education of all school-aged children within District boundaries. Therefore, it reserves the right to insure comparability of services at all other schools.

Whenever it is determined by the Board under the provisions of due process of law that the parents or guardians of any child who is not enrolled in the public schools are failing to meet the requirements of Idaho Code § 33-202, an authorized representative of the Board shall notify in writing the prosecuting attorney in the county of the pupil's residence and recommend that a petition shall be filed in the magistrates division of the District Court of the county of the pupil's residence, in such form as the court may require under the provisions of Idaho Code § 20-510.

Legal Reference:	Art. IX, § 9, Idaho Constitution – Compulsory Attendance at School
	I.C. § 33-201                      School age
	I.C. § 33-202                      School attendance compulsory
	I.C. § 33-207                      Proceedings against parents or guardians

#### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3050**

### **Attendance Policy**

Jefferson School District #251 believes that it is important that all students be in school as much as possible and on time to school to provide the maximum opportunity to obtain grade-level instruction. Students who are absent from or late to class can make up work missed but they miss out on direct instruction, a critical component in the educational achievement of students.

It is expected that parents will contact the attendance office of their child's school to verify an absence in a timely manner. However, a parent phone call does not excuse the absence only verifies it, unless it meets the outlined criteria of excused absence set forth below.

The maximum absences students shall have should not exceed more than seven (7) total in a trimester. Students who exceed the schools requirement or the seven (7) day maximum will be subject to loss of credit and/or denied grade level promotion. Schools may require fewer absences in order to receive credit, if the school provides a means for students to make up time missed.

**Excused Absences:** Absences that do not counted against the 7 day limit. Absences may be classified as excused if it meets the following criteria:

1. Verified medical absences (MED)
  - a. Verified is defined as note from a doctor or medical professional documenting the absence.
2. Funerals (FNR)
3. Court appearances (CRT)
4. School-sponsored activities (ACT)
5. School suspensions (ISS or OSS)

**Harvest Exception (HAR):** Students who work in the harvest are allowed ten (10) days of absences. Those absences must be pre-arranged with a harvest form that must be completely filled out and signed by appropriate parties.

**Attendance Review:** Each school will establish an attendance review committees to review excessive attendance cases, tardiness and consider appeals.

Students with seven (7) or more unverified absences, whether consecutive or accumulative, may be referred to the Board of Trustees, or designee, as a habitual truant under provisions of Section 33-205 of Idaho Code. In addition, students who are excessively absent or routinely late for school may be referred for alternative placement, to Idaho Department of Health and Welfare, or the county prosecuting attorney to investigate possible child neglect or habitual truancy.

**Dis-enrollment:** Students who accrue ten (10) consecutive absences will be dropped from school. When the student returns to school, the student may be re-enrolled in school. Students served by home bound tutors will not be included in this procedure.

#### Policy History

Adopted on: March 17, 2005

Revised on: July 11, 2012

## **STUDENTS**

**3050P**

### **Attendance Procedure**

#### Codes for Excused Absences

To better establish uniformity and understanding across the district regarding attendance codes, the definitions have been provided for the approved attendance codes. These are the only codes that will be available in PowerSchool.

**Medical Absences (MED)** – This code should be used for all medical issues or illnesses that a student is absent from school. A medical professional must verify that the student was gone due to illness or medical need. It is the parent and students responsibility to get the verification from the doctor, dentist, or orthodontist during their visit. A copy of that note needs to be provided to the school to count the absence as excused. A parent calling and saying their child is sick, does not count as a Medical Absence.

**Funerals (FRN)** – This code should be used for students that will be gone from school due to a funeral. It is not defined in policy, but administrators should make an effort to ensure that the funeral is for a family member or close family friend. A rule of thumb is what is outlined for our employees taking bereavement leave. This absence classified as an excused absence.

**Court Appearance (CRT)** – If a child is required to appear in court, then the absence is counted as excused and this code should be used in PowerSchool. The school should verify the absence with the child's parents.

**School Sponsored Activities (ACT)** – Any school sponsored activity such as a sporting event, school student organization activity, etc. is excused.

**School Suspensions (ISS or OSS)** – If a student is suspended from participating in regular school activities due to behavior or disciplinary issues the absence is excused. If it is in-school the ISS code should be used if it is out of school the OSS code should be used.

**Harvest Exception (HAR)** – Students are allowed to have absences due to working during the harvest excused. This code denotes that the student has followed the procedure outlined in the policy and was gone due to the Harvest Exception.

**Homebound (HMB)** – A student that is absent due to medical issues and meets the qualifications set forth in the Homebound Policy may have their absences excused using this code.

**Community Service (CMS)** – Absences caused by students completing their community service at the secondary level will be excused. This discipline requirement falls under the area of the attendance policy related to School Suspensions.

**Counselor (CSL)** – A student that is absent from a class due to meeting with the counselor should be marked absent using this code. The absence is counted as excused.

**Juvenile Care Facility (JCF)** – Although rare, if a student is placed in a juvenile care institution or behavioral care facility and we are providing educational programs and support while the child is in that facility, then we can mark the student's attendance with this code which excuses his absence.

**Testing (TST)** – This code is used to excuse students from a class at the secondary level (6<sup>th</sup>-12<sup>th</sup>) due to school related testing.

#### Codes for Unexcused Absences

**Truant (TRU)** – If a student does not attend school and is sluffing or skipping school then this code should be used.

**Unverified (UNV)** – This code is used when parents or the student do not notify the school about an absence and the school has no information to determine the nature of the absence. Unverified absences are unexcused and will remain as such, until parents or the student provides documentation verifying the absence.

**Sick (SCK)** – This code is used when a student has a minor illness and no medical verification has been provided. It is counted as an unexcused absence.

**Parent Verified (PAR)** – If a child misses due to a vacation, family emergency, or other issues not outlined in the attendance policy, then this code should be used. This code means that either the parent or student has explained why they were or are going to be absent to school officials. It is counted as an unexcused absence.

#### Codes for Tardy Students

**Excused Tardy (TDX)** – This code is used at the secondary level (6<sup>th</sup>-12<sup>th</sup>) to excuse a student for being tardy due to school related obligations or meetings.

**Tardy (TDY)** – If a student is late to class or school this code should be used to indicate that they were late. It is used at all school levels.

**Tardy to Detention** – This code is only used at the secondary level (6<sup>th</sup> -12<sup>th</sup>) and is connected to disciplinary procedures.

Procedure History

Promulgated on:

Revised on: August 13, 2008

**STUDENTS**

**3051**

Minimum Course Enrollment at Rigby High School

All students attending Rigby High School are required to attend a minimum of 4 class periods each day.

Exception would include:

- Students that are home schooled and therefore dually enrolled in another educational program
- Students that take the prerequisite class “Introduction to Careers” and are thereby eligible for work based learning supervised by the education based career instructor
- Senior who complete all graduation requirements by the end of the second trimester of their Senior year and elect to be on school release for the third trimester

Policy History

Adopted on: June 10, 2009

Revised on:

**STUDENTS**

**3060**

Education of Homeless Children

It is the policy of the District to ensure that:

1. Each child of a homeless individual and each homeless child has equal access to the same free, appropriate public education, including a public preschool education, as provided to other students;
2. Homelessness does not in any way separate homeless students from the mainstream school environment; and
3. Homeless children and youths have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging state academic standards to which all students are held.

The Board of Trustees directs all District schools to admit children who are homeless regardless of residence and irrespective of whether the homeless child is able to produce records normally

required for enrollment. The Board shall not enter into an out-of-District attendance and tuition agreement with another district for a homeless child.

All schools and employees of the District shall work to ensure that children and youth who are homeless are free from discrimination, segregation, and harassment. The District will also strive to prevent stigma against students who are homeless.

### Definitions

For the purposes of this Policy, the following definitions shall apply.

The terms “enroll” and “enrollment” includes attending classes and participating fully in all school activities.

The terms “homeless,” “homeless individual,” and “homeless person” include:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
4. Migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses 1 through 3 above; and
5. An unaccompanied student and homeless families with children and youth are also defined as homeless if they:
  - A. Have experienced a long term period without living independently in permanent housing;
  - B. Have experienced persistent instability as measured by frequent moves over such period, and
  - C. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

The term “school of origin” is defined as the school that the student attended when permanently housed, or the school in which the student was last enrolled, including a preschool. When a student completes the final grade level served by the students “school of origin,” the “school of origin” shall progress to the designated receiving school at the next grade level for all of its feeder schools the same as for all students attending one school and progressing to another school in the District.



### In General

The District shall ensure the following is provided according to the homeless student's best interest:

1. That the homeless student's education continues in the school of origin for the duration of homelessness:
  - A. In any case in which a family becomes homeless between academic years or during an academic year; and
  - B. For the remainder of the academic year, if the student becomes permanently housed during an academic year; or
2. That the homeless student is eligible to enroll in the same schools as non-homeless students who live in the same attendance area where the homeless student is actually living.

### School Stability

In determining the best interest of the homeless student each school within the District shall:

1. Presume that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or (in the case of an unaccompanied youth) the student;
2. Consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the student's parent or guardian or (in the case of an unaccompanied youth) the student;
3. If, after conducting the best interest determination based on consideration of the above presumptions, the Superintendent determines that it is not in student's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied student) the student, provide the student's parent or guardian or the unaccompanied student with a written explanation of the reasons for his or her determination, which will be provided in a manner and form understandable to such parent, guardian, or unaccompanied student, including information regarding the right to appeal under "Enrollment Disputes", below; and
4. In the case of an unaccompanied student, ensure that the District's liaison designated under "District Liaison," below, assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied student, and provides notice to such student of the right to appeal under "Enrollment Disputes," below.

### Immediate Enrollment:

1. **In General:** The school selected in accordance with this policy shall immediately enroll the homeless student, even if the student:

- A. As unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or
  - B. Has missed application or enrollment deadlines during any period of homelessness.
2. **Relevant Academic Records:** The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.
3. **Relevant Health Records:** If the student needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent/guardian of the student, or (in the case of an unaccompanied student) the student, to the District's liaison designated under "District Liaison," below, who shall assist in obtaining all necessary immunizations and/or screenings, or other required health records, in accordance with "Records," below.

### Records

Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless student shall be maintained:

1. So that the records involved are available, in a timely fashion, when the student enters a new school or school district; and
2. In a manner consistent with FERPA, applicable Idaho law, and District policy.

### Enrollment Disputes

If a dispute arises over -Any issue covered in this policy:

1. A homeless student shall be immediately enrolled to the school of choice of the parent/guardian or unaccompanied youth during the period of dispute resolution, and be allowed to fully participate in all school activities for which the student is otherwise eligible.
2. The district will provide the parent/guardian or unaccompanied youth with a written explanation of the decision regarding eligibility, school selection or enrollment and notice of their right to appeal. Along with the written explanation, the district McKinney-Vento Appeal Packet will be provided - which includes: a copy of their rights, an explanation of the appeal process, and dispute documents. Such notice will be in language the parent, guardian, or unaccompanied youth can understand and will include an appeal form and a summary of the dispute resolution process.
3. The parent/guardian, or unaccompanied youth shall be referred to the district liaison upon being informed of the parent/guardian or students' desire to make an appeal. The liaison shall gather any additional related documents and, submit the dispute packet to the

designated district team, who will respond in writing to the parent/guardian or unaccompanied youth within 10 days.

4. If an agreement cannot be reached between the parties regarding the dispute, the district will promptly seek further assistance from the State Coordinator for Homeless Education who will follow the Idaho State Department of Education Dispute Process to review and determine how the student's best interests will be served. All parties will be expeditiously informed of the State's determination in writing and such decision will constitute final resolution of the dispute.

### Placement Choice

The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

### Privacy

Information about a homeless student's living situation shall be treated as a student education record, and shall not be deemed to be disclosable "directory information" under the Family Education Records Privacy Act ("FERPA").

### Contact Information

Nothing in this policy shall prohibit the District and/or the enrolling school from requiring the parent or guardian of a homeless student to submit contact information.

### Comparable Services

Each homeless student in the District shall be provided services comparable to those services provided to other students in the school attended by the homeless student, including the following:

1. Transportation services;
2. Educational services for which the student meets eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965, or similar State or District sponsored programs, educational programs for children with disabilities, and educational programs for English Learners;
3. Programs in career and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs.

### District Liaison

For purposes of this policy, the Superintendent shall designate a District employee to serve as its liaison to serve homeless students in accordance with the following provisions. The liaison for homeless students designated by the Superintendent shall ensure that:

1. All homeless students are identified by school personnel through outreach and coordination activities with other entities and agencies;
2. All homeless students are enrolled in, and have a full and equal opportunity to succeed the same as non-homeless students of the District;
3. Homeless families and homeless students have access to and receive educational services for which such families and students are eligible, including services through Head Start programs (including Early Head Start programs), early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District;
4. All homeless families and homeless students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
5. The parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
6. Public notice of the educational rights of homeless students is disseminated in locations frequented by parents or guardians of such students, and unaccompanied students, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless students, and unaccompanied students;
7. Enrollment disputes are mediated in accordance with “Enrollment Dispute,” above;
8. The parent or guardian of a homeless student, and any unaccompanied student, is fully informed of all transportation services, including transportation to the student’s school of origin, and is assisted in accessing transportation to the student’s assigned school;
9. School personnel providing services to homeless students receive professional development and other support; and
10. Unaccompanied homeless students:
  - A. Are enrolled in school;
  - B. Have opportunities to meet the same challenging state academic standards as the State establishes for other students; and
  - C. Are informed of their status as independent students under 20 USC § 1087vv(d), and that such students may obtain assistance from the District Liaison to obtain verification of such status for purposes of the Free Application for Federal Student Aid.

## Local and State Coordination

The District's liaison(s) for homeless students shall, as a part of their duties, coordinate and collaborate with the Idaho State Office of the Coordinator for Education of Homeless Children and Youths, as well as with community and school personnel who are responsible for the provision of education and related services to homeless students. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of 42 USC § 11432(f)(1) and (3).

## Homeless Status

The District's Liaison who receives training provided by the Idaho State Office of the Coordinator for Education of Homeless Children and Youths may authorize a homeless student who is eligible for and participating in a program provided by the District, or the immediate family of such student, who otherwise meets the eligibility requirements Federal Housing Assistance (see 42 USC §§ 11360 *et. seq*), to do so without approval or other agency action by or on behalf of the Department of Housing and Urban Development.

## Title 1, Part A

Any student who is homeless and attends school within the District is eligible for Title 1, Part A services. The District shall set aside funding to provide homeless students who attend schools that do not participate in Title 1, Part A with services comparable to those provided by participating schools. Funding may also be set aside to provide targeted assistance to homeless students who attend participating schools.

Cross Reference:	3210 4160	Uniform Grievance Procedure Parents Right-to-Know Notices
Legal Reference:	42 U.S.C. § 11301, et seq. 20 U.S.C. § 6311, et seq.  20 U.S.C. § 1400  42 U.S.C. § 1758 42 U.S.C. § 9801-642A  I.C. § 33-1404	McKinney-Vento Homeless Assistance Act Title 1, Part A, of the Elementary and Secondary Education Act, as amended by ESSA of 2015 Individuals with Disabilities Education Improvement Act of 2006 Child Nutrition and WIC Act of 2004 Improving Head Start for School Readiness Act of 2007 Districts to Receive Pupils

## Policy History:

Adopted on: May 11, 2005

Revised on: May 11, 2022

## **STUDENTS**

**3070**

## Students of Legal Age

Every student eighteen (18) years of age or older will be deemed to be an adult and will have legal capacity to act as such. Such students, like all other students, will comply with the rules established by the District, pursue the prescribed course of study, and submit to the authority of teachers and other staff members as required by policy and state law.

**Admission to School:** The residence of an adult student who is not residing with a parent or guardian will be considered the residence for school purposes.

**Field Trips/Athletic Programs:** Approved forms for participation will be required of all students. The form should indicate that the signature is that of the parent or the adult student.

Sponsors or coaches will be required to confirm the ages of those students signing their own forms.

**Absence-Lateness-Truancy:** Absence notes, normally signed by parents or guardians, may be signed by adult students. Excessive absences will result in consequences according to policy 3122P and will be reported on the report card.

**Suspension/Expulsion:** All suspension and/or expulsion proceedings will conform to the requirements of state statutes. Notification of all such proceedings will be sent to parents or guardians. Adult students, however, are permitted to represent themselves if they so choose.

**Withdrawal from School:** Adult students may withdraw from school under their own cognizance. Counselors will guide and counsel potential dropouts and encourage their continued attendance. Parents will be notified of impending dropouts by the school.

**Permission to Inspect Student Records:** Adult students may request permission to inspect their school records if they are eligible students according to FERPA.

**Report Cards:** Unless directed otherwise, progress reports will be sent to the parent or legal guardian.

**Excuses from School:** The school will verify requests from students who wish to leave school early for reasons such as job interviews, college visits, driver testing, etc., with the organization being visited. Permission to leave school early may be denied for what is considered a non-valid reason.

**Financial Responsibility:** Students of legal age can be held financially responsible for damage to school property.

#### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3090**

### Foreign Exchange Students

The Board of Trustees recognizes the value of receiving Foreign exchange students and wishes to continue this practice.

The following guidelines are to be followed for enrollment:

A foreign exchange student is defined as a student from a foreign country studying in the United States under the sponsorship of an organization. All organizations must be approved by the Idaho High School Activities Association (IHSAA) in conjunction with the Council on Standards for International Educational Travel (CSIET). Consideration will be given to foreign exchange students only when the following requirements are met:

1. Non-immigrant students receive immigration authority to enter the United States.
2. The District has received verification that such students are proficient in English and are financially responsible.
3. Foreign exchange students are formally sponsored by an IHSAA approved organization.

Policy Regulations:

- A. Foreign exchange students shall not exceed one percent (1%) of the student body for any given year.
- B. Foreign exchange students from any one country shall not exceed two (2).
- C. J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible to attend secondary school. Any sponsoring organization must have a local representative, and be approved by the Council on Standards for International Education Travel.
- D. F-1 visa holders (individual Foreign exchange students sponsored by relatives or friends) may not attend the District.

Implementing Procedures:

- A. The fact that a foreign exchange organization has located a host family within the District does not infer the District will automatically enroll the student. While the organization may develop such an agreement with a host family, the family should be advised it is contingent upon admission to Jefferson School District #251 foreign exchange program.
- B. Foreign exchange students must submit evidence of their proficiency in the English language prior to their arrival in the United States. This can be done by passing the TEST OF ENGLISH AS A FOREIGN LANGUAGE (TOEFL) with a score of 480 or higher on the paper/pencil version of the test, 166 on the computer version of the test, or 60 on the internet based test (IBT); or by taking the International English Language Testing System (IELTS) and receiving a overall score on that assessment of 4.5 or higher, or have taken the Secondary
- C. Level English Proficiency Test (SLEP) and passed the assessment with a score of 47 or higher. They must be fluent enough in English to be able to communicate in the classroom.

- D. Each organization will submit a letter of intent to place students at Rigby High School with the Rigby High School counseling office by May 1st of the year prior to enrollment.
- E. Foreign exchange students will be entered only at the beginning of a school year and enrollment will be for no more than one school year.
- F. Foreign exchange students are expected to pay all expenses that are expected of other students enrolled in the High School.
- G. Foreign exchange students are expected to participate in classes in the same manner as regular high school students. They are required to take the examinations and do the work required by the teachers of the classes for which they are enrolled. This includes compliance with the school district's attendance and discipline policies.
- H. Sponsors and/or organizations who do not consistently screen and monitor foreign students and host families will lose the privilege of placing students in the Jefferson School District #251.
- I. Foreign exchange students may not be enrolled in the school's LEP or migrant programs. They are not eligible for IEPs or as 504 placements. It is the responsibility of the sponsoring organization to provide tutors and/or whatever necessary assistance is required to help the Foreign exchange students meet acceptable standards.
- J. Foreign exchange students will receive a certificate of attendance and transcript of the year they attend. Students will not receive a diploma from Rigby High School, nor will they be allowed to participate in graduation ceremonies.
- K. Scholarship(s). The District will not include names of foreign exchange students in its formal class-rank listing based on cumulative grade point average, nor will foreign exchange students be eligible to apply for any local scholarship.
- L. Jefferson School District #251 will enroll only 16-18 year olds as foreign exchange students. Student must be 16 or older by September 1st of the school year they are attending or provide documentation that they would be in the 10<sup>th</sup> grade or higher if attending in their home country.
- M. Foreign exchange students must reside within the boundaries of Jefferson School District #251.
- N. All foreign exchange students must be placed with the family they will reside with for the year. During the school year, if the original family is unable to continue participation in the program, the student may be moved to another family within the school's district. This change shall be communicated to the Counseling Department at Rigby High School.
- O. Foreign exchange students may not be enrolled in driver's education courses in the Jefferson School District #251.
- P. Foreign exchange students must be enrolled full time each trimester.
  - Required Courses - Foreign exchange students will be expected to enroll in the following academic classes while attending Rigby High School:
    - a) One (1) English class;
    - b) One (1) United States history class or one (1) government class;
- Q. Foreign exchange students are eligible to participate in the Rigby High School Activities Program. Guidelines for participation are set by District policy and by the Idaho High School Activities Association (IHSAA). Foreign exchange students interested in participating in school activities, i.e. football, soccer, marching band, etc. need to first be accepted into the districts Foreign exchange program before trying out for the activity.



R. All foreign exchange students must be current with their immunizations.

#### Policy History

Adopted on: March 16, 2005

Revised on: July 9, 2008

### **STUDENTS**

**3100**

#### Programs for At-Risk/Disadvantaged Students

The District will designate one (1) at-risk coordinator to collect and disseminate data regarding drop-outs in the District and to coordinate the District's program for students who are at high risk of dropping out of school.

Each school year, the at-risk coordinator will prepare a dropout reduction plan that identifies:

1. the number of District students who dropped out in the preceding regular school term;
2. the number of students in grades 1-12 who are at risk of dropping out;
3. the District's dropout rate goal for the next school year;
4. the dropout reduction programs, resources and strategies to be used during the school year.

The Board will review and approve the plan annually.

#### At-Risk Students

In determining whether a student is at high risk of dropping out of school, the District will consider the student's academic and attendance performance as well as whether the student is adjudged delinquent; abuses drugs or alcohol; is a student of limited English proficiency; receives compensatory or remedial education; is sexually, physically or psychologically abused; is pregnant or a parent; is an emancipated youth, is a previous drop-out, is a court or agency referral; stops attending school before the end of the school year; is an underachiever; is unmotivated; or exhibits other characteristics that indicate the student is at high risk of dropping out of school.

#### Programs and District Plan

The District will provide a remedial and support program for any student who is at risk of dropping out of school.

The District will have a plan designed to retain students in a school setting. The District plan will be the responsibility of the Superintendent or the designated at-risk coordinator and will:

1. emphasize a comprehensive team approach that includes the Superintendent, principal, parent/guardian, teacher, student, community service provider, business representative, or others;

2. include objectives designed to meet the identified needs of at-risk students and to retain those students in school;
3. be designed to use community resources that are available to serve at-risk youth;
4. provide for parental involvement, such as participation in developing student academic plans and training programs for parents; and
5. provide for review of individual profiles for at-risk students.

The District plan may also:

1. include alternatives; and
2. provide for the referral of students who drop out to other programs;

Alternative high school programs conducted during the school year will be conducted off-site or scheduled at a time when school is not in session and shall comply with the State Board of Education Rules Governing Thoroughness (IDAPA 08.02.03.110).

Legal Reference: IDAPA 08.02.03.110      Alternative Secondary Programs

#### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3101**

### Alternative School Placement

Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Alternative secondary school programs will include course offerings, teacher/pupil ratios and evidence of teaching strategies that are clearly designed to serve at-risk youth. Alternative high school programs conducted during the regular school year will be located on a separate site from the regular high school facility or be scheduled at a time different from the regular school hours.

It is the intent of the Board that students are able to academically and behaviorally participate as much as possible or is appropriate in their regular neighborhood school. However, if the Alternative School Transition Team places a student in the alternative school setting the focus is still allowing the student to maintain ties to their home school and also transitioning them back to the regular context of school as quickly as possible provided they meet the guidelines established by the student Transition Plan. The maximum number of 7<sup>th</sup> through 12<sup>th</sup> grade students will be equivalent to 12 fulltime students per grade level.

## Qualifiers

Any secondary student grade sixth through twelve must meet the State's qualifying criteria in either of the following two areas, Academic or At-Risk.

### Academic Qualifiers ( Must meet at least 3 of the following criteria.)

- a) Has repeated at least one grade.
- b) Has absenteeism that is greater than ten percent during the preceding trimester.
- c) Has an overall grade point average that is less than 1.5 (4.0 scale) prior to enrolling in an alternative secondary program.
- d) The student has failed one or more academic subjects and the current school can show data of intervention support related to the failed subject.
- e) Is two or more semester credits per year behind the rate required to graduate.
- f) Is a limited English proficient student who has not been in a LEP program more than three years.

### At-Risk Qualifiers (Must meet at least 1 of the following criteria.)

- a) Has documented substance abuse behavior.
- b) Is pregnant or a parent.
- c) Is an emancipated youth.
- d) Is a previous dropout.
- e) Has documented serious personal, emotional, or medical problems.
- f) Is a court or agency referral.
- g) Upon recommendation of the school district Alternative School Transition Team related to disruptive student behavior.

Criteria for Behavioral Referrals – It is the intent of the district to provide the best education for students in their regular neighborhood school. It is the responsibility of each school to evaluate each student's needs and provide intervention support both academically and behaviorally in the "least restrictive environment". If a student has difficulty behaviorally the school should intervene early using all the resources available to the school or where appropriate through the district and collect data associated with the interventions. After a period of time if the intervention is not successful and the building level team feels the alternative placement is appropriate they may submit a referral to the Alternative School Transition Team. Documentation of school-based interventions must be shown.

## Instruction for Students With Special Needs

Special instruction courses for at-risk youth enrolled in the alternative setting will include:

- a) Academic skills that include language arts and communication, mathematics, science, and social studies that meet or exceed minimum state standards.
- b) A behavior plan or social skills development program when required.
- c) Special education for students with disabilities.
- d) A career counseling component and transition planning, as appropriate.
- e) A physical fitness/personal health component.
- f) A state division approved vocational-technical component.
- g) A component focused on teaching parenting skills.

Policy History:  
Adopted on:  
Revised on: September 9, 2015

## **STUDENTS**

**3101P**

### Alternative School Transition Procedure

After schools have endeavored to meet the behavioral or academic needs of a student through intervention, and the data does not indicate an improvement, and the school's team feels an alternative placement is an option to be considered, the team may submit a referral to the Alternative School Transition Team to determine if the student qualifies and the appropriateness of an alternative school placement. A parent or eligible adult student (a student who is eighteen or married) may submit a referral directly to the team. To submit a referral a school or parent need simply contact the referring school Principal or the Alternative School Principal who will then arrange a meeting.

The Alternative School Transition Team reviews all referrals for students in grades seven through twelve and special education students in all grades who are being transitioned to the Alternative School. The team is comprised of the referring school Principal or designee, a counselor from the referring school, the Alternative School Principal, the Family Liaison, special education staff as needed for students with IEPs, and other staff members as needed. The purpose of the team is to examine the student's needs and determine if the referred student meets the State of Idaho's Qualifications for participation in the alternative setting. The team also evaluates referrals for behavioral disruptions and academics to determine if the referring school has provided in-school interventions.

This Alternative School Transition Team meeting is a school meeting for planning purposes only to prepare for the formal parent meeting.

The following options may be used for all grades:

- a) Students may attend a half day at the alternative school in either a morning or afternoon session and the other half of their school day at their home school.
- b) Students may attend a full day at the alternative school.
- c) Students may attend a partial day at the alternative school and then be sent home.

Services that can be provided at the Alternative School:

- a) Students will be instructed at the alternative school in the Core Academic Areas (Reading, Math, Language, and Writing)
- b) Students will earn credit for Reading, Math and Writing.
- c) Students in a half day program could participate in elective course work at their regular school, or other configuration of classes worked out by the regular school and alternative school.
- d) Students will be tested on state assessments at their regular school.
- e) Internet based academic intervention supports, will be transferred with the student to the alternative school for the duration of the students time in the alternative setting.

### Transitioning Back to the Regular School

Students who exhibit readiness to return part time or fulltime to regular middle school or junior high classes will be referred to the Transition Team for a plan review and identification of behavior supports the student may require through the transition period.

- a) A transition goal and plan will be used to determine when the student is ready to return at least part time to his/her regular school.

### Mid-Trimester New Student Transfer

If a student is required to attend the alternative school due to moving into the district mid-year and must recover credit, then that placement is temporary and a plan will be worked out with the student, their parent and regular school's counselor and administrator.

### Procedure History

Adopted on: September 9, 2015

Revised on:

## **STUDENTS**

**3200**

### Student Rights and Responsibilities

All students are entitled to enjoy the rights protected by the Federal and State Constitutions and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.

Cross Reference: 3370  
3330

Searches and Seizure  
Student Discipline

Legal Reference: I.C. § 33-205

Denial of school attendance  
Tinker v. Des Moines Ind. Sch. Dist., 89 S.Ct.  
733 (1969)

### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3210**

### Uniform Grievance Procedure

All individuals should use this grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

The District will endeavor to respond to and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of

a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies, and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

#### Level 1: Informal

An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

#### Level 2: Principal

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the principal within sixty (60) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the principal shall investigate and attempt to resolve the complaint. If either party is not satisfied with the principal's decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the principal's decision. This request must be submitted to the Superintendent within fifteen (15) days of the principal's decision.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the principal shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

#### Level 3: Superintendent

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the principal. The parties shall be afforded the opportunity to either dispute or concur with the principal's report. The Superintendent shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the principal, the recommendation will be implemented. If the Superintendent rejects the recommendation of the principal, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

If either party is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) days of receiving the Superintendent's decision. The Board is the policy-making body of the school, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

#### Level 4: The Board

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final.

#### Procedure History

Promulgated on:

Revised on:

### **STUDENTS**

**3220**

#### Student Use of Buildings: Equal Access

Non-curriculum related secondary school student organizations may conduct meetings on school premises without intervention on the basis of the religious, political, philosophical or other content of the meeting.

The following criteria must be met:

1. The meeting is voluntary and student-initiated.
2. There is no sponsorship of the meeting by the school, the government, or its agents or employees.
3. The meeting must occur during non-instructional time on regular school days.
4. Employees or agents of the school or government are present only in a non-participatory capacity.
5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
6. Non-school persons may not direct, conduct, control, or regularly attend activities.

Although the school assumes no sponsorship of these kinds of meetings, all meetings held on school premises must be scheduled and approved by the principal.

This policy pertains to student meetings. The school has the authority, through its agent or employees, to maintain order and discipline on school premises and to protect the well-being of students and faculty.

Legal Reference: 20 U.S.C. 4071

Equal Access Act  
Board of Education v. Mergens, 110 S. Ct.  
2356 (1990)

## Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3225**

### Student Clubs: Equal Access

The Board of Trustees regards student clubs and organizations as an important part of the education and development of students.

#### **Definitions:**

As used in this policy:

- a) "School" shall mean any school in the Jefferson School District #251.
- b) "Club" shall mean a sponsored club or a non-sponsored or non-curriculum club of students of the school who wishes to organize and meet form common goals, objectives, or purposes, but does not include school activities.
- c) "Sponsored Club" shall mean a club which is directly under the sponsorship, direction, and control of the school.
- d) "Non-sponsored or non-curriculum Club" shall mean a student initiated club which is not under the sponsorship, direction or control of the school or any student initiated club that does not directly relate to the body of courses offered by the school.
- e) "non-participating capacity" shall mean a person may not promote, lead or participated in any meeting.

All schools within the district shall provide equal access and a fair opportunity for clubs to organize and to meet on school premises during the times established for such meetings.

Sponsored clubs shall be sponsored by a member of the faculty, staff, or administration of the school. The District shall not sponsor clubs which advocate particular religious or political beliefs or ideas. Any such clubs shall be non-sponsored or non-curriculum, and must engage a school employee to monitor their activities while on the premises. The school and the school district shall not be identified or associated with the goals, objectives, activities, beliefs, or opinions of any non-sponsored or non-curriculum clubs or its members. Any club whose activities are deemed by the principal to be disruptive of the everyday operations of the school will not be allowed to initiate meetings, nor continue to meet on school premises.

### Equal Access Regulations

The following general guidelines will be observed in approving, establishing, and operating student clubs at Jefferson School District #251 schools.

1. Each proposed club must complete and submit a request form to the principal or designee stating the name, specific purpose of the club, the membership requirements, the activities of the club and meeting dates and times. Each proposed club shall have the student group perform a risk management assessment of the proposed club activities. The principal or designee will forward the request to the school district. The school district with board



approval shall respond to the request, accept or reject the application and designate the club as either sponsored club or non-sponsored or non-curriculum club.

2. Student participation in club activities and attendance at club meetings shall be voluntary and shall be limited to those students who are currently enrolled in the school district. All student groups meeting on school premises are required to open membership to all interested and/or eligible students. Clubs shall be allowed to meet on school premises from 7:00 a.m. to 8:00 a.m., during the noon hour, and from 3:30 p.m. to 5:00 p.m. on days when school is in session. The time and place of all club meetings shall be subject to available space, conflicting activities and programs, and the availability of the faculty sponsor or monitor. Students shall be responsible for ensuring the presence of a faculty sponsor or monitor prior to every meeting. Clubs will be allowed to meet on school premises during other times of the day only in extraordinary or exceptional circumstances as may be determined by the principal or designee.
3. All clubs must comply with provisions of the school's rules and regulations.
4. No hazing of students shall be permitted.
5. The principal or designee may deny the opportunity of any club to meet on school premises, and may deny permission of any non-school person to meet with or speak to a club on school premises, when there exists a substantial likelihood of material and substantial interference with the orderly conduct of educational activities within the school, or if the meeting or activities in the meeting are, or will be, in violation of any law or ordinance.
6. The principal or designee, may temporarily or permanently terminate the opportunity of any club to meet on school premises in the future if the club has materially or substantially interfered with the orderly conduct of educational activities within the school, if the activities of the club have violated any law or ordinance, or if the club has violated any provision of this policy.

For sponsored clubs, the following guidelines will apply:

- A. Each sponsored club will have a faculty or staff member appointed as sponsor. The sponsorship shall be approved by the principal or designee.
- B. All activities of the club must have prior approval of the sponsor.
- C. Club funds shall be subject to deposit, audit and disbursement in accordance with the regulations of the school district.
- D. The content and placement of club posters or advertisements shall be approved by the club sponsor.

For non-sponsored or non-curriculum clubs, the following guidelines will apply:

- A. The formation of non-sponsored or non-curriculum clubs shall be student initiated. Non-school persons may not direct, conduct, control or regularly attend activities.
- B. Recognition by the Jefferson School District #251 of a non-sponsored or non-curriculum club is not an endorsement of the aims, policies, or opinions of the student organization or its members.
- C. The school or district's name will not be identified with the aims, policies, or opinions of the student organization or its members.
- D. Notices of meetings of non-curricular student organizations may be posted only on designated bulletin board used by all non-school sponsored organizations. No announcements shall be made over the public address system or in any school-sponsored publications.

- E. No funds will be expended by the school for any such meeting beyond the incidental cost associated with providing a meeting place during the times previously stated.
- F. Every club must have a district employee volunteer as a monitor to the club. The monitor shall be responsible for monitoring the meetings to assure that attendance at the meetings is voluntary, to assure that the meetings do not materially and substantially interfere with the orderly conduct of educational activities within the school, and to assure that order and discipline are maintained. Monitors shall attend the meetings of non-sponsored or non-curriculum clubs that are political or religious in nature in a non-participatory capacity.
- G. No school employee shall be compelled to be a monitor of a non-sponsored or non-curriculum club.
- H. Club posters or flyers need to have a disclaimer, and poster content and placement shall be approved by the principal or designee.
- I. The Jefferson School District #251 shall not be identified or associated in any way with the goals, objectives, activities, or opinions of any non-sponsored or non-curriculum clubs to raise money.

Legal Reference: 20 U.S.C. §§ 4071-4074 Equal Access Act

Policy History

Adopted on: Aug. 10, 2005

Revised on:

**STUDENTS**

**3225F**

**STUDENT CLUB APPLICATION**

Proposed name of the club: \_\_\_\_\_

Name(s) of students petitioning to form the club: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Which type of club are you applying for: (Select only one)

\_\_\_\_\_ **Sponsored** club, which means a club which is directly under the sponsorship, direction, and control of the school.

\_\_\_\_\_ **Non-sponsored** or **non-curricular** club, which means a student initiated club which is not under the sponsorship, direction or control of the school or any student initiated club that does no directly relate to curricular course work offered by the school or district.

Signature of Faculty/Staff member who has agreed to serve as club advisor or monitor for the club:\_\_\_\_\_. (Signature required)

What is the current interest level for this club? (This should reflect the number of students interested in participating in the club.) \_\_\_\_\_

Describe the purpose of the club. \_\_\_\_\_

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If the club is applying for “**sponsored**” status, please describe how the club will align its purpose to the curricular courses or outcomes. \_\_\_\_\_

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What are the responsibilities of the club members? \_\_\_\_\_

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What are the responsibilities of the faculty/staff advisor or monitor? \_\_\_\_\_

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What are the financial responsibilities of the club? (This should include any fees or costs associated with being a member of the club. It should also include any costs associated with participating in competitions or events.) \_\_\_\_\_

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How will funds be collected and disbursed through the club? \_\_\_\_\_

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Is special training or education required for the faculty/staff member to have to be the advisor or monitor of this club? \_\_\_\_ Yes \_\_\_\_ No

If yes, please describe the necessary education or training. \_\_\_\_\_

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Is this club part of a regional, state, or national organization? \_\_\_\_ Yes \_\_\_\_ No

If yes, which organization: \_\_\_\_\_

What safety rules are necessary to conduct club activities minimizing hazards and dangers to club members, school district staff members, and school property? \_\_\_\_\_

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What safety equipment is needed? Who is to provide this equipment? How is the equipment to be inspected and tested? \_\_\_\_\_

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What emergency response procedures are necessary based upon any risks or dangers related to activities conducted by this club? (Examples include: First-aid and emergency communication)

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Are parent consent forms required? \_\_\_\_ Yes \_\_\_\_ No

If yes, where are these records maintained? \_\_\_\_\_

Please describe the leadership hierarchy of the club. For example, will there be a club president or other leadership structure? \_\_\_\_\_

#### Student Activities Funds

All clubs must abide by the districts 10 Rules of Associated Student Body (ASB) Funding outlined below. Please read the rules carefully, by submitting this application the forming members of the club are indicating that they understand the 10 rules and that the club will abide by them.

Money raised by the students and is owned and managed by the students under the guidance of the principal or his designee. These monies are to be used to benefit the pupils who raised the money. Student activity funds are classified under IFARMS as agency funds.

## 10 Rules of Associated Student Body (ASB) Funding:

1. Public money, generated by the students or in the name of students, may be used only for Cultural, Athletic, Recreational, or Social purposed, which are optional, and noncredit.
2. Money raised during the school day, and /or on school property, and/or using school personnel, and/or school materials is public money.
3. ASB funds are restricted and cannot be used for curricular purposes.
4. Co-curricular is not a legal term. Only curricular and extra-curricular are defined by law.
5. Public money cannot be given away for private use.
6. Students and staff must collaborate on the generation and use of public money.
7. Must follow the District's procedures of monitoring and protecting the use of public money.
8. Must follow the federal, state, school board, rules about Associated Student Body funds.
9. Separation between PTO, booster clubs and other parent groups must be distinguishable.
10. ASB funds should be audited annually as part of the required district audit.

Please submit this application along with any supporting documents such as club by-laws or club rules to the school principal. The principal will review the application and submit the application to the Office of the Superintendent for Board review or deny the application and return it to the petitioner.

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### School Level:

Application Submission Date: \_\_\_\_\_

Date Principal forwarded to the District: \_\_\_\_\_

Date Principal denied application: \_\_\_\_\_

Reason for denial: \_\_\_\_\_

### District Level:

Date of Board Review: \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_

Reason for denial: \_\_\_\_\_

## **STUDENTS**

**3230**

### Student Government

The Board encourages the function of student councils in the District's elementary and secondary schools. Student councils shall assist in improving the general welfare of all students and give students the opportunity to participate in the orderly workings of the democratic process

Student councils shall not have authority to make policies or procedures for the District or the school. However, they may make recommendations to the administration on any topic of student concern.

Eligibility rules for candidates and rules for conducting campaigns and elections should be published, widely announced and uniformly enforced.

Legal Reference: I.C. § 33-506(1)

#### Policy History

Adopted on:

Revised on:

### **STUDENTS**

**3240**

#### Student Publications

Journalistic experience in a school setting should be calculated to develop the background of skills and understanding which will equip a student for the responsibilities of the free press in our society. Students must recognize, however, that a school-sponsored newspaper is unique and different from other newspapers in at least four ways.

1. It is an instructive tool in addition to a means of student self-expression.
2. It is read not just by the intended audience of fellow students, but by parents and many citizens outside the school.
3. It is partially supported by tax funds.
4. It is an influence on the public relations of the entire district since content is read by many not simply as expressions of individual students, but as expressions representative of the entire student body and approved by the administration.

The concept of “freedom of the press” under the First Amendment has application with regard to school-sponsored publications. However, the United States Supreme Court has established that school districts may exercise editorial control over the style and content of school-sponsored newspapers without violating the First Amendment. All school-sponsored publications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The District recognizes that there are valid and necessary reasons to exercise such prepublication editorial control and to impose reasonable restrictions on student speech in school-sponsored publications. Thus, the following guidelines apply to all school-sponsored student publications.

1. School-sponsored publications are those publications, including, but not limited to, school newspapers, yearbooks, and athletic programs, which may fairly be characterized as part of the District’s curriculum, whether or not they occur in a traditional classroom setting. Generally they include student publications which are supervised by a faculty member and are designed to impart particular knowledge or skills to student participants and audiences. However, they also may include publications which students, parents, and members of the

public reasonably perceive to be sponsored or approved by the District. The author's name will accompany personal opinions and editorial statements.

An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

2. The District will not restrict student freedom of expression when such expression is within the rules of responsible journalism and is consistent with the four factors outlined below. The principal of each school shall meet with the publication advisor, student editors, and student writers to establish guidelines for achieving a maximum of student freedom of expression subject to the limitations set forth in this policy.
3. All publications must be reviewed and approved by the building principal prior to distribution. The building principal shall have the authority to determine the appropriateness of any particular item for publication. In exercising such authority, material will not be considered suitable for publication that is ungrammatical, inadequately researched, obscene, defamatory, advocates racial or religious prejudice, invades the privacy rights of others, is unsuitable for the audiences for which the publication is intended, contributes to the disruption or interruption of the educational process or the operation of the school, or otherwise is contrary to District policy or applicable federal or state law. The school principal may also exclude material that may serve to associate the District with any position other than neutrality on matters of political controversy.
4. The principal of each secondary school shall have the authority to determine whether advertising will be accepted for inclusion in school-sponsored student publications. The District has an important interest in avoiding the impression that it has endorsed a viewpoint at variance with its educational mission. Consequently, if advertising is accepted, each school principal shall have authority to exclude certain categories of advertising. For example, drug, drug paraphernalia, or alcoholic beverage advertisements or any other advertisements that may be viewed as encouraging action that might endanger the health and welfare of students may be excluded. Similarly, advertisements which are factually inaccurate, defamatory, obscene, advocate racial or religious prejudice, contain either explicit or implicit sexual content or overtones, or are of poor production quality may be excluded. The school principal may also exclude advertising that may serve to associate the District with any position other than neutrality on matters of political controversy.
5. In the event that the building principal determines that material is not suitable for publication, students may appeal such decision to the Superintendent or his/her designee. The decision of the Superintendent or his/her designee will be final.
6. Copies of each issue of the student publication shall be sent to the Superintendent and each member of the Board of Trustees.

Legal Reference: Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Policy History

Adopted on:

Revised on:

Distribution and Posting of Materials

The distribution of materials from outside the school system uses a considerable amount of valuable educational time. This time is taken away from students, teachers, and the clerical staff. It is the District's policy to limit the distribution of materials to parent and student organizations sponsored by the District or other governmental agencies. Materials that provide information valued or needed by the District may also be distributed.

Students should not be used to distribute partisan materials or information pertaining to a school or general election, budget or bond issue, or negotiations. Students should not be exploited for the benefit of any individual, group or profit-making organization.

No staff member may distribute any materials on school property without prior approval of the chief school administrator. All materials distributed will clearly indicate their source. Non-school related materials will be plainly labeled, including a disclaimer that the activity is "not a school-sponsored activity."

All organizations must have the approval of the Superintendent before materials may be distributed. The Superintendent will use the guidelines listed above in the approval of the distribution of the materials.

In order to facilitate the distribution of materials with information about student activities offered in the community, each school will do the following:

- A. Maintain a centrally located bulletin board for the posting of bulletins.
- B. Maintain a table where flyers and other information can be made available to students.
- C. Include announcements for student related activities in newsletters that go home to students.

The announcements must be submitted one (1) week prior to the newsletter in which the announcement is to go home, must advertise a youth-oriented activity, and must be of non-religious or political nature.

It is the intent to post all notices and place flyers on the distribution table except those that are viewed by the principal as likely to be disruptive, libelous or obscene.

Cross Reference:	3430	Distribution of Fund Drive Literature Through Students
	4240	Distribution of Fund Drive Literature Through Students

Policy History

Adopted on:

Revised on:

Student Dress

One of the fundamental purposes of school is to provide the foundation for the creation and development of a proper attitude toward education. In order to further this purpose, it is essential to



create and maintain an effective teaching and learning environment. Student attire impacts the teaching and learning environment. It can either promote a more effective educational environment, or it can disrupt the educational climate and process. Student attire that is acceptable for some social settings may not be acceptable for the educational environment of school.

Students are reminded that their appearance (clothing and grooming) significantly affects the way others respond to them. Matters of dress remain the primary responsibility of students, in consultation with their parents or legal guardians. Nevertheless, since it is the duty of the Board of Trustees to provide an educational atmosphere conducive to learning, minimizing disruptions or distractions, and to protect the health, safety, and morals of students all students will adhere to the following certain minimum standards of dress when the student is on any school premises or at any school sponsored activity, regardless of location.

In general, students are not to wear or carry items of apparel (clothing, accessories, cosmetics, tattoos, jewelry—including body piercing) which depict or allude to, by picture, symbol or word, drugs, including alcohol and tobacco, controlled substances, drug paraphernalia, gangs, violence, sexually explicit, lewd, indecent or offensive material, or illegal acts. The wearing, using, or displaying of any gang clothing or attire (based upon the principal/designee's reasonable belief that gangs may be present in a school) jewelry, emblem, badge, symbol, sign, codes or other things which evidence membership or affiliation in any gang is prohibited on any school premises or at any school sponsored activity, regardless of location.

Head coverings are inappropriate in the school building during regular school hours, unless the principal or designee specifically makes an exception to the policy.

Unless the principal or designee indicates otherwise, students will wear footwear at all times. The Board of Trustees urges parents and students to exercise sound judgment, based upon the standard of appropriateness for the school setting. For example, clothing exposing bare midriffs, shorts, and short skirts will not be allowed. The superintendent or his designee is hereby authorized to promulgate regulations consistent with the provisions of this policy.

### **Interpretation and Implementation of Policy**

The building principal/designee shall use reasonable discretion in interpreting and implementing the provisions of this policy. If a conflict arises in the interpretation of this policy, the interpretation of the building principal/designee shall be final. Principals, administrators and teachers shall use reasonable discretion in enforcing this policy.

### **Enforcement**

Teachers and administrators may deny class entrance to students dressed or otherwise adorned inappropriately until arrangements may be made for their proper attire. All time missed from classes for failure to adhere to this policy will be deemed unexcused absences. Parents or guardians will be notified each time a student is asked to leave school because of inappropriate attire. Students who are insubordinate or refuse to change the improper attire, or who repeat dress code violations shall be subject to disciplinary action up to and including suspension or expulsion, depending on all the facts and circumstances, for violating the standards of student conduct.

### **Temporary Exceptions**

In order to allow appropriate attire for a particular educational or school activity, the building principal/designee has the authority to grant temporary exceptions to specific provisions of this policy and related regulations. An example of such an exception might be where a specially scheduled school event required a group of students to dress unusually on a particular day.

Legal Reference: I.C. 33-506  
I.C. 33-512(6)

#### Policy History

Adopted on:

Revised on:

### **STUDENTS**

**3260P**

To support parents and students in making appropriate clothing selections the following guidelines must be adhered to. The district has opted to use a head/shoulders/knees/toes approach to monitoring the dress of students. Specifics of the process used will be outlined in each schools student handbook.

1. All clothing shall be neat, clean, un-torn, and appropriate to the circumstances.
2. Students will be excluded from attending classes, or participating in school-related activities that are held on school property, when, in the opinion of the administrator on duty, any of the following are worn:
  - A. Underwear as outerwear
  - B. Clothing, jewelry, or body art that advertises alcoholic beverages or illegal drugs
  - C. Clothing, jewelry, or body art that displays obscene or immoral pictures, slogans, or statements
  - D. Clothing that reveals the midriff
  - E. Clothing that reveals underwear
  - F. Excessively tight clothing
  - G. “No sagging”—sagging is defined as wearing the waistband of slack, pants, shorts or skirts below the natural waistline. A belt is required for over-sized pants.
  - H. Clothing, jewelry, or body art that promotes gang activity will not be permitted at any time.
  - I. Shoes must be worn in all instances.
3. Students shall avoid extremes in dress which distract from an atmosphere of learning and/or which tends to disrupt class and/or which reduces attentiveness in class.

To assist students, parents, and school personnel the following guidelines apply:

  - A. Tank tops, unlined sheer material, and fishnet tops are not allowed.
  - B. When hands are placed on head, if the stomach and/or the back show, shirt and/or pants are not appropriate.
  - C. When hands are placed on shoulders, if underclothing or bare chest shows, shirt is not appropriate.
  - D. When hands are placed on knees, if the back/the derrière or underclothing/or the chest show, clothing is not appropriate.

- E. When hands are placed on toes, if the back/the derrière or underclothing shows, skirts or other clothing is not appropriate.
4. Clothing, jewelry, or body art marked with profanity and/or sexually suggestive writing or pictures, or advertising alcohol, illegal drugs or tobacco is not allowed.
  5. Clothing, jewelry, or body art with writing or pictures that promote violence or anti-social behavior, or with writing or pictures advertising groups or organizations that promote violence or antisocial behavior, or clothing that is currently associated with gangs due to colors or design of clothing is not allowed.
  6. Clothing, jewelry, or body art demeaning to others is not allowed.
  7. The use of hats will not be allowed in the building during school hours except for extreme medical conditions.
  8. Heavy chains and spikes may not be worn.

Girls and boys shall be prudent and modest in their selection of dress and avoid extremes that intend to detract from personal appearance.

#### Procedure History

Promulgated on: August 10, 2005

Revised on:

## **STUDENTS**

**3265**

### Student-Owned Electronic Communications Devices

Students, with permission of their parent(s)/guardian(s), or the student him or herself if over 18 years of age, may be in possession of a personal electronic devices such as smart phones, cellular telephones, pagers/beepers, laptops, tablets, e-readers, or other related electronic devices on school property. The devices shall not be used in a manner that disrupts the educational process, including, but not limited to, posing a threat to academic integrity or violating confidentiality or privacy rights of another individual. Unless an emergency situation exists that involves imminent physical danger *or a certified District employee authorizes the student to do otherwise* (such as use in class), use of devices shall be limited to the period before classes begin in the morning, during the student's lunch period, and after the student's last class in the afternoon.

Access to the devices is a privilege and not a right. Each student will be required to follow the Acceptable Use of Electronic Networks Policy and the Internet Access Conduct Agreement.

Students may only access the internet through the filtered District connection, regardless of whether they are using their personal device or a District-issued device. District staff will not provide software or technical assistance for student-owned devices.

The use of cameras or audio listening devices in any type of electronic device is strictly prohibited in locker rooms, restrooms, and classrooms unless *a certified District employee authorizes the*

*student to do otherwise.* Where students are allowed to use electronic devices, they are required to obtain permission before taking a photograph or video of any individual. Students must also obtain permission from any individual appearing in a photograph or video prior to posting on any social networking site or other internet site.

Students found to be using any electronic communications device to in any way send or receive personal messages, data, or information that would contribute to or constitute cheating on any student assessment, project, or assignment shall be subject to discipline and the device shall be confiscated and not returned until a parent conference has been held.

Students are responsible for safeguarding devices they bring to school. The District shall not be responsible for loss, theft, damages, or destruction of student owned devices brought onto school property.

Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.

Students violating the provisions of this policy are subject to disciplinary action, including losing the privilege of bringing the device onto school property, detention, suspension, or expulsion. In addition, an administrator will confiscate the devices, which shall only be returned to the student's parent(s)/guardian(s). Where appropriate, police authorities may be contacted.

The controls on electronic communication devices contained in this policy do not apply to special education or Section 504 students or students with an Individualized Education Plan when any of these or other such similar plans conflict with uses outlined herein.

#### Policy History:

Adopted on:

Revised on: August 16, 2017

## **STUDENTS**

**3270**

### District Provided Access to Electronic Information, Services, and Networks

Internet access and interconnected computer systems are available to the District's students and faculty. Electronic networks, including the internet, are a part of the District's instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication.

In order for the District to be able to continue to make its computer network and internet access available, all users, including students, must take responsibility for appropriate and lawful use of this access. Students utilizing school-provided internet access are responsible for good behavior online. The same general rules for behavior apply to students' use of District-provided computer systems. Students must understand that one student's misuse of the network and internet access may jeopardize the ability of all students to enjoy such access. While the District's teachers and other staff will make reasonable efforts to supervise use of network and internet access, they must have student cooperation in exercising and promoting responsible use of this access and students must be held responsible and accountable for their own conduct.

## Curriculum

In accordance with this policy and the Board's philosophy to ensure the safety of all students, the District shall provide an appropriate planned instructional component for internet safety which shall be integrated into the District's regular instructional program. In compliance with the Children's Internet Protection Act this instruction will include information on the safe use of social networking sites and instant messaging, the characteristics of cyber-bullying, and recommended responses.

The use of the District's electronic networks shall be consistent with the curriculum adopted by the District, as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and shall comply with the selection criteria for instructional materials and library-media center materials. Staff may, consistent with the District's educational goals, use the internet throughout the curriculum.

The District's electronic network is part of the curriculum and is not a public forum for general use.

## Acceptable Uses

1. **Primarily for Educational Purposes.** The District provides students with an electronic network to support education and research and for the conduct of school business. Student personal use of computers that is consistent with the District's educational mission may be permitted during class when authorized by a student's teacher or appropriate administrator. Personal use of District computers and networks outside of class is permissible, but must comply with District policy. Use is a privilege, not a right. Students have no expectation of privacy in any materials that are stored, transmitted, or received via the District's electronic network or District computers. The District reserves the right to access, monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and internet access and any and all information transmitted or received in connection with such usage, including email and instant messages.
2. **Unacceptable Uses of Network.** The following are considered examples of unacceptable uses and constitute a violation of this policy. Additional unacceptable uses can occur other than those specifically listed or enumerated herein:
  - A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale, use, or purchase any substance the possession or use of which is prohibited by the District's student discipline policy, local, State, or federal law; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate local, State, or federal law; information pertaining to the manufacture of weapons; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials;
  - B. Uses that cause harm to others or damage their property, person, or reputation, including but not limited to engaging in defamation (harming

another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating; reading another person's communications; sharing another person's pictures, private information, or messages without their permission; or otherwise using his or her access to the network or the internet;

- C. Uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information. Users will immediately notify the school's system administrator if they have identified a possible security problem, illegal attempt to gain access.
- D. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying defined as using a computer, computer system, or computer network to convey a message in any format, including audio or video, text, graphics photographic, or any combination thereof, that is intended to harm another individual.
- E. Uses that jeopardize the security of student access and of the computer network or other networks on the internet; uses that waste District resources including downloading very large files without permission from a teacher, unnecessary printing, and consuming excess file space on shared drives.
- F. Uses that are commercial transactions, including commercial or private advertising. Students and other users may not sell or buy anything over the internet. Students and others should not give personal information to others, including credit card numbers and social security numbers.
- G. The promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations, ballot issues, or proselytizing in a way that presents such opinions as the view of the District.
- H. Sending, receiving, viewing, or downloading obscene materials, materials harmful to minors, or materials that depict the sexual exploitation of minors.
- I. Disclosing identifying personal information or arranging to meet persons met on the internet or by electronic communications; sharing one's password with others or allowing them to use one's account.
- J. Downloading, installing, or copying software or other files without authorization of the Superintendent or the Superintendent's designee.
- K. Posting or sending messages anonymously or using a name other than one's own.
- L. Attempting to bypass internal or external security systems or controls using District equipment. Students and staff may only access the internet using the District network.

M. Plagiarism of material accessed online. Teachers will instruct students in appropriate research and citation practices.

N. Using the network while access privileges are revoked.

O. Students are prohibited from using personal e-mail; this excludes District e-mail that is accessed through a web browser. E-mail access may be given to students on a case-by-case basis, for instance, to foreign exchange students keeping in contact with home. Students are prohibited from joining chat rooms or using school equipment or school systems for any such activity, unless it is a teacher-sponsored activity.

### Internet Safety

Each District computer with internet access shall have a filtering device that blocks access to visual depictions that are obscene, pornographic, harmful, or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.

The District will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or other material that is inappropriate and/or harmful to minors. The Superintendent or designee shall enforce the use of such filtering devices.

The term "harmful to minors" is defined by the Communications Act of 1934 (47 USC Section 254 [h][7]), as any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; And, taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The term "harmful to minors" is also defined in Section 18-1514(6), Idaho Code as which provides:

1. The quality of any material or of any performance of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:
  - A. Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and
  - B. Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors

and includes, but is not limited to, patently offensive representations or descriptions of:

- I. Intimate sexual acts, normal or perverted, actual or simulated; or
  - II. Masturbation, excretory functions, or lewd exhibits of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political, or scientific value for minors, according to prevailing standards in the adult community, with respect to what is suitable for minors.
2. The quality of any material or of any performance, or of any description or representation, in whatever form, which, as a whole, has the dominant effect of substantially arousing sexual desires in persons under the age of 18 years.

### Internet Filtering

Filtering is only one of a number of techniques used to manage student's access to the internet and encourage acceptable usage. It is not viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors. Anything that falls under at least one of the categories below shall be blocked and filtered. This list will be updated/modified as required.

1. Nudity/ pornography: Prevailing U.S. standards for nudity, provocative semi-nudity, sites which contain pornography or links to pornographic sites;
2. Sexuality: Sites which contain material of a mature level, images or descriptions of sexual acts, descriptions of sexual acts or techniques, sites which contain inappropriate personal ads;
3. Violence: Sites which promote violence, images or description of graphically violent acts, graphic autopsy or crime-scene images;
4. Crime: Information on performing criminal acts (e.g., drug or bomb making, computer hacking), illegal file archives (e.g., software piracy);
5. Drug Use: Sites which promote the use of illegal drugs, material advocating the use of illegal drugs (e.g. marijuana, LSD) or abuse of any drug. Exception: material with valid-educational use;
6. Tastelessness: Images or descriptions of excretory acts (e.g., vomiting, urinating), graphic medical images outside of a medical context;
7. Language/Profanity: Passages/words too coarse to be softened by the word filter, profanity within images/sounds/multimedia files, adult humor;
8. Discrimination/Intolerance: Material advocating discrimination (e.g., racial or religious intolerance); sites which promote intolerance, hate, or discrimination;
9. Interactive Mail or Chat: Sites which contain or allow inappropriate email correspondence, sites which contain or allow inappropriate chat areas;
10. Inappropriate Banners: Advertisements containing inappropriate images or words;
11. Gambling: Sites which allow or promote online gambling;
12. Weapons: Sites which promote illegal weapons, sites which promote the use of illegal weapons;
13. Self-Harm: Sites containing content on self harm including cutting, and sites that encourage anorexia, bulimia, etc.; and



14. Judgment Calls: Whether a page is likely to have more questionable material in the future (e.g., sites under construction whose names indicate questionable material)

Filtering should also be used in conjunction with:

1. Educating students to be “Net-smart”;
2. Using recognized internet gateways as a searching tool and/or homepage for students, in order to facilitate access to appropriate material;
3. Using “Acceptable Use Agreements”;
4. Using behavior management practices for which internet access privileges can be earned or lost; and
5. Appropriate supervision, either in person and/or electronically.

The system administrator and/or and/or building principal shall monitor student internet access. Review of filtering technology and software shall be done on a periodic basis and is the responsibility of the system administrator. It shall be the responsibility of the Internet system administrator to bring to the Superintendent or designee any suggested modification of the filtering system and to address and assure that the filtering system meets the standards of Idaho Code 18-1514 and any other applicable provisions of Chapter 15, Title 18, Idaho Code.

#### Confidentiality of Student Information

Personally identifiable information concerning students may not be disclosed or used in any way on the internet without the permission of a parent or guardian and the student or, if the student is 18 or over, the permission of the student. Students should be aware that conduct on the District’s computer or using the District’s server may be subject to public disclosure depending upon the nature of the communication. Users should never give out private or confidential information about themselves or others on the internet, particularly credit card numbers and social security numbers. Staff members may approve exceptions in the case of applications for college or employment. A supervising teacher or administrator may authorize the release of directory information, as defined by law, for internal administrative purposes or approved educational projects and activities.

#### Student Use of Social Media

Students will be held accountable for the content of the communications that they post on social media websites and are responsible for complying with District policy. Students may not disrupt the learning atmosphere, educational programs, school activities, or the rights of others.

All requirements of this policy apply to use of social media through the District network or equipment or as part of a class assignment.

#### Internet Access Conduct Agreements

Each student and his or her parent(s)/legal guardian(s) will be required to sign and return to the school at the beginning of each school year the Internet Access Conduct Agreement prior to having access to the District’s computer system and/or internet service.

#### Warranties/Indemnification

The District makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the internet provided under this policy. The District is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the internet. The District will not be responsible for any unauthorized charges or fees resulting from access to the internet, and any user is fully responsible to the District and shall indemnify and hold the District, its trustees, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user's access to its computer network and the internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user. The user or, if the user is a minor, the user's parent(s)/legal guardian(s) agrees to cooperate with the District in the event the school initiates an investigation of a user's use of his or her access to its computer network and the internet.

### Violations

If any user violates this policy, the student's access to the District's internet system and computers will be denied, if not already provided, or withdrawn and he or she may be subject to additional disciplinary action. The system administrator and/or the building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with his or her decision being final. Actions which violate local, State, or federal law may be referred to the local law enforcement agency.

If the actions of the individual are also in violation of other District discipline policies, said student shall be subject to additional possible disciplinary action based upon these policies.

### System Administrator

The System Administrator shall develop and maintain administrative procedures to enforce the provisions of this policy and coordinate with the appropriate District personnel regarding the internet safety component of the District's curriculum. The system administrator shall handle any complaints about the enforcement of this policy or refer them to other appropriate personnel depending on the nature of the complaint.

The system administrator shall maintain documentation evidencing that instruction by school personnel on internet safety is occurring District wide.

### Public Notification

The system administrator shall inform the public via the main District webpage of the District's procedures regarding enforcement of this policy and make them available for review at the District office.

### Submission to State Department of Education

This policy shall be filed with the State Superintendent of Public Instruction every five years after initial submission and subsequent to any edit to this policy thereafter.

3330

## Student Discipline

Legal Reference:	I.C. § 33-132	Local School Boards Internet Use Policy Required
	I.C. § 18-1514(6)	Obscene Materials – Definitions
	20 U.S.C. § 9134(f)	Children’s Internet Protection Act
	20 U.S.C. § 7131	Internet Safety

### Policy History:

Adopted on:

Revised on: March 14, 2018

## STUDENTS

3270F

### INTERNET ACCESS CONDUCT AGREEMENT

*Every student, regardless of age, must read and sign below:*

I have read, understand, and agree to abide by the terms of the Jefferson Joint School District’s policy regarding District-provided Access to Electronic Information, Services, and Networks (Policy No. 3270). Should I commit any violation or in any way misuse my access to the District’s computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

User’s Name (Print) \_\_\_\_\_ Home Phone: \_\_\_\_\_

User’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Status: Student \_\_\_\_ Staff \_\_\_\_ Patron \_\_\_\_ I am 18 or older \_\_\_\_ I am under 18 \_\_\_\_

If I am signing this policy when I am under 18, I understand that when I turn 18, this policy will continue to be in full force and effect and agree to abide by this policy.

**Parent or Legal Guardian:** (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.) As the parent or legal guardian of the above named-student, I have read, understand and agree that my child shall comply with the terms of the District’s policy regarding District-Provided Access to Electronic Information, Services and Networks for the student’s access to the District’s computer network and/or the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child’s responsibility for abiding by the policy. I am, therefore, signing this Agreement and agree to indemnify and hold harmless the District, the Trustees, Administrators, teachers and other staff against all claims, damages, losses, and costs, of whatever kind, that may result from my child’s use of his/her access to such networks or his/her violation of the District’s policy. Further, I accept full responsibility for supervision of my child’s use of his/her access account if and when such access is not in the school setting. I hereby give my child

permission to use the building-approved account to access the District's computer network and the Internet.

Parent / Legal Guardian (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Date: \_\_\_\_\_

This Agreement is valid for the school year only.

**STUDENTS**

**3270P**

Acceptable Use of Electronic Networks for Students and Staff

Terms

A user is defined as a student, intern, contract employee, or staff member that has been granted access by the district network, e-mail, student information system, Internet Access, or any use of district technology.

## General

All use of electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. **The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.**

## Terms and Conditions

1. Acceptable Use – Access to the District's electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate school or district use.
2. Privileges – The use of the District's electronic networks and technology equipment and tools is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The system administrator (and/or administration) will make all decisions regarding whether or not a user has violated these procedures, and may deny, revoke, or suspend access at any time. His or her decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
  - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any U.S. or state law;
  - b. Unauthorized downloading of software, regardless of whether it is copyrighted or free of viruses;
  - c. Downloading copyrighted material for other than school use;
  - d. Using the network for private financial or commercial gain;
  - e. Wastefully using resources, such as file space;
  - f. Hacking or gaining unauthorized access to files, resources, or entities;
  - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
  - h. Using another user's account or password;
  - i. Posting material authored or created by another, without his/her consent;
  - j. Posting anonymous messages;
  - k. Using the network for commercial or private advertising;
  - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
  - m. Using the network while access privileges are suspended or revoked.
  - n. Unauthorized modification to the district network, system or district web-page or school web-pages.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
  - a. Be polite. Do not become abusive in messages to others.
  - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.

- c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
  - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
  - e. Do not use the network in any way that would disrupt its use by other users.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.
  6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
  7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Users should:
    - a. Keep your account and password confidential.
    - b. Not use another individual's account unless authorized by district administration or the network administrator to do so.
    - c. Not attempt to log on to the Internet as a system administrator. Doing so will result in cancellation of user privileges.

The District reserves the right to deny a user access to the network if the district deems them a security risk.

8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses.
9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.
10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.
  - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted.

If possible, the notice should also include the Web address of the original source.

- b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of "public domain" documents must be provided.

- c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
- d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
- e. Student work may only be published if there is written permission from both the parent/guardian and the student.

#### 11. Use of Electronic Mail.

- a. The District’s electronic mail system, and its constituent software, hardware, and data files, are owned and controlled by the District. The District provides e-mail to aid staff members in fulfilling their duties and responsibilities and as an education tool.
- b. The District reserves the right to access and disclose the contents of any account on its system, without prior notice or permission from the account’s user. Unauthorized access by any student or staff member to an electronic mail account is strictly prohibited and will result in disciplinary action.
- c. Each person should use the same degree of care in drafting an electronic mail message as would be put into a written memorandum or document. Nothing should be transmitted in an e-mail message that would be inappropriate in a letter or memorandum.
- d. Electronic messages transmitted via the District’s Internet gateway carry with them an identification of the user’s Internet “domain.” This domain name is a registered domain name and identifies the author as being with the District. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of this District. Users will be held personally responsible for the content of any and all electronic mail messages transmitted to external recipients.
- e. Any message received from an unknown sender via the Internet should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internet-based message is prohibited, unless the user is certain of that message’s authenticity and the nature of the file so transmitted.
- f. Use of the District’s electronic mail system constitutes consent to these regulations.

#### Internet Safety

- 1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.
- 2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
- 3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and as determined by the Superintendent or designee.
- 4. The system administrator and building principals shall monitor student and employee Internet access and e-mails.

Legal Reference: Children’s Internet Protection Act, P.L. 106-55420 U.S.C. § 6801, et seq.

Procedure History

Promulgated on:

Revised: August 11, 2010

**STUDENTS**

**3280**

Equal Education, Nondiscrimination and Sex Equity

Equal educational opportunities shall be available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious beliefs, physical and mental handicap or disability, economic or social conditions, or actual or potential marital or parental status or status as a homeless child. Any student may file a discrimination grievance using the procedure that follows this policy.

No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Inquiries regarding discrimination or intimidation should be directed to the District Title IX Coordinator. An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

In compliance with federal regulations, the District will notify annually all students, parents, staff, and community members of this policy and the designated coordinator to receive inquiries. Notification should include the name and location of the coordinator and will be carried in all handbooks.

The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence because of disability against students, staff or volunteers with disabilities. The District considers this behavior to constitute discrimination on the basis of disability in violation of state and federal law.

Legal Reference: I.C. § 67-5909 Acts Prohibited

Policy History

Adopted on:

Revised on:

**STUDENTS**

**3290**

Sexual Harassment, Discrimination and Retaliation Policy

Policy Purpose

The purpose of this policy is to promote working and learning environments that are free from sex and gender-based harassment, discrimination, and retaliation, and to affirm Jefferson Joint School



District 251's commitment to non-discrimination, equity in education and equal opportunity for employment.

### Scope of Policy

This policy applies to all members of Jefferson Joint School District 251's community, including students, employees, and other members of the public including guests, visitors, volunteers, and invitees.

### Policy Statement

Jefferson Joint School District 251 is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sex and gender-based harassment, discrimination, and retaliation. Accordingly, the District prohibits harassment and discrimination on the basis of sex, sexual orientation, gender, gender identity, and pregnancy, as well as retaliation against individuals who report allegations of sex and gender-based harassment and discrimination, file a formal complaint, or participate in a grievance process.

Students, employees, or other members of the District community who believe that they have been subjected to sex or gender-based harassment, discrimination, or retaliation should report the incident to the Title IX Coordinator, who will provide information about supportive measures and the applicable grievance process(es). Violations of this policy may result in discipline for both students and employees.

### Title IX Coordinator

The Superintendent appointed Title IX Coordinator serves as Jefferson Joint School District's Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the District's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex and gender-based harassment, discrimination, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority and is free from bias and conflicts of interest.

To raise any concern involving bias, conflict of interest, misconduct or discrimination committed by the Title IX Coordinator, contact the Superintendent at the District Office.

If the District's Title IX Coordinator is the subject of any complaint regarding sex or gender-based harassment or has an apparent bias or conflict of interest regarding such a case, another person shall be appointed to act as the Title IX Coordinator for handling that case. Such appointees may include, but are not limited to:

1. The Title IX Coordinator of another school district which the District has an agreement with;
2. Another employee of the District who is qualified and trained to address the matter, such as a deputy Title IX Coordinator;
3. A qualified and trained individual who enters into a professional services contract with the District; including but not limited to the District's legal counsel and/or contracted Human Resources or Title IX professionals.

Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other official involved in the implementation of this policy or related grievance processes should be raised with the Title IX Coordinator.

### Mandatory Reporters

Jefferson Joint School District 251 has classified all employees as mandatory reporters of any knowledge they have that a member of the District community experienced sex or gender-based harassment, discrimination, and/or retaliation. Accordingly, all District employees must promptly report actual or suspected sex and gender-based harassment, discrimination, and/or retaliation to the Title IX Coordinator. District employees must share with the Title IX Coordinator all known details of a report made to them in the course of their employment, as well as all details of behaviors under this policy that they observe or have knowledge of. Failure of a District employee to report an incident of sex or gender-based harassment, discrimination, or retaliation to the Title IX Coordinator of which they become aware is a violation of this policy and can be subject to disciplinary action for failure to comply.

In addition, District employees must also report allegations of suspected child abuse and/or neglect to either law enforcement or the Idaho Department of Health and Welfare.

### Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and related procedures, may be made internally to Jefferson Joint School District 251 Title IX Coordinator (or deputies, if applicable) using the contact information below:

Jefferson Joint School District 251  
Office of Superintendent  
3850 E 300 N, Rigby, ID 83442  
(208) 745-6693

External inquiries can be made to the U.S. Department of Education, Office for Civil Rights, Region 10, using the contact information below:

Seattle Office  
Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, #3310  
Seattle, WA 98174-1099  
OCR.Seattle@ed.gov  
1-800-877-8339

Notice/Formal Complaints of Sex and Gender-Based Harassment, Discrimination, and/or Retaliation

Notice or formal complaints of sex or gender-based harassment, discrimination, and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator (or deputy/deputies, if applicable). Such a report may be made at any time, including during non-business hours,

- by using the telephone number, email address, or by mail to the office address listed for the Title IX Coordinator (or any other official as listed above).
2. Report by phone at 20877456693 Ext. 1103.

When notice is received regarding conduct that may constitute Title IX sexual harassment, Jefferson Joint School District 251 shall provide information about supportive measures and how to file a formal complaint, as described in the Board Policy Manual 3290P.

A formal complaint means a document filed/signed by the alleged victim or signed by the Title IX Coordinator alleging an individual violated this policy and requesting that the District investigate the allegation(s). As used in this paragraph, the phrase “document filed/signed by the alleged victim” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District, if applicable) that contains the alleged victim’s physical or digital signature, or otherwise indicates that the alleged victim is the person filing the complaint. For example, an alleged victim may send an email to the Title IX Coordinator, identify themselves as the alleged victim and the one sending the email, to file a formal complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the alleged victim to ensure that it is filed correctly.

Parents and legal guardians of primary and secondary school students who have the legal authority to act on their child’s behalf may file a formal complaint on behalf of their child.

#### Grievance Processes

When a formal complaint is made alleging that this policy was violated, the allegations are subject to resolution using one of Jefferson Joint School District’s grievance processes noted below, as determined by the Title IX Coordinator. All processes provide for a prompt, fair, and impartial process.

1. For formal complaints regarding conduct that may constitute Title IX sexual harassment involving students or employees, the District will implement procedures detailed in Procedure 3085P.
2. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where students are the accused party, and that do not constitute Title IX sexual harassment, the District will implement procedures described in [insert applicable procedures, which may include: Student Code of Conduct, Uniform Grievance Procedure if no adjudication procedures are included in the Student Code of Conduct, General Bullying, Harassment and Intimidation procedures, Relationship Abuse and Sexual Assault Prevention and Response procedures.
3. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where employees are the accused party, and that do not constitute Title IX sexual harassment, the District will implement procedures described in [insert applicable procedures, which may include: Uniform Grievance Procedure, Certificated/Non-certificated Staff Grievance Procedure.

- Cross References:
- 3570 Student Records
  - 3570P Student Records
  - 3290 Sexual Harassment/Intimidation of Student
  - 3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
  - 3295P Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
  - 3330 Student Discipline
  - 3210 Uniform Grievance Procedure
  - 5110 Personnel - Volunteers
  - 5240 Sexual Harassment/Sexual Intimidation in the Workplace
  - 5250 Certificated Staff Grievances
  - 5390 Adult Sexual Misconduct
  - 5500 Personnel Records
  - 5500F Forms for Releasing Personnel Records to Hiring School Districts
  - 5800 Classified Employment, Assignment, and Grievance
  - 5800P Classified Employee Grievance Procedure
- Legal References:
- 20 U.S.C. §§ 1681 - 1682 Title IX of the Education Amendments of 1972
  - 34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Policy History:

Adopted on:

Revised on: October 14, 2020

Reviewed on:

**STUDENTS**

**3290P**

Title IX Sexual Harassment Grievance Process

When This Process Will Be Used

The procedures outlined in this process apply only to qualifying allegations of Title IX sexual harassment involving members of the Jefferson Joint School District 251 community, which include students, staff, administrators, and faculty members. A qualifying allegation must include all of the following elements:

1. The alleged conduct would constitute Title IX sexual harassment as defined below;
2. The conduct occurred in a District educational program or activity as defined below;
3. The respondent is a member of the District community as defined below;
4. The conduct occurred against a person in the United States; and
5. In cases where formal complaints are filed, at the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education program or activity.

Allegations of sexual misconduct that do not meet the criteria above will be addressed through the applicable procedures outlined in Policy 3290, as determined by the Title IX Coordinator.

### Collateral Misconduct

This procedure may be used to address collateral misconduct (e.g., vandalism, physical abuse of another, retaliation, etc.) arising from the investigation of, or occurring in conjunction with, reported conduct that meets the criteria of a qualifying allegation of Title IX sexual harassment as described above. For example, if a formal complaint is filed alleging that a qualifying allegation of Title IX sexual harassment and an act of vandalism occurred during the same incident, both allegations may be addressed using the procedures described below.

### Terms Used For This process

“Advisor” means a person chosen by a party provided by the District to accompany the party to meetings, interviews, or hearings related to this grievance process and to advise the party on the process.

“Appeal decision-maker refers to those who have decision-making authority during the appeals phase of the District's formal grievance process.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment, as defined below.

Jefferson Joint School District 251 community means, for the purpose of this process, District students, staff, administrators, and faculty members.

“Education Program or Activity” means locations, events, or circumstances where the District exercises substantial control over both the respondent and the context in which the Title IX sexual harassment occurs. For example, this could include, but is not limited to, conduct that takes place within a District school or on property owned or controlled by the District, or at District-sponsored events.

“Formal complaint” means a document submitted by a complainant or their parent/guardian or signed by the Title IX Coordinator alleging Policy 3290 and requesting that the District investigate.

“Formal grievance process” is the method of formal resolution used to determine whether a qualifying allegation of Title IX sexual harassment as described above violates Policy 3290. The formal grievance process is used in a manner that complies with the requirements of the 34 CFR §106.45.

“Decision-maker” refers to those who have decision-making and sanctioning authority within the District’s formal grievance process.

“Investigator” means the person or persons assigned by the District to gather facts during the formal grievance process, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report.

“Notice” means that any District employee, including the Title IX Coordinator, is made aware of conduct that may constitute a violation of Policy 3290.

“Parties” include the complainant(s) and respondent(s), collectively.

“Remedies” are applied to the complainant and/or the District community, following a resolution, to address safety, prevent recurrence, and restore access to the District’s educational program.

“Respondent” means someone who has been reported as having engaged in conduct that could constitute Title IX sexual harassment, as defined below.

“Sanction” means a consequence imposed by the District on a respondent who is found to have violated Policy 3290 subsequent to engaging in the formal grievance process.

“Title IX Coordinator” is the official(s) designated by the District to ensure compliance with Title IX and the District’s Title IX program. References to the Title IX Coordinator throughout this document may also include a designee of the Title IX Coordinator for specific tasks.

## Definition of Title IX Sexual Harassment

Title IX sexual harassment, as an umbrella category, includes the actual or attempted offenses of quid pro quo harassment, sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following criteria:

1. Quid pro quo harassment: An employee of the Jefferson Joint School District 251 conditions, explicitly or implicitly, the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct.

2. Sexual harassment: Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the District's Education Program or Activity.
3. Sexual assault: Sexual assault shall mean forcible and non-forcible sex offenses as defined in the Clery Act, or dating violence, domestic violence, stalking as defined in the Violence Against Women Act (VAWA).

Acts of Title IX sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

#### Definitions of Force, Coercion, Consent, and Incapacitation

As used in the definitions referenced for the offenses listed above, the following definitions and understandings apply:

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent to reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn in the middle of a sexual act, that sexual activity should stop immediately. If consent is withdrawn while the other party is not present, the activity shall cease as soon as is practicable.

Consent to some sexual contact, such as kissing or fondling, does not imply there is consent for other sexual activity, such as intercourse. A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the District to determine whether policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. It is a violation of policy if a respondent engages in sexual activity with someone who is incapable of giving consent.

It is a defense to a District policy violation that the respondent neither knew nor should have known the complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. Incapacitation also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

## Retaliation

Jefferson Joint School District 251 and any member of the District community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Policy 3290 or its associated grievance processes.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated either as collateral misconduct under this process or, as determined by the Title IX Coordinator, through the applicable procedures outlined in Policy 3290. The District will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Filing a complaint under another District policy or procedure related to the incident could be considered retaliatory if those charges are made for the purpose of interfering with or circumventing any right or privilege provided under this process that is not provided under the other District policy/procedure that was used. Therefore, the District vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.



The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance process does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

### Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. Supportive measures are designed to restore or preserve access to the District's Education Program or Activity, including measures designed to protect the safety of all parties or the District's educational environment, and/or deter Title IX sexual harassment.

The Title IX Coordinator shall promptly make supportive measures available to the complainant upon receiving notice or a formal complaint alleging they were the victim of Title IX sexual harassment, and to the respondent upon receipt of a formal complaint alleging that they engaged in Title IX sexual harassment in violation of Policy 3290. At the time that supportive measures are offered, the District will inform the complainant, in writing, that they may file a formal complaint with the District either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the complainant and/or their parent/guardian to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The District shall maintain the privacy of the supportive measures so long as the privacy does not impair the District's ability to provide the supportive measures. The District shall reduce the academic or occupational impact on the parties as much as possible and shall implement measures in a way that does not unreasonably burden the other party.

Examples of supportive measures may include, but are not limited to:

1. Referral to counseling, medical, and/or other healthcare services;
2. Referral to community-based service providers;
3. Visa and immigration assistance;
4. Education of the school community or community subgroup(s);
5. Altering work arrangements for employees;
6. Safety planning;
7. Providing school safety escorts;
8. Providing transportation accommodations;
9. Implementing contact limitations, such as no contact orders, between the parties;
10. Academic support, extensions of deadlines, or other course or program-related adjustments;
11. Emergency warnings;
12. Class schedule modifications, withdrawals, or leaves of absence;
13. Increased security and monitoring of certain areas of the school;
14. Any other actions deemed appropriate by the Title IX Coordinator

Allegations of violations of no contact orders will be investigated either as collateral misconduct under this process or through the applicable procedures outlined in Policy 3290, as determined by the Title IX Coordinator.

### Emergency Removal

The District can act to remove a student respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the District/School threat assessment team. In cases when an emergency removal involves a student with a disability who is receiving services under an Individualized Education Program (IEP), this risk analysis will also be performed in conjunction with the student's IEP Team and may present the need for a manifestation determination.

In all cases in which an emergency removal is imposed, the student respondent and their parent/guardian will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A student respondent may be accompanied by an advisor of their choice during the meeting. The student respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. A complainant and their advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

When this meeting is not requested, objections to the emergency removal will be deemed waived, except as described below.

In cases when an emergency removal involves a student with a disability who is receiving services under an IEP, this meeting can serve as the student's manifestation determination hearing and will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). The student will not have to request such a meeting as it will be scheduled and held within ten days of the decision to implement the emergency removal. If it is determined that an emergency removal is necessary for more than ten school days, the removal would constitute a change in placement and shall be addressed in accordance with the requirements of the IDEA. The results of the manifestation determination may be appealed in accordance with the requirements under the IDEA.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX sexual harassment. There is no appeal process for emergency removal decisions].

The Title IX Coordinator shall have sole discretion under this process to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal shall be grounds for discipline, which may include expulsion.

The District will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to:

1. Temporarily re-assigning an employee;
2. Restricting a student's or employee's access to or use of facilities or equipment;
3. Changing transportation arrangements;
4. Authorizing an administrative leave;
5. Suspending a student's participation in extracurricular activities, student organizational leadership, or athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the respondent is an employee, existing provisions for interim action are applicable.

#### Promptness

All allegations of Title IX sexual harassment, whether by notice or formal complaint, shall be acted upon promptly. Formal complaints that are addressed through this process can take no more than 60 business or school calendar days to resolve, typically. There may be exceptions and extenuating circumstances that cause a resolution to take longer, but the District will avoid all undue delays within its control.

If the timeframes for resolution outlined in these procedures will be delayed, the District shall provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

#### Privacy

The District shall make every effort to preserve the privacy of reports of Title IX sexual harassment.

"Privacy" means that information related to notice or a formal complaint will only be shared with the parties, their advisors, and a limited number of District employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the District's Title IX sexual harassment response under this process shall receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the District's policies and procedures on student records. The privacy of employee records will be protected in accordance with District policies regarding personnel records.

The District shall not share the identity of any individual who has made a report or formal complaint of Title IX sexual harassment, any complainant, any respondent, or any witness, except as permitted by the 20 U.S.C. 1232g or 34 CFR part 99 or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these procedures.

The District reserves the right to determine which District officials have a legitimate educational interest in information about incidents that fall within this process, pursuant to FERPA.

### Time Limits on Reporting

There is no time limit on providing notice or formal complaints to the Title IX Coordinator. However, if the respondent is no longer subject to the District's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/formal complaints significantly impacted by the passage of time shall be at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

### Online Harassment

Policy 3290 and these procedures are written and interpreted to include online manifestations of any of the conduct prohibited above, when the conduct occurs in the District's Education Program and Activities or uses the District's networks, technology, or equipment.

### When a Complainant Does Not Wish To Proceed

If a complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who shall evaluate that request in light of the duty to ensure the safety of the Jefferson Joint School District 251 community and to comply with state or federal law.

The Title IX Coordinator shall have ultimate discretion over whether the District proceeds when the complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate the applicable grievance process. Any decision to proceed should be due to a compelling risk to health and/or safety that requires the District to pursue formal action to protect the District community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The District may be compelled to act on alleged employee misconduct irrespective of a complainant's wishes. The Title IX Coordinator shall also consider the effect that non-participation by the complainant may have on the availability of evidence and the District's ability to pursue a grievance process fairly and effectively.

When the Title IX Coordinator signs the formal complaint, they do not become the complainant. The complainant is the individual who is alleged to have experienced conduct that may constitute Title IX sexual harassment.

When the District proceeds, the complainant (or their advisor) may have as much or as little involvement in the process as they wish. The complainant retains all rights of a complainant under

this process irrespective of their level of participation. Typically, when the complainant chooses not to participate, the advisor or the complainant's parent/guardian may be appointed as proxy for the complainant throughout the process, acting to ensure and protect the rights of the complainant, though this does not extend to the provision of evidence or testimony except in situations where a complainant is unable to provide evidence or testimony without assistance (e.g. due to age, disability, etc.).

The District's ability to remedy and respond to notice of Title IX sexual harassment may be limited if the complainant does not want the District to proceed with an investigation and/or grievance process. The goal is to provide the complainant with as much control over the process as possible, while balancing the District's obligation to protect its community.

In cases in which the complainant requests no formal action and the circumstances allow the District to honor that request, the District shall offer informal resolution options as described below, supportive measures, and remedies to the complainant, but will not otherwise pursue the formal grievance process.

If the complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a complainant has the right, and can expect, to have allegations taken seriously by the District, and to have the incident investigated and properly resolved through the applicable procedures, as determined by the Title IX Coordinator, as outlined in Policy 3290. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### False Allegations and Evidence

Deliberately false and/or malicious accusations are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under District policy.

### Resolution Processes for Qualifying Allegations of Title IX Sexual Harassment

Upon receiving a formal complaint or notice pertaining to a qualifying allegation of Title IX sexual harassment, the Title IX Coordinator initiates a prompt initial assessment. The Title IX Coordinator will initiate at least one of the following responses:

1. Offering and/or implementing only supportive measures because the complainant does not want to file a formal complaint. References to the complainant, respondent, or to the parties collectively throughout these procedures may also include their parent(s)/guardian(s) when applicable.
2. An informal resolution process upon submission of a formal complaint; and/or
3. A formal grievance, upon submission of a formal complaint, including an investigation and a determination of whether Policy 3290 was violated.

The District shall use the formal grievance process as detailed by the procedures below to determine whether or not a qualifying allegation of Title IX sexual harassment violates Policy 3290. If so, the District will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to Title IX sexual harassment, its potential recurrence, or its effects.

### Initial Assessment

The Title IX Coordinator's initial assessment typically occurs within one to three business or school calendar days. The steps in an initial assessment can include:

1. If notice is given, the Title IX Coordinator seeks to determine whether the complainant wishes to make a formal complaint and will assist them in doing so, if desired. If the complainant does not wish to make a formal complaint, the Title IX Coordinator determines whether to initiate a formal complaint due to a compelling threat to health and/or safety.
2. If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the complainant to make sure it is correctly completed.
3. The Title IX Coordinator reaches out to the complainant to offer supportive measures.
4. The Title IX Coordinator works with the complainant to ensure they are aware of the right to have an Advisor.
5. The Title IX Coordinator works with the complainant to determine whether the complainant prefers a supportive measures only response, an informal resolution process, or a formal grievance process.
  - A. If a supportive measures only response is preferred, the Title IX Coordinator works with the complainant to identify their wishes, assesses the request, and implement the measures accordingly. No formal grievance process is initiated, though the complainant can elect to initiate one later, if desired.
  - B. If an informal resolution process is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine whether the respondent is also willing to engage in informal resolution.
  - C. If a formal grievance process is preferred, the Title IX Coordinator determines whether the conduct alleged constitutes a qualifying allegation of Title IX sexual harassment:
    - I. If it does, the Title IX Coordinator will initiate the formal grievance process.
    - II. If it does not, the Title IX Coordinator will "dismiss" the complaint under this process and may address the allegation(s) using the applicable grievance process as outlined in Policy 3290. Dismissing a complaint under this process is solely a procedural requirement under Title IX and does not limit the District's authority to address a formal complaint through a different applicable process.

## Dismissal - Mandatory and Discretionary

The District must dismiss a formal complaint or any allegations therein if, at any time during the investigation or meeting with the Decision-maker, it is determined that the conduct alleged in the formal complaint would not constitute a qualifying allegation of Title IX sexual harassment as defined above, even if proved.

The District may dismiss a formal complaint or any allegations therein if, at any time during the investigation or meeting with the Decision-maker:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint in whole or in part; or
2. The respondent is no longer enrolled in or employed by the District; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the District will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the appeal procedures below.

## Counterclaims

The District shall ensure that the grievance process is not abused for retaliatory purposes. The District permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the applicable procedure, as determined by the Title IX Coordinator. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of Policy 3290.

## Statement of the Rights of the parties

Any party, as defined in this procedure, has the following rights:

1. The right to an equitable investigation and resolution of all credible allegations of Title IX sexual harassment made in good faith to District officials.
2. The right to timely written notice of all alleged violations, including the identity of the parties involved, if known; the precise misconduct being alleged; the date and location of the alleged misconduct, if known; the implicated policies and procedures; and possible sanctions.

3. The right to timely written notice of any material adjustments to the allegations; such as additional incidents or allegations, additional complainants, or unsubstantiated allegations; and any attendant adjustments needed to clarify potentially implicated policy violations.
4. The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
5. The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
6. The right to be treated with respect by District officials.
7. The right to have District policies and procedures followed without material deviation.
8. The right not to be pressured to informally resolve any reported misconduct involving violence, including sexual violence.
9. The right not to be discouraged by District officials from reporting Title IX sexual harassment to both District and local authorities.
10. The right to have allegations of violations of Policy 3290 responded to promptly and with sensitivity by District officials.
11. The right to be informed of available supportive measures, such as counseling; advocacy; health care; legal or student financial aid; visa and immigration assistance; or other services, both in the District and in the community.
12. The right to a District-implemented no contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
13. The right to be informed of available assistance in changing academic and/or working situations after an alleged incident of Title IX sexual harassment, if such changes are reasonably available. No formal complaint or investigation, either District or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - A. Changing an employee's work environment, such as changing their reporting structure or office or workspace relocation;
  - B. Transportation accommodations;
  - C. Visa or immigration assistance;
  - D. Exam, paper, and/or assignment rescheduling or adjustment;
  - E. Transferring classes;
  - F. Temporary leave of absence;
  - G. School safety escorts;
  - H. Alternative course completion options.
14. The right to have the District maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the District's ability to provide the supportive measures.



15. The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
16. The right to ask the investigator(s) and decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
17. The right to provide the investigator(s)/decision-maker(s) with a list of questions that, if deemed relevant by the investigator(s)/Chair, may be asked of any party or witness.
18. The right not to have irrelevant prior sexual history or character admitted as evidence.
19. The right to know the relevant and directly related evidence obtained and to respond to that evidence.
20. The right to a fair opportunity to provide the investigator(s) with their account of the alleged misconduct.
21. The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law and the right to have at least ten business or school calendar days to review the report prior to any determination being made.
22. The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report.
23. The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
24. The right to regular updates on the status of the investigation and/or resolution.
25. The right to have reports of alleged policy violations addressed by investigators, Title IX Coordinators, and decision-maker(s) who have received relevant training.
26. The right to preservation of privacy, to the extent possible and permitted by law.
27. The right to meetings, interviews, and/or hearings that are closed to the public.
28. The right to petition that any District representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
29. The right to have an advisor of their choice to accompany and assist the party in all meetings, interviews, and/or hearings associated with the resolution process.
30. The right to the use of the appropriate standard of evidence, preponderance of the evidence or clear and convincing evidence, to make a finding after an objective evaluation of all relevant evidence.

31. The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
32. The right to be promptly informed in a written notice of outcome letter of the finding(s) and sanction(s) of the formal grievance process and a detailed rationale of the decision, including an explanation of how credibility was assessed, delivered simultaneously—meaning without undue delay—to the parties.
33. The right to be informed in writing of when a decision by the District is considered final and any changes to the sanction(s) that occur before the decision is finalized.
34. The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the formal grievance process, and the procedures for doing so in accordance with the standards for appeal established by the District.
35. The right to a fundamentally fair resolution as defined in these procedures.

#### Right to an Advisor

The parties may each have an advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. This could include an attorney, advocate, or support person. The parties may select whoever they wish to serve as their advisor as long as the advisor is eligible and available. “Available” means the party cannot insist on an advisor who simply doesn’t have inclination, time, or availability. Also, the advisor cannot have conflicting roles, (such as being a Title IX administrator, who has an active role in the matter), or a supervisor, who must monitor and implement sanctions.

For students, this advisor can be someone in addition to their parent/guardian who may also be present with them for all meetings, interviews, and hearings within the resolution process.

#### Who Can Serve as an Advisor

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose advisors from inside or outside of the Jefferson Joint School District 251 community.

Parties also have the right to choose not to have an advisor during the resolution process.

#### Advisor’s Role in Meetings and Interviews

The parties may be accompanied by their advisor in all meetings, interviews, and hearings at which the party is entitled to be present, including intake and investigation interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The District cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, the District is not obligated to provide an attorney.

Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings. Although the District prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.

### Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews, meetings, or hearings in advance of these interviews or meetings. This pre-meeting allows advisors to clarify and understand their role and the District's policies and procedures.

### Advisor Violations of District Policy

All advisors shall be subject to the same District policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings or meetings. Advisors shall not address District officials in a meeting or interview unless invited to. For example, they should not ask procedural questions unless invited to. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigator(s) or other decision-maker(s), unless so permitted by the provisions of state law or this policy.] In situations where the conduct at issue may also be a violation of criminal law, a legal Advisor may direct their client to refrain from answering a question(s) due to 5<sup>th</sup> Amendment Constitutional Right associated with self-incrimination. In such circumstance, no inferences should be drawn from this action by an accused person.

The parties are expected to ask and respond to questions on their own behalf throughout the resolution process. In cases where a party requires assistance in asking and/or responding to questions on their own behalf, (for example, due to age or disability), the advisor shall be allowed to ask and/or respond to questions on behalf of their advisee, at the discretion of the investigator(s) or decision-maker(s). Although the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private consultation.

Any advisor who oversteps their role as defined by this process shall be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator shall determine how to address the advisor's non-compliance and future role.

### Sharing Information with the Advisor

The District expects that the parties may wish to have the District share documentation and evidence related to the allegations with their advisors. Parties may share this information directly with their advisor or other individuals, if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The District shall also provide a consent form which authorizes the District to share such information directly with the party's advisor. The parties must submit this completed form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the advisor before the District is able to share records with an advisor.

## Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. Advisors may not share these records with third parties, disclose them publicly, or use them for purposes not explicitly authorized by the District. The District may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the District's privacy expectations.

Advisors who are also District staff members may also be subject to more stringent confidentiality law, administrative rules, and policies.

## Expectations of an Advisor

The District generally expects an advisor to adjust their schedule to ensure attendance at resolution process meetings when planned but may change scheduled meetings to accommodate an advisor's inability to attend, if doing so does not cause an unreasonable delay.

The District may also make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

## Expectations of the Parties with Respect to Advisors

A party may elect to change advisors during the resolution process and is not obligated to use the same advisor throughout. The parties are expected to inform the investigator(s) and decision-maker(s) of the identity of their advisor at least two business school calendar days before the date of their first meeting with investigators and decision-makers, or as soon as possible if a more expeditious meeting is necessary or desired.

If a party changes advisors, consent to share information with the previous advisor is terminated, and a release for the new advisor must be secured before documentation and evidence related to the investigation will be provided to them.

## Resolution Process

Resolution processes are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with District policy. Although there is an expectation of privacy around what investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to an informal resolution, if applicable, and as discussed below. The District encourages parties to discuss any sharing of information with their advisors before doing so.

## Informal Resolution Process

An informal resolution process can include the following different approaches:

The Title IX Coordinator resolves the matter informally by providing supportive measures only to remedy the situation.

1. The parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, and/or other, usually before a formal grievance process takes place].
2. The respondent accepts responsibility for violating Policy 3290 and desires to accept a sanction and end the resolution process. This usually occurs after the investigation phase of the formal grievance process.]
3. The Title IX Coordinator negotiates a resolution that is satisfactory to the parties and the District.

To initiate the informal resolution process, a complainant must first submit a formal complaint. A respondent who wishes to initiate the informal resolution process should contact the Title IX Coordinator.

It is not necessary to pursue informal resolution first in order to engage in the formal grievance process. Any party participating in the informal resolution process can stop the process at any time and begin or resume the formal grievance process.

Prior to implementing the informal resolution process, the District shall provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the District.

The District shall obtain voluntary, written confirmation that all parties wish to resolve the matter through an informal resolution process before proceeding and shall not pressure the parties to participate in informal resolution.

Informal resolution shall not be used to resolve allegations or complaints where the complainant is a student and the respondent is an employee.

### Alternate Resolution Mechanisms

An alternate resolution is an informal mechanism, including mediation or restorative practices, by which the parties mutually agree to resolve an allegation. All parties must consent to the use of an alternate resolution mechanism.

The Title IX Coordinator may consider the following factors to assess whether alternate resolution is appropriate, or which form of alternate resolution may be most successful for the parties:

1. The parties' preference for alternate resolution;
2. The likelihood of a potential resolution, considering any power dynamics between the parties;
3. The parties' motivation to participate;
4. The civility of the parties;
5. The disciplinary history of the parties;
6. Whether an emergency removal is needed;
7. The skill of the alternate resolution facilitator with this type of allegation;
8. The complexity of the complaint;

9. The capacity of the parties to understand and fully participate in the process;
10. The goals of the parties; and
11. Adequate resources to invest in alternate resolution, such as time and staff.

The ultimate determination of whether an alternate resolution is available or successful shall be made by the Title IX Coordinator. The Title IX Coordinator shall maintain records of any resolution that is reached. Failure to abide by the resolution agreement may result in appropriate disciplinary actions. The results of complaints resolved by an alternate resolution are not appealable.

#### Respondent Accepts Responsibility for Alleged Violations

The respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal grievance process will be paused, and the Title IX Coordinator will determine whether informal resolution can be used according to the criteria above. If so, the Title IX Coordinator shall determine whether all parties and the District are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator shall implement the accepted finding that the respondent is in violation of Policy 3290 and implement agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written agreement to the terms of resolution. If the parties cannot agree on all terms of resolution, the formal grievance process shall resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanctions shall be promptly implemented in order to effectively stop the Title IX sexual harassment, prevent its recurrence, and remedy its effects.

#### Negotiated Resolution

The Title IX Coordinator may, with the consent of the parties, negotiate and implement an agreement to resolve the allegations that satisfies all parties and the District. Negotiated resolutions are not appealable.

#### Formal Grievance Process

The formal grievance process described below is the method of formal resolution used to determine whether a qualifying allegation of Title IX sexual harassment violates Policy 3290, as determined by an investigation and determination of responsibility made by a decision-maker. The formal grievance process shall be used in a manner that complies with the requirements of 34 CFR §106.45.

#### Grievance Process Pool

The formal grievance process relies on a pool of personnel (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of Policy 3290 to all students, parents/guardians of students, employees, prospective students, and prospective employees.

## Pool Member Roles

Members of the Pool are trained and can serve in the following roles, at the direction of the Title IX Coordinator:

1. To investigate complaints;
2. To serve as a decision-maker regarding the formal complaint; and
3. To serve as an appeal decision-maker.

## Pool Member Training

The Pool members receive training. This training includes, but is not limited to:

1. The scope of the District's Title IX sexual harassment policies and procedures;
2. How to conduct investigations, meetings, and hearings in a manner that protects the safety of complainants and respondents and promotes accountability;
3. Reporting, confidentiality, and privacy requirements;
4. How to implement appropriate and situation-specific remedies;
5. How to investigate in a thorough, reliable, and impartial manner;
6. How to uphold fairness, equity, and due process;
7. How to weigh evidence;
8. How to conduct questioning;
9. How to assess credibility;
10. Impartiality and objectivity;
11. How to render findings and generate clear, concise, evidence-based rationales;
12. The definitions of all offenses;
13. How to apply definitions used by the District with respect to consent or the absence of consent consistently, impartially, and in accordance with District policies and procedures;
14. How to conduct an investigation and grievance process including meetings, hearings, appeals, and informal resolution processes;
15. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
16. Any technology to be used during an interview, meeting, or hearing;
17. Issues of relevance of questions and evidence;
18. Issues of relevance to create an investigation report that fairly summarizes relevant evidence; and
19. How to determine appropriate sanctions in reference to Title IX sexual harassment.

The materials used to train all members of the Pool will be posted on the district's

## Pool Membership

The Pool typically may include:

1. 1 representative or administrator within the District;
2. 1 representative of academic administration staff;
3. 1 representative of student services administration;

4. 1 representative of the staff;
5. 1 representatives from Athletics;

#### Notice of Investigation and Allegations

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (NOIA) to the respondent upon commencement of the formal grievance process. This facilitates the respondent's ability to prepare for the interview and to identify and choose an advisor to accompany them. A copy of the NOIA shall also be provided to the complainant, who shall be given advance notice of when the NOIA will be delivered to the respondent.

The NOIA will include:

1. A meaningful summary of all of allegations;
2. The identity of the involved parties, if known;
3. The precise misconduct being alleged;
4. The date and location of the alleged incident(s), if known;
5. The specific policies implicated;
6. A description of the applicable procedures;
7. A statement of the potential sanctions that could result;
8. A statement that the District presumes the respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
9. A statement that determinations of responsibility are made at the conclusion of the formal grievance process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
10. A statement about the District's policy on retaliation;
11. Information about the privacy of the process;
12. Information on the need for each party to have an advisor of their choosing
13. A statement informing the parties that the District's policies and procedures prohibit knowingly making false statements, including knowingly submitting false information during the resolution process;
14. Detail on how the party may request disability accommodations during the resolution process;
15. The name(s) of the investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the investigator(s) may have, and
16. Instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of any allegations.

Notice shall be made in writing and may be delivered by one or more of the following methods:

1. In person;
2. Mailed to the local or permanent address(es) of the parties as indicated in official District records; or
3. Emailed to the parties' District-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.



## Formal Grievance Process Timeline

The District will make a good faith effort to complete the formal grievance process within 60 business or school calendar days, including appeal. This time frame can be extended as necessary by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## Appointment of Investigators

Once the Title IX Coordinator decides to begin an investigation as part of the formal grievance process, the Title IX Coordinator shall appoint Pool members to conduct the investigation, usually within two business or school calendar days of determining that an investigation should proceed.

## Ensuring Impartiality

Any individual materially involved in the administration of the formal grievance process including the Title IX Coordinator, investigator(s), decision-maker(s) and appeal decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent.

The Title IX Coordinator shall vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the formal grievance process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator shall determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, shall be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Superintendent.

The formal grievance process involves an objective evaluation of all relevant evidence obtained, including evidence that supports the conclusion the respondent engaged in a policy violation and evidence that supports the conclusion the respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness.

The District presumes that the respondent is not responsible for the reported misconduct unless and until a final determination is made, in accordance with this policy, that Policy 3290 has been violated.

## Investigation Timeline

Investigations are completed promptly, normally within 60 business or school calendar days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations; availability of witnesses; police involvement; and other factors.

The District shall make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on the progress and timing of the investigation.

## Delays in the Investigation Process and Interactions with Law Enforcement

The District may undertake a delay in its investigation, lasting from several days to a few weeks, if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or a need for accommodations for disabilities or health conditions.

The District shall communicate in writing the anticipated duration of the delay and the reason for it to the parties and provide the parties with status updates if necessary. The District will promptly resume its investigation and formal grievance process as soon as feasible. During such a delay, the District will implement supportive measures as deemed appropriate.

District action(s) or processes may be delayed, but are not stopped by, civil or criminal charges involving the underlying incident(s). Dismissal or reduction of those criminal charges may or may not impact on the District's action(s) or processes.

## Steps in the Investigation Process

All investigations shall be thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

The Title IX Coordinator may act as the investigator.

All parties shall have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The investigator(s) will typically take(s) the following steps, if not already completed. The steps will not necessarily be completed in this order:

1. Determine the identity and contact information of the complainant;
2. In coordination with school partners, initiate or assist with any necessary supportive measures;
3. Identify all policies implicated by the alleged misconduct and notify the complainant and respondent of all of the specific policies implicated;
4. Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation;
5. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties;
6. Meet with the complainant to finalize their interview or statement, if necessary;

7. Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations;
8. Provide each interviewed party and witness an opportunity to review and verify the investigator's summary notes or transcript of the relevant evidence/testimony from their respective interviews and meetings;
9. Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible;
10. When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose;
11. Interview all available, relevant witnesses and conduct follow-up interviews as necessary;
12. Allow each party the opportunity to suggest witnesses and questions they wish the investigator(s) to ask of the other party and witnesses, and document in the investigation report which questions were asked and the rationale for any changes or omissions;
13. Complete the investigation promptly and without unreasonable deviation from the intended timeline;
14. Provide regular status updates to the parties throughout the investigation;
15. Prior to the conclusion of the investigation, provide the parties and their respective advisors, if so desired by the parties, with a list of witnesses whose information will be used to render a finding;
16. Write a comprehensive investigation report fully summarizing the investigation and all witness interviews and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included;
17. The investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report;
18. Prior to the conclusion of the investigation, provide the parties and their respective advisors, when advisors are identified, a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the District does not intend to rely in reaching a determination, for a ten business or school calendar days review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
19. The investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses;

20. The investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report;
21. The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback;
22. The Investigator will incorporate any relevant feedback, and the final investigation report is then shared with all parties and their advisors through secure electronic transmission or hard copy at least ten business or school calendar days prior to a meeting with the decision-maker. The parties are also provided with a file of any directly related evidence that was not included in the report

### Role and Participation of Witnesses in the Investigation

Witnesses, as distinguished from the parties, who are employees of the District are expected to cooperate with and participate in the District's investigation and formal grievance process. Failure of such witnesses to cooperate with and/or participate in the formal grievance process constitutes a violation of policy and may warrant discipline. Student witnesses and witnesses from outside the District community are encouraged to share what they know about the complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (such as summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The District will take appropriate steps to reasonably ensure the security and privacy of remote interviews.

Though not preferred, witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the investigator(s).

### Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If investigator(s) elect to make an audio and/or video record of interviews, all involved parties will be made aware of audio and/or video recording.

### Evidentiary Considerations in the Investigation

The investigation shall not consider:

1. Incidents not directly related to the possible violation, unless they evidence a pattern;
2. The character of the parties; or
3. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

## Referral to a Decision-maker

If the complaint is not resolved through informal resolution as described above, and after the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter to a Decision-maker to make a determination regarding responsibility.

The Decision-maker cannot make a determination regarding responsibility prior to ten business or school calendar days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the decision-maker—unless all parties and the decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate decision-maker from the Pool depending on whether the respondent is an employee or a student.

## Decision-Maker Designation

The District shall designate a single Decision-maker from the Pool, at the discretion of the Title IX Coordinator, and inform the parties and advisors.

The Decision-maker(s) shall not have had any previous involvement with the investigation. Those who have served as investigators in this investigation may not serve as decision-makers. Those who are serving as advisors for any party may not serve as decision-makers in that matter. The Title IX Coordinator may not serve as a decision-maker in the matter.

All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator no later than two business or school calendar days after being notified of the identity of the Decision-maker. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial consideration of the evidence.

The Title IX Coordinator shall give the decision-maker(s) a list of the names of all parties, witnesses, and advisors. Any decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and advisors. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they shall raise the concern with the Title IX Coordinator as soon as possible.

## Evidentiary Consideration by the Decision-Maker

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The decision-maker will not consider:

1. Incidents not directly related to the possible violation, unless they evidence a pattern;
2. The character of the parties; or
3. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the respondent may be considered in determining an appropriate sanction upon a determination of a policy violation. This information is only considered at the sanction stage of the process and is not shared with the Decision-maker until then.

The parties may each submit a written impact statement for the consideration of the decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

#### Notice of Decision-Making

The Decision-maker may choose to meet with each party individually or jointly and with any witnesses, as needed, prior to making a determination of responsibility.

No less than ten business days prior to any meeting or the decision-making phase of the process, the Title IX Coordinator or the decision-maker shall send notice to each party. Once mailed, emailed, or received in-person, notice will be presumptively delivered.

The notice shall contain:

1. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions that could result.
2. The time, date, and location of any meeting.
3. Any technology that will be used to facilitate the meeting.
4. The name and contact information of the decision-maker, along with an invitation to object to any decision-maker on the basis of demonstrated bias. Such objections must be raised with the Title IX Coordinator at least two business or school calendar days prior to the meeting.
5. Information on whether the meeting will be recorded and, if so, information on access to the recording for the parties after the meeting.
6. Notification that the parties may have the assistance of an advisor of their choosing at the meeting.
7. A copy of all the materials provided to the decision-maker(s) about the matter.
8. An invitation for the parties to review and submit a written response to the final investigation report within [three to seven] [business OR school OR calendar] days of the date of the notice.
9. An invitation to each party to submit to the decision-maker any written, relevant questions they want the decision-maker to ask of any other party or witness within three to seven business or school calendar days of the date of the notice.

10. An invitation to each party to submit to the decision-maker an impact statement pre-meeting that the decision-maker will review during any sanction determination.
11. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at any meeting or in the decision-making process, at least three to seven business or school calendar days prior to the meeting/final determination.
12. Whether parties can or cannot bring mobile phones or devices into the meeting.

Meetings for possible violations that occur near or after the end of a school year, assuming the respondent is still subject to Policy 3290, and are unable to be resolved prior to the end of the school year will typically be held as soon as possible given the availability of the parties, but no later than immediately upon the start of the following school year. The District will implement appropriate supportive measures intended to correct and remediate any hostile environment while the resolution is delayed.

#### Decision-Maker Meeting Procedures

Participants at a meeting may include the Decision-maker, the investigator(s) who conducted the investigation, the party, any witness, the party's advisor, the Title IX Coordinator, the parent/guardian of any party who is a student, and anyone providing authorized accommodations or assistive services.

At a meeting, the decision-maker shall have the authority to hear and make determinations on all allegations of Title IX sexual harassment and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the Title IX sexual harassment, even though those collateral allegations may not specifically fall within Policy 3290.

Any witness scheduled to meet with the decision-maker must have been first interviewed by the investigator(s) or have proffered a written statement or answered written questions, unless all parties and the decision-maker agree to the witness's participation.

If the parties and decision-maker do not agree to the admission of evidence newly offered at the meeting, the decision-maker may delay the meeting and instruct that the investigation needs to be re-opened to consider that evidence.

If the parties raise an issue of bias or conflict of interest of an investigator or decision-maker at the meeting, the decision-maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the meeting, the decision-maker shall not permit irrelevant questions that probe for bias.

#### Deliberation, Decision-Making, and Standard of Proof

The decision-maker(s) will then deliberate to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. When determining whether respondent violated Policy 3290, the Decision-maker(s) use the [preponderance of the evidence standard; whether it is more likely than

not that the respondent violated Policy 3290 as alleged or clear and convincing evidence standard; whether there is a high probability that the respondent violated Policy 3290 as alleged.

When there is a finding of responsibility on one or more of the allegations, the decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The decision-maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The decision-maker(s) may, at their discretion, consider the statements; but they are not binding.

The decision-maker(s) shall review the statements and any pertinent conduct history provided by the appropriate administrator, such as the Title IX Coordinator and shall recommend other appropriate sanction(s) in consultation with other appropriate administrators, as required.

The decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within two business or school calendar days after the decision-maker held their final meeting with the parties and witnesses or concluded the paper evidence exchange and questioning process, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

#### Notice of Outcome

Using the deliberation statement, the decision-maker shall work in conjunction with the Title IX Coordinator as needed to prepare a notice of outcome. The Title IX Coordinator shall then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their advisors within three to seven business or school calendar days of receiving the decision-maker(s)' deliberation statement.

The notice of outcome shall be shared with the parties simultaneously. Notification shall be made in writing and may be delivered by one or more of the following methods:

1. In person;
2. Mailed to the local or permanent address of the parties as indicated in official District records; or
3. Emailed to the parties' District-issued email or otherwise approved account.

Once mailed, emailed, or received in-person, notice will be presumptively delivered.

The notice of outcome shall articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and shall contain a description of the procedural steps taken by the District from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The notice of outcome shall specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the



facts at issue; a statement of, and rationale for, the result of each allegation to the extent the District is permitted to share such information under state or federal law; any sanctions issued which the District is permitted to share such information according to state or federal law; and any remedies provided to the complainant designed to ensure access to the District's educational or employment program or activity, to the extent the District is permitted to share such information under state or federal law. Detail regarding the final item listed is not typically shared with the respondent unless the remedy directly relates to the respondent.

The notice of outcome shall also include the relevant procedures and bases for any available appeal options.

### Sanctions

Factors considered when determining sanctions may include, but are not limited to:

1. The nature, severity of, and circumstances surrounding the violation(s);
2. The respondent's disciplinary history;
3. Previous allegations or allegations involving similar conduct;
4. The need for sanctions to bring an end to the Title IX sexual harassment;
5. The need for sanctions to prevent the future recurrence of Title IX Sexual harassment;
6. The need to remedy the effects of the Title IX sexual harassment;
7. The impact on the parties; and
8. Any other information deemed relevant by the decision-maker(s)

The sanctions shall be implemented as soon as is feasible, either upon the outcome of any appeal or upon the expiration of the window to appeal if no appeal is requested. The sanctions described in this process are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

### Student Sanctions

The following are the usual sanctions that may be imposed upon students singly or in combination:

1. A warning;
2. Required counseling;
3. A required substance abuse treatment program;
4. Exclusion from participating in extracurricular activities or other District programs/activities;
5. Alternative placement;
6. Suspension, which may be in-school, out-of-school, long-term, short-term, extended, or other suspensions;
7. Expulsion; and
8. Other actions: In addition to or in place of the above sanctions, the District may assign any other sanctions deemed appropriate.

### Employee Sanctions

Sanctions for an employee may include:

1. A verbal or written warning;

2. A performance improvement plan or management process;
3. Enhanced supervision, observation, or review;
4. Required counseling;
5. Required training or education;
6. Probation;
7. Denial of pay increase or pay grade;
8. Loss of oversight or supervisory responsibility;
9. Demotion;
10. Transfer;
11. Reassignment;
12. Assignment to a new supervisor;
13. Restriction of professional development resources;
14. Suspension with pay;
15. Suspension without pay;
16. Termination;
17. Other actions: In addition to or in place of the above sanctions, the District may assign any other sanctions as deemed appropriate.

#### Withdrawal or Resignation While Charges Pending

Should a student decide to not participate in the formal grievance process, the process proceeds absent their participation to a reasonable resolution. Should a student respondent permanently withdraw from the District, the formal grievance process shall end, as the District no longer has disciplinary jurisdiction over the withdrawn student.

Should an employee respondent resign with unresolved allegations pending, the formal grievance process shall end, as the District no longer has disciplinary jurisdiction over the resigned employee.

Even if a respondent withdraws from the District or resigns, the District shall continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged Title IX sexual harassment.

An employee who resigns with unresolved allegations pending shall not be eligible for rehire with the District or any school with the District, and the records retained by the Title IX Coordinator shall reflect that status. Any state mandates for reporting of this resignation with respect to licensure or certification shall be met.

All District responses to future inquiries regarding employment references for that individual shall note that the former employee resigned during a pending disciplinary matter.

#### Appeals

Any party may file a request for appeal in writing with the Title IX Coordinator within three to seven business or school calendar days of the delivery of the notice of outcome.

A single appeal decision-maker shall chair the appeal. No appeal decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

A voting chair of the appeal panel shall be designated.

The request for appeal shall be forwarded to the appeal chair for consideration to determine whether the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is filed in the timeframe specified.

### Grounds for Appeal

Appeals shall be limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

If any of the grounds in the request for appeal do not meet the grounds in this procedure, that request will be denied by the appeal chair, and the parties and their advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the request for appeal meet the grounds in this procedure, then the appeal chair will notify the other party(ies) and their advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original decision-maker(s).

The other party(ies) and their advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original decision-maker(s) shall be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be [three to seven] [business OR school OR calendar] days to submit a response to the portion of the appeal that was approved and involves them. All responses shall be forwarded by the appeal chair to all parties for review and comment.

The party who did not bring the appeal, if there is such a party, may also choose to raise a new ground for appeal at this time. If so, the new ground will be reviewed by the appeal chair to determine if it meets the grounds in this procedure and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the investigator(s) and/or original decision-maker(s), as necessary, who will submit their responses in [three to seven] [business OR school OR calendar] days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The appeal chair shall collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared and the Chair will render a decision in no more than three to seven business or school calendar days, barring unusual circumstances. All decisions are by majority vote and] apply the preponderance of the evidence standard OR the clear and convincing evidence standard.

A notice of appeal outcome shall be sent to all parties simultaneously including the decision on each approved ground and the rationale for each decision. The notice of appeal outcome shall specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the District is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the District is permitted to share these under state or federal law.

Notification shall be made in writing and may be delivered by one or more of the following methods:

1. In person;
2. Mailed to the local or permanent address of the parties as indicated in official institutional records; or
3. Emailed to the parties' District-issued email or otherwise approved account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

#### Sanctions Status During the Appeal

Any sanctions imposed by the decision-maker shall take effect following the appeal process. Supportive measures may remain in effect during an appeal process, subject to the same supportive measure procedures above.

#### Appeal Considerations

1. Appeal decisions shall defer to the original decision, making changes to the determination only when there is clear error and to the sanction(s) only if there is a compelling justification to do so.
2. Appeals shall not provide for a full reconsideration of the allegation(s) and evidence. In most cases, appeals will be confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
3. An appeal is not an opportunity for appeal decision-makers to substitute their judgment for that of the original decision-maker(s) merely because they disagree with the determination and/or sanction(s).
4. The appeal chair or decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation shall be maintained.
5. Appeals granted based on new evidence should normally be returned to the original investigator(s) and/or decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
6. Once an appeal is decided, the outcome is final. Further appeals are not permitted,

even if a decision or sanction is changed on remand, except in the case of a new hearing. When appeals result in no change to the determination or sanction, that decision is final. When an appeal results in a new determination or sanction, that determination or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

7. In rare cases where a procedural error cannot be cured by the original decision-maker(s), as in cases of bias, the appeal may order a new hearing with a new Decision-maker(s).
8. The results of a new hearing can be appealed once on any of the three or greater number of grounds permitted by the district available appeal grounds.
9. In cases in which the appeal results in reinstatement to the District or resumption of privileges, all reasonable attempts shall be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the school or the Jefferson Joint School District 251 community that are intended to stop the Title IX sexual harassment, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

1. Referral to counseling and health services;
2. Education of the individual and/or the community;
3. Permanent alteration of work arrangements for employees
4. Provision of school safety escorts;
5. Climate surveys;
6. Policy or procedure modification and/or training;
7. Provision of transportation accommodations;
8. Implementation of long-term contact limitations between the parties;
9. Implementation of adjustments to academic deadlines, course schedules, or other, similar factors.

At the discretion of the Title IX Coordinator, certain long-term supports or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator shall address any remedies owed by the District to the respondent to ensure no effective denial of educational access.

The District shall maintain the privacy of any long-term remedies, actions, and measures, provided privacy does not impair the District's ability to provide these services.

#### Failure to Comply with Sanctions and/or Interim and Long-Term Remedies and/or Responsive Actions

All respondents are expected to comply with the assigned sanctions and corrective actions within the timeframe specified by the final decision-maker(s).

Failure to abide by the sanction(s) or action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s) or action(s), including suspension, expulsion, and/or termination from the District.

### Recordkeeping

The District will maintain for a period of at least seven years records of:

1. Each Title IX sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the respondent;
3. Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
4. Any appeal and the result therefrom;
5. Any informal resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and any person who facilitates an informal resolution process. The District shall make these training materials publicly available on the District's website.
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment, including:
  - A. The basis for all conclusions that the response was not deliberately indifferent;
  - B. Any measures designed to restore or preserve equal access to the District's education program or activity; and
  - C. If no supportive measures were provided to the complainant, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The District will also maintain any and all records in accordance with state and federal laws.

### Disabilities Accommodations in The Resolution process

The District is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the District's resolution process.

Anyone needing such accommodations or support should contact the Human Resources office, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

## Revision of These Procedures

The District reserves the right to make changes to these procedures as necessary. If laws or regulations change – or court decisions alter – the requirements in a way that impacts these procedures, this document shall be construed to comply with the most recent government regulations or holdings.

### Procedure History:

Adopted on: October 14, 2020

Revised on:

## STUDENTS

**3290F1**

### Notice of Investigation & Allegation Template

Date:

Name:

Parent/Legal Guardian Name:

Address:

Dear \_\_\_\_\_ :

On \_\_\_\_\_ the \_\_\_\_\_ Office received a formal complaint from (“complainant”) alleging that you may have engaged in behavior that potentially violates District policy, including misconduct alleged on \_\_\_\_\_ at \_\_\_\_\_

Specifically, it is alleged that you (detailed description):

This letter serves as formal notice that the District will be conducting a prompt, thorough, and impartial investigation of these allegations pursuant to the procedures detailed in the Policy 3290. The District's Title IX Sexual Harassment Grievance Procedure is compliant with applicable federal and state law, including the 2020 Title IX implementing regulations. A copy of this notice has also been provided to the complainant.

Specifically, you are alleged to have violated the following provision(s) of the Policy 3290 Sexual Harassment, Discrimination and Retaliation Policy:

You are considered "not responsible" for violating District policy, unless and until a preponderance of the evidence or clear and convincing evidence proves that a violation of policy has occurred. The burden is on the District to gather evidence, investigate the allegations, summarize all relevant evidence in a final investigation report, and make a final determination of responsibility (subject to appeal). No determination of responsibility will be made until the conclusion of the process and after the parties have been given an opportunity to inspect, review, and respond to all directly related and/or relevant evidence obtained by the District.

Should the allegations need to be modified, or if additional allegations emerge over the course of this investigation, this office will provide you with an updated and revised Notice of Investigation and Allegations.

Below, you will find details included to ensure that the District process is transparent to you, so that you fully understand your rights and the District's procedures.

1. The District's applicable procedures can be found online at [jeffersonsd251.org](http://jeffersonsd251.org). If you need a hardcopy or accessible copy of these procedures, you should direct a request to the school board clerk.
2. You are expected to preserve any evidence in your possession related to the allegations. Examples include, but are not limited to, screenshots of social media posts or electronic conversations (e.g., Snapchat, Facebook Messenger, WhatsApp, TikTok, text messages, etc.), written communication, audio or video recordings, photos, receipts, call logs, or any other relevant information.
3. Please plan to bring all evidence, documents, and items that you believe will be helpful to the investigator(s) to your interview or provide them beforehand. Originals are preferred to copies, and all materials should be in unaltered form. Expect that you will be asked to verify the accuracy and authenticity of evidence you provide. If information is stored on an electronic device (e.g., cell phone) it is recommended that you be able to show the device itself to the investigator(s) during the interview.
4. You may not record any meetings pursuant to this process. Doing so is a violation of Procedure 3290P. The District will record or transcribe proceedings, and those recordings or transcriptions will be made available to you.



5. Breaks are permitted during the interview, upon request.
6. You should plan to be available for the interview for at least 60 minutes of time.
7. You may bring materials into the interview that are relevant to the investigation, but no other materials, bags, backpacks or personal items are permitted. Your phone should be silenced if you will have one with you.
8. You will be permitted to ask questions of the investigator(s), and should be prepared for them to ask many questions of you. Your honesty and cooperation are expected. You are expected to maintain decorum during the interview and to respect the serious nature of the proceedings.
9. The District cannot obligate you to participate in the interview. If you do not intend to attend, please notify the school board clerk at the district office.
10. Your rights in the process are detailed throughout the District's procedures.

### Investigation and Interview

Investigators have been assigned to this matter. The investigator(s) are neutral professionals whose role is to objectively collect and compile all available information relevant to the allegations and compose a thorough, detailed investigation report. They will be taking notes and/or recording the interview. A summary or transcript of your interview will be provided to you following the interview and you will be asked to verify its accuracy, in writing, to the investigator(s).

If you have any questions regarding the qualifications or training of the investigator, please feel free to contact me directly. Similarly, if you have a concern that the investigator is potentially biased or has a conflict of interest, you must raise that issue with me prior to your scheduled interview.

At this time, we ask you to schedule an interview with the District's investigator(s). Two suggested times that work for an appointment to interview you are below, and we have already checked to make sure that these times work with your class schedule. Please contact the investigator(s) at  
to confirm which of these times work best for you.

- 1.
- 2.

SPECIFY ANY MEETING PROCEDURES OR CONDITIONS IF THE STUDENT/EMPLOYEE HAS BEEN SUBJECT TO EMERGENCY REMOVAL.

[ONLY INCLUDE IF ISSUING A NO CONTACT ORDER BETWEEN THE PARTIES:

#### No Contact Order

Effective immediately, I am instituting a no contact order that prohibits you and the complainant from having direct or indirect contact with one another. This information will also be provided to the complainant and other appropriate officials as needed. This order is not a determination that Policy 3290 has been violated. If you have questions or concerns about the no contact order, please contact me.

#### Advisors

You have the right to an advisor of your choosing, who can be an attorney, to accompany you to all meetings, interviews, and hearings and to assist you in this process. Upon request, a pre-interview meeting between you, your advisor, and the investigator(s) to explain the District process and answer any questions may be arranged by contacting the investigator.

#### Retaliation

This letter also serves as a reminder that District policy prohibits retaliation, as defined in Procedure 3085P. Retaliation exists when an individual harasses, intimidates, or takes other adverse actions against a person because of that person's participation in an investigation or because of their support of someone involved in an investigation.

The District will impose sanctions on any faculty, student, or staff member found to be engaging in retaliation, and on individuals who encourage third parties to retaliate on their behalf.

If you experience any retaliation, please contact me immediately.

#### False Statements and/or False Information

Please also be reminded that Procedure 3085P prohibits making false statements and knowingly providing false information in the course of a District grievance process.

To ensure that the investigator(s) can obtain as much accurate and objective information about this matter as possible, please do not suggest to any witness that they distort or align their accounts.

Should it be alleged that you have violated these rules, the District reserves the right to address those allegations inside of this process or to address the allegations as a separate matter pursuant to Procedure 2085P.

## Confidentiality

You have the right to discuss this matter with your advisor and others, but the District will conduct this investigation confidentially, meaning that it will only share information as permitted or required by law. The District asks for your discretion in what you choose to share and hopes that you will respect the private and sensitive nature of these allegations. The complainant has been provided with the same information.

## Campus Resources

I understand that receiving this notice may result in many questions and potential distress. I encourage you to avail yourself of any of the following resources that you may find helpful as you work to resolve this matter.

## Disability Services

If you or another individual needs reasonable accommodations due to a qualifying disability in order to fully and meaningfully participate in this process, please contact Jefferson School District 251 at (208) 745-6693 prior to any meeting or interview in which reasonable accommodations may be needed.

Should you have any questions about the process and/or the interview, please contact your investigator(s) for this matter at.

Sincerely,

Title IX Coordinator

Form History:

Adopted on:

Revised on: October 14, 2020

STUDENTS

3290F

Sexual Misconduct Reporting Form for Students

School \_\_\_\_\_ Date \_\_\_\_\_

Student's Name \_\_\_\_\_

(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. We assure you that we'll use our best efforts to keep your report confidential.)

Who was responsible for the harassment or incident(s)? \_\_\_\_\_

\_\_\_\_\_

Describe the incident(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s), time(s), and place(s) the incident(s) occurred: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Were other individuals involved in the incident(s)? ☐ yes ☐ no

If so, name the individual(s) and explain their roles: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did anyone witness the incident(s)? ☐ yes ☐ no

If so, name the witnesses: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Did you take any action in response to the incident? ☐ yes ☐ no

If yes, what action did you take? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of complainant \_\_\_\_\_

Signatures of parents/legal guardian \_\_\_\_\_

Form History:

Adopted on: November 4, 2020

## **STUDENTS**

**3295**

### Hazing, Harassment, Intimidation, Bullying, Cyber Bullying

The Board of Trustees is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, cyber bullying, or bullying by students or third parties is strictly prohibited and shall not be tolerated in the District. This includes actions on school grounds, school property, school buses, at school bus stops, at school sponsored events and activities, and through the use of electronic technology or electronic communication equipment on school computers, networks, forums, or mailing lists and actions at locations outside of those listed above that can be reasonably expected to materially and substantially interfere with or disrupt the educational environment of the school or impinge on the rights of other students at school.

The Board expects all students to treat each other with civility and respect and not to engage in behavior that is harmful to another student or the property of another student. The Board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, and for the educational purpose underlying all school activities.

### Discipline

Students whose behavior is found to be in violation of this policy will be subject to discipline and graduated consequences, up to and including expulsion consistent with the Board's policy on student

discipline. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or Board.

Students or third parties may also be referred to law enforcement officials.

### Notification

Information on the District's bullying policy and relevant procedures shall be provided in writing at the beginning of each school year to school personnel, parents, and students in the District and included in student handbooks. Information provided to students shall be provided in a manner appropriate to the student's age, grade, and level of academic achievement.

### Procedures

The Superintendent is directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, reporting and investigative procedures, rules for disciplining students who violate this policy, and provisions to ensure notice of this policy is provided to students, teachers, and third parties.

### Training

Ongoing professional development: The district will provide ongoing professional development to build skills of all school staff members to prevent, identify, and respond to harassment, intimidation, and bullying.

### Reporting

The District shall annually report bullying incidents to, and in the manner and on the form provided by, the State Department of Education.

The Board shall review this policy annually.

#### Cross Reference:

3330	Student Discipline
5265	Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying

#### Legal References:

I.C. § 18-917	Hazing
I.C. § 18-971A	Student Harassment – Intimidation – Bullying
I.C. § 33-205	Denial of School Attendance
I.C. § 33-512	Governance of Schools
I.C. § 33-1630	Requirements for Harassment, Intimidation, and Bullying Information and Professional Development
I.C. § 67-5909	Acts Prohibited
20 U.S.C. § 1681, et seq.	Title IX of the Educational Amendments

Policy History:

Adopted on: August 5, 2009

Revised on: September 14, 2016

**STUDENTS**

**3295P**

Hazing, Harassment, Intimidation, Bullying, Cyber Bullying

The following definitions and procedures shall be used for reporting, investigating, and resolving complaints of hazing, harassment, intimidation, bullying, and cyber bullying.

Definitions

1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control at inter-district and intra-district athletic competitions or other school events.
2. "District" includes District facilities, District property, buses, electronic technology or electronic communication equipment on District computers, networks, or forums and non-District property if the student or employee is at any District-sponsored, District-approved or District-related activity or function, such as field trips or athletic events where students are under the control of the District or where the employee is engaged in District business.
3. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health, or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any District-sponsored activity or grade level attainment, such as forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.
4. "Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, electronic, or physical nature on the basis of an actual or perceived characteristic, including but not limited to age, race, religion, color, national origin, disability, gender, gender identity and



expression, sexual orientation, physical characteristic, cultural background, socioeconomic status, geographic location, familial status, or weight.

5. “Harassment, intimidation or bullying” means any act that substantially interferes with or disrupts the educational environment or impinges on the rights of other students at school, a student’s opportunities or performance, that takes place on or immediately adjacent to school grounds, school property, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:
  - A. Harming a student or damaging a student’s property;
  - B. Knowingly placing a student in reasonable fear of harm to the student or damage to the student’s property; or
  - C. Is sufficiently severe, persistent, or pervasive so that it creates an intimidating, threatening, abusive, or hostile educational environment.
6. “Cyber bullying” includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs through the District’s computer network and the internet, whether accessed on campus or off campus, during or after school hours or through any private electronic device done when the student is present at school. In the situation that cyber bullying originated from a non-school computer, but has been brought to the attention of school officials, any disciplinary actions shall be based on whether the conduct is determined to be reasonably expected to materially and substantially interfere with or disrupt educational environment of the school or impinge on the rights of other students at school and/or in violation of District policy or state law. The Administration shall, at their discretion, contact local law enforcement.
7. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin, gender identity and expression, or sexual orientation.

#### Retaliation/False Charges

Retaliation against any person, who reports, is thought to have reported, filed a complaint, or otherwise participated in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

#### Confidentiality

It is recognized that harassment, hazing, intimidation, bullying, and cyber bullying is often very distressing for the victim and those who suffer as a result of such actions may be reluctant to make their concerns known. All reasonable steps will be taken to ensure that all inquiries and

complaints are dealt with allowing for as much confidentiality as can be provided while at the same time allowing for a thorough and appropriate investigation and reporting, where appropriate.

### Policy Distribution

Information about this policy must be distributed to the school community annually, including parents, students, and all school personnel. Information about the District's policies and procedures will be included in student orientation material and in the student handbook.

### Complaint Procedures

Building principals and the Superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying, or cyber-bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any student, employee, or third party who has knowledge of conduct in violation of this policy or feels he or she has been a victim of hazing, harassment, intimidation, or cyber-bullying, in violation of this policy shall immediately report his or her concerns.

All complaints will be promptly investigated in accordance with the following procedures:

- Step I: Any hazing, harassment, intimidation, bullying, or cyber-bullying, information (complaints, rumors, etc.) shall be presented to the building principal or Superintendent. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall be filed with the Board Chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step II: The District official receiving the complaint shall promptly investigate or refer the complaint to an appropriate colleague or outside party for investigation. Parents will be notified of the nature of any complaint involving their student. The District official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The District official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined. Due to the requirements of the Family Educational Rights and Privacy Act, it will often not be possible to provide complainants and parents with detailed information on disciplinary actions taken against another student.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Superintendent or their designee.

Step III: If the complainant is not satisfied with the decision at Step II, he or she may submit a written appeal to the Superintendent or designee. Such appeal must be filed within ten working days after receipt of the Step II decision. The Superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The Superintendent or designee shall provide a written decision to the complainant's appeal within ten working days.

Step IV: If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within ten working days after receipt of the Step III decision. The Board shall, within twenty working days, conduct an informal review at which time the complainant shall be given an opportunity to present the complaint and the District's administration to respond if they so desire. The course and conduct of this proceeding shall be informal and shall be at the sole discretion of the Board. The Board shall provide a written decision to the complainant within ten working days following completion of the informal review.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

#### Documentation and Reporting

Documentation related to the incident may be maintained as a part of the student's education records. Additionally, a copy of all hazing, harassment, intimidation, bullying, or cyber-bullying, complaints and documentation will be maintained as a confidential file in the District Office and reported as required by the State Department of Education.

#### Procedure History:

Promulgated on: August 5, 2009

Revised on: May 11, 2016

## COMPLAINT FORM

School \_\_\_\_\_ Date \_\_\_\_\_

Student's/Complainant's Name \_\_\_\_\_

*(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. We assure you that we'll use our best efforts to keep your report confidential.)*

Who was responsible for the incident(s)? \_\_\_\_\_

\_\_\_\_\_

Describe the incident(s): \_\_\_\_\_

\_\_\_\_\_

Date(s), time(s), and place(s) the incident(s) occurred: \_\_\_\_\_

\_\_\_\_\_

Were other individuals involved in the incident(s)?      yes      no

If so, name the individual(s) and explain their roles: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did anyone witness the incident(s)?      yes      no

If so, name the witnesses: \_\_\_\_\_

\_\_\_\_\_

Is there any evidence of the incident(s) (i.e. letters, photos) yes      no

If so, please describe: \_\_\_\_\_

Did you take any action in response to the incident?      yes      no

If yes, what action did you take \_\_\_\_\_

\_\_\_\_\_

Were there any prior incidents?      yes              no

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If so, describe any prior incidents: \_\_\_\_\_

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I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of complainant: \_\_\_\_\_

Signature of parents/legal guardian: \_\_\_\_\_

Form History

Adopted on:

Revised on: May 11.2016

Drug Free School Zone

The Board recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the entire school community. As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive means.

For purposes of this policy, “Drugs” shall mean:

- A. all dangerous controlled substances as so designated and prohibited by Idaho law;
- B. all chemicals which release toxic vapors;
- C. all alcoholic beverages;
- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. “look-alikes”;
- F. anabolic steroids;
- G. any other illegal substances so designated and prohibited by law.

In accordance with Federal law, the Board hereby establishes a “Drug-Free School Zone” that extends 1000 feet from the boundary of any school property. The Board prohibits the use, possession, concealment, delivery, or distribution of any drug or any drug-related paraphernalia at any time on District property, within the Drug-Free School Zone, or at any district-related event. Furthermore, the Superintendent shall take the necessary steps to ensure that an individual eighteen (18) years of age or older who knowingly delivers or distributes controlled substances so designated and prohibited by Idaho law within the Drug-Free School Zone to another person is prosecuted to the fullest extent of the law.

The superintendent shall prepare guidelines for the identification and regulation of drug use in the schools. Such guidelines shall emphasize the prevention of drug use and include a statement to students that use of illicit drugs and the unlawful possession of alcohol is harmful. The student handbook shall provide standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity.

Sanctions for violation of this or any other policy which addresses illegal drug and alcohol possession, use or distribution may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment.

Cross Reference: 3330 Student Discipline.

Legal Reference: 20 U.S.C. 3170 et. seq. Drug-Free Schools and Communities Act of 1986

Policy History

Adopted on:

Revised on:

## Prohibition of Tobacco Possession and Use

The Board recognizes that tobacco use by students presents a health and safety hazard that can have serious consequences for both users and nonusers and the school environment.

The Board prohibits tobacco use and possession by students at any time in a school building or on any school property, buses, vans, or vehicles that are owned, leased, or controlled by the District. Tobacco use and possession by students is also prohibited at school-sponsored activities that are held off school property.

The District may initiate discipline according to the District's Student Discipline policy and/or prosecution of a student who possesses or uses tobacco in violation of this policy.

### Definition

For the purposes of this policy, tobacco use shall be defined as the use and/or possession of a lighted or unlighted cigarette, cigar, pipe, smokeless tobacco in any form, and other smoking products specifically including electronic cigarettes, electronic nicotine delivery systems, or vaporizer smoking devices.

Cross Reference: 3300 Drug Free School Zone  
3330 Student Discipline

Legal Reference: I.C. § 39-5703 Possession, Distribution, or Use by a Minor

## Policy History

Adopted on: December 11, 2013

Revised on:

## Gangs and Gang Activity

The Board is committed to ensuring a safe and orderly environment, where learning and teaching may occur void of physical or psychological disruptions, unlawful acts, or violations of school regulations. Gang activities create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive to the process of education and school activities. Groups of individuals which meet the definition of gangs, defined below, shall be restricted from school grounds or school activities.

A gang is defined as any group of three (3) or more persons, whether formal or informal, that has a common name or common identifying sign or symbol, associate together to advocate, conspire, or commit:

1. One or more criminal acts; or
2. Acts which threaten the safety or well-being of property or persons, including, but not limited to, harassment and intimidation,

or;

As defined in Idaho Code 18-8502

Students on school property or at any school-sponsored activity shall not:

1. Wear, possess, use, distribute, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or representative of any gang;
2. Display tattoos which may be affiliated with any gang and/or representative of any gang;
3. Engage in any act, whether verbal or nonverbal, including gestures or handshakes, showing membership in or affiliation with any gang and/or that is representative of any gang; or
4. Engage in any act furthering the interest of any gang or gang activity, including, but not limited to:
  - A. Soliciting membership in or affiliation with any gang;
  - B. Soliciting any person to pay for protection or threatening another person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
  - C. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property;
  - D. Engaging in violence, extortion, or any other illegal act or other violation of school property.

Violations of this policy shall result in disciplinary action, up to and including suspension, expulsion, and/or notification of police.

Cross Reference: 3260 Student Dress

Legal Reference: I.C. 33-506 Organization and Government of Board of Trustees  
I.C. 33-512 Governance of Schools  
I.C. 18-8500 Idaho Criminal Gang Enforcement Act  
I.C. 18-8502 Definitions  
Stephenson v. Davenport Community Scho. Dist., 110 F. 3d 1303 (8<sup>th</sup> Cir. 1997)

#### Policy History

Adopted on: March 10, 2010

Revised on:

## **STUDENTS**

**3320**

### Substance and Alcohol Abuse

The Board recognizes that use of alcohol and drugs is a serious problem and that the presence of drugs in school is detrimental to the educational environment and harmful to the health, safety and welfare of students and staff. It is the desire of the District to help those in need of alcohol and drug intervention and at the same time to protect others that are affected by the presence of alcohol and drugs and to enforce the policies of the District relating to use, possession or being under the influence of alcohol or controlled substances, as that term is defined in statute (I.C. §



37-2732C). It is the philosophy of the District that the District will help those who desire to help themselves.

The District's desire is to create an environment where students feel safe from the many harmful influences that are prevalent in our society. For those students that come forward and voluntarily disclose using and/or being under the influence of alcohol and/or drugs while on school property or at a school function, prior to the District having reasonable suspicion, the District will provide counseling to any such student and make recommendations for referral to appropriate agencies for screening and assessment. The parent or legal guardian of the student will be immediately notified and the District will cooperate with and work with the parent in the establishment of plan to assist the student in whatever means are deemed necessary and appropriate. Only persons on a "need to know" basis may receive information regarding a voluntary disclosure, except when deemed reasonably necessary to protect the health and safety of others.

The mere fact that a student previously disclosed use of alcohol or controlled substances, in and of itself, shall not establish reasonable suspicion at a later date.

If the District has reasonable suspicion (based upon reliable information received or the personal observations of staff) to believe that a student is using or is under the influence of alcohol or a controlled substance and the student has not voluntarily disclosed such use or influence, the District may take whatever action deemed appropriate, including but not limited to, notifying the parent or legal guardian and notifying local law enforcement, suspension and/or expulsion. The following shall be used as a guide in determining what procedures may be followed when this occurs, however, the specific procedure may, in large part, depend upon the circumstances in each case:

1. Upon reasonable suspicion, the student will be asked if he/she has used and/or is under the influence of alcohol and/or drugs;
2. If the student admits to the use, the student's parent/legal guardian will be immediately called
3. The student will be asked to reveal the circumstances involving the use of alcohol and/or drugs and asked if any other students were involved;
4. Law enforcement will be called when deemed appropriate.
5. The student will be immediately suspended from school, and depending upon the circumstances, may be suspended for up to twenty (20) days and/or recommended for expulsion.
6. As a condition of readmission, the student and parent will agree to undergo assessment and counseling for alcohol and/or drug use. The District will provide counseling services and any other services available to the student and/or the student's parents.
7. If the student does not admit to the use of alcohol and/or drugs and the staff member(s) in charge, after talking to the student, still believes that the student used or was/is under the use or influence of alcohol and/or drugs, an investigation will be conducted, which may include a search of the student's locker, car, desk or any other school property used by the student may be subject to search. In addition, law enforcement will be called immediately as will be the parent/guardian. The student will be suspended from school pending an investigation. If the investigation shows that, more likely than not, the student used or was under the influence of drugs and/or alcohol, a recommendation for expulsion will be made to the Board of Trustees. The student will be entitled to full due process prior to being expelled from school. As a condition of readmission, the Board may required that the student undergo assessment and counseling for alcohol and/or drug use.

The District shall provide written annual notification of the voluntary disclosure provisions of this policy as well as counseling availability and any other pertinent information in the student handbook or other reasonable means.

Legal Reference: I.C. § 33-210 Students using or under the influence of controlled substances

#### Policy History

Adopted on:

Revised on:

### **STUDENTS**

**3330**

#### Student Discipline

Disciplinary action may be taken against any student guilty of disobedience or misconduct, including, but not limited to:

1. Habitual truancy;
2. Incurability;
3. Academic dishonesty;
4. Conduct continuously disruptive of school discipline or of the instructional effectiveness of the District;
5. Conduct or presence of a student when the same is detrimental to the health and safety of other pupils;
6. Using, possessing, distributing, purchasing, or selling tobacco products;
7. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend school functions and are treated as though they had alcohol in their possession;
8. Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. Students who are under the influence are not permitted to attend school functions and are treated as though they had drugs in their possession;
9. Assembly or public expression that advocates the use of substances that are illegal to minors or otherwise prohibited within this policy;
10. Using, possessing, controlling, or transferring a weapon in violation of the "Possession of Weapons in a School Building" section of this policy;
11. Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon;

12. Disobeying directives from staff members or school officials and/or rules and regulations governing student conduct;
13. Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct;
14. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property;
15. Engaging in any activity that constitutes disorderly conduct, an interference with school purposes or an educational function or disruptive to the educational environment;
16. Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants;
17. Hazing – For purposes of this policy, the term “hazing” shall have the meaning set forth in Idaho Code;
18. Initiations;
19. The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the school;
20. Harassment, intimidation, cyber bullying, or bullying as defined in Idaho Code and District policy.

These grounds for disciplinary action apply whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

1. On, or within sight of, school grounds before, during, or after school hours or at any other time when the school is being used by a school group;
2. Off school grounds at a school-sponsored activity, or event, or any activity or event which bears a reasonable relationship to school
3. Traveling to and from school or a school activity, function, or event; or
4. Anywhere, including off-campus, if the conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member, or an interference with the education environment.

#### Traditional Disciplinary Measures

Traditional disciplinary measures include, but are not limited to:

1. Expulsion;
2. Suspension;
3. Detention, including Saturdays;
4. Clean-up duty;
5. Loss of student privileges;
6. Loss of bus privileges;
7. Notification to juvenile authorities and/or police;

8. Temporary removal from the classroom;
9. Meeting with the student and the student's parents; and
10. Restitution for damages to school property.

No person who is employed or engaged by the District may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include, and District personnel are permitted to use, reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense.

#### Alternative Disciplinary Measure

Alternative disciplinary action is discipline other than traditional suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior.

Alternative discipline includes, but is not limited to:

1. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
2. Mediation when there is mutual conflict between peers, rather than one-way negative behavior;
3. Counseling;
4. Anger management;
5. Health counseling or intervention;
6. Mental health counseling;
7. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution, and restorative conferencing;
8. Diversion or use of juvenile specialty courts;
9. Behavioral management plan;
10. Corrective instruction or other relevant learning or service experience;
11. Community service; and
12. In-school detention or suspension which may take place during lunchtime, after school, or on weekends.

#### Consequences for Harassment, Intimidation, and Bullying

Students engaging in harassment, intimidation, or bullying will be subject to graduated consequences appropriate to the severity of the violation as determined by the Board, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences for bullying may include any of the above listed traditional or alternative disciplinary measures or a combination thereof in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. However, depending upon the nature of the act, the District reserves the right to deviate from the process of graduated consequences to appropriately address the conduct at issue and move directly to suspension or expulsion proceedings. District personnel may also report the student's conduct to the appropriate law enforcement officials.

## Disciplining Students on Individual Education or Section 504 Plans

The District shall comply with the procedural safeguards enumerated in State and federal law and rule when disciplining students with individualized education plans or 504 plans.

## Gun-Free Schools

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered to be or look like a firearm, shall be expelled for a definite period of time of at least one calendar year. The Board, however, may modify the expulsion period on a case-by-case basis. The building administrator shall notify the appropriate law enforcement agency of any student who brings a firearm to school.

If a student violating this policy is identified as disabled, either under the IDEA or Section 504, a determination must be made whether the student'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.

Any student subject to an expulsion shall be entitled to a hearing before the Board, in accordance with Idaho Code and Board policy.

## Possession of a Weapon on School Property – Misdemeanor

No person shall possess a firearm or other deadly or dangerous weapon while on school property or in those portions of any building, stadium, or other structure on school grounds which, at the time of the violation, are being used for an activity sponsored by or through a school in this State or while riding school provided transportation. This also applies to students of schools while attending or participating in any school sponsored activity, program, or event regardless of location.

As used in this section of this Policy only:

1. "Deadly or dangerous weapon" means any weapon as defined in United States Code; and
2. "Firearm" means any firearm as defined in United States Code.

Any person who possesses, carries, or stores a weapon in a school building or on school property, except as provided below, shall be referred to law enforcement for immediate prosecution, as well as face disciplinary action by the District.

The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry, or store a weapon in a school building shall present this request to the Board in a regular meeting. It is solely within the Board's discretion whether to allow a person to possess carry or store a weapon in a school building.

This section of this policy does not apply to:

1. Law enforcement personnel;
2. Any adult over 18 years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his or her vehicle in an unobtrusive, nonthreatening manner;
3. A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students, or school employees to and from school or a school activity; or
4. A person or an employee of the school or District who is authorized to carry a firearm with the permission of the Board of Trustees.

#### Prohibition against Enrolling From Other School Districts

It is also the policy of the Board of Trustees of School District #251 that no student who has been expelled, or threatened with expulsion, by any other school district for offenses such as found in Policy 3330, may enroll in this school district until such time as the penalty for said infraction would have expired had the student actually been expelled.

#### Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure (other than suspension, expulsion, corporal punishment, or in-school suspension) which is appropriate and in accordance with the policies and rules on student discipline. Teachers may remove students from a classroom for disruptive behavior.

#### Nondiscrimination

The District will ensure that student discipline is enforced in a nondiscriminatory manner to avoid subjecting similarly situated students to different treatment without a legitimate reason for doing so, or when such a reason is merely a pretext for discrimination. Such discrimination, which the District will endeavor to avoid, includes the following:

1. Adopting discipline rules which treat students differently based on race, color, national origin, ancestry, sex, gender identity, sexual orientation, ethnicity, age, language barrier, religious beliefs, physical or mental handicap or disability, economic or social conditions, or actual or potential marital or parental status, or status as a homeless child;
2. Adopting any rule with the intention of targeting students based on the personal characteristics listed above, rather than for a legitimate purpose, regardless of whether the phrasing of the rule appears neutral with regard to students' personal characteristics;
3. Enforcing an apparently neutral rule more harshly on the basis of a student's personal characteristics; or
4. Discipline of any student when it is motivated by intentional discrimination.

## Notification

A summarized version of this policy shall be provided in writing at the beginning of each school year to the school personnel, parents, and students in the District. Information provided to students shall be provided in a manner appropriate to the student's age, grade, and level of academic achievement.

The Board shall review this policy annually.

Cross Reference:	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3340	Corrective Actions and Punishment
	4320	Disruption of School Operations
Legal Reference:	I.C. § 33-205	Denial of school attendance
	I.C. § 18-917	Hazing
	I.C. § 18-917A	Student Harassment – Intimidation- Bullying
	I.C. § 18-3302D	Possession Weapons or Firearms on School Property
	I.C. § 18-3302I	Threatening Violence on School Grounds
	I.C. § 33-1224	Powers and duties of teachers
	I.C. § 33-1630	Requirements for Harassment, Intimidation, and Bullying
		Information and Professional Development
	20 U.S.C. § 7151	Gun-free requirements
	20 U.S.C. § 8921, et seq.	Gun Free Schools Act
	29 U.S.C § 701	Rehabilitation Act of 1973
	IDAPA 08.02.03.109.05	Special Education
	I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline
		Office of Civil Rights Dear Colleague Letter on the
		Nondiscriminatory Administration of School Discipline

## Policy History:

Adopted on:

Revised on: September 14, 2016

## **STUDENTS**

**3340**

### Corrective Actions and Punishment

All students shall submit to the reasonable rules of the District. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension, or expulsion.

For the purposes of the District's policies relating to corrective action or punishment:

1. “Temporary Suspension” is the exclusion from school or individual classes for a specific period of up to five (5) school days.

The Superintendent or the Principal of any school may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation, or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the school. Prior to suspending any student, the Superintendent or Principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the Superintendent or principal who suspended him or her on reasonable conditions prescribed by the Superintendent or

principal. The Board of Trustees shall be notified of any temporary suspensions, the reasons for them, and the response to them.

2. "Extended Temporary Suspension" is the exclusion from school or individual classes for an additional ten (10) school days. Only the Superintendent (or the Board) can extend an initial temporary suspension.
3. "Prolonged Temporary Suspension" is the exclusion from school or individual classes for an additional five (5) school days. Only the Board can extend a temporary suspension for an additional five (5) days and only upon a finding that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare, or safety.
4. "Expulsion" is the exclusion from school. Only the Board has the authority to expel or deny enrollment to any pupil who is an habitual truant, who is incorrigible, whose conduct is such as to be continuously disruptive of school discipline or of the instructional effectiveness of the school, or whose presence is detrimental to the health and safety of other pupils or who has been expelled from another school district in the State of Idaho or any other state. The District will provide written notice of any student who is expelled or denied enrollment to the prosecuting attorney within five (5) days of the Board's actions.

No pupil shall be expelled nor denied enrollment without the Board having first given written notice to the parent or guardian of the pupil stating the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the Board. The notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the Board of Trustees shall grant the pupil and his or her parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the Board shall allow a reasonable period of time between notification and the hearing to allow the pupil and his or her parents or guardian to prepare their response to the charge.

5. "Discipline" constitutes all other forms of corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period and exclusion from any other type of activity conducted by or for the District. Discipline shall not adversely affect specific academic grade, subject, or graduation requirements, as long as all required work is performed.

Except in extreme cases, students will not be expelled unless other forms of corrective action or punishment have failed, or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed. Suspensions or expulsions shall be used only for instances of serious student misconduct.

Students with disabilities may also be suspended under these same rules if the suspension will not constitute a change in placement. If a student with a disabling condition accrues ten (10) or more days suspension per incident, the Child Study Team who has knowledge of the student's disabling condition will determine if there is causal relationship between the disabling condition and the student's misconduct. If such a relationship exists, the student's educational placement may not be changed without parental approval or a court order, pending a due process hearing under IDEA.



Likewise, before a recommendation on the expulsion of a disabled student is submitted to the Board, the Child Study Team must meet to determine if there is a causal relationship between the disabling condition and the student's misconduct. The Board shall consult legal counsel before expelling any disabled student.

When a disabled student is acting in such a way that he/she poses a danger to himself/herself or to another student or property, or substantially disrupts his/her educational program or that of other students, an emergency suspension may take place. Emergency suspensions may not last longer than ten (10) school days. The principal shall convene the Team for reviewing the student's record before the student is readmitted to school and no later than the tenth (10<sup>th</sup>) day of the suspension.

Once a student is expelled in compliance with District policy, the expulsion shall be brought to the attention of appropriate local or state authorities, in order that such authorities may address the student's needs.

No student shall be expelled, suspended, or disciplined in any manner for any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

Cross Reference:	3330 3360	Student Discipline Discipline of Students with Disabilities
Legal Reference:	20 U.S.C. 1400, et seq. I.C. § 33-205 I.C. § 33-512 I.C. § 33-1630	Individuals with Disabilities Education Act Denial of school attendance Governance of schools Requirements for Harassment, Intimidation, and Bullying Information and Professional Development

Policy History:

Adopted on:

Revised on: September 14, 2016

**STUDENTS**

**3345**

**Academic Honesty**

All schoolwork submitted for the purpose of meeting course requirements must represent the efforts of the individual student. Any form of academic dishonesty is prohibited. Academic dishonesty includes, but is not limited to: plagiarism, cheating, forgery, copying or stealing another person's work, allowing another person to copy one's own work, doing another person's class work, creating more than one copy of one's work for distribution, intentionally accessing another's material for the purpose of using it as one's own, downloading information from other sources and presenting it as one's own, unauthorized copying of software, unauthorized use of hard copy or software to develop one's own software. Faculty and building administrators will have the responsibility for monitoring the above actions.

Where appropriate, parents shall be contacted as soon as practicable to report any alleged academic dishonesty on the part of students. Teachers are granted authority, with the direction and advice of their principals, to exercise their good judgment in applying a range of academic consequences for

violations of this policy. Student and parent appeals of any consequences resulting from violations of this policy should be addressed to building administrator(s).

All teachers, beginning especially at the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in our schools. A copy of the Academic Honesty Policy shall be included in student handbooks and shall be distributed to parents via district publications at least annually.

### **Cheating**

Cheating is defined as and includes, but is not limited to, the following:

1. Copying or attempting to copy another student's homework, quiz, test, essay, or lab report.
2. Cheating on tests through such means as cheat sheets, use of unauthorized electronic devices, and discussion of test information with other students.
3. Obtaining test questions and/or copies of tests outside the classroom test setting.
4. Lending and/or copying from another student's work (homework, tests, projects, assignments).
5. Altering or interfering with grading (forging signatures, changing or inserting answers on work after grading).
6. Allowing another student to copy answers during a test situation.
7. Collaborating with other students on an assignment in direct violation of teacher's instructions.
8. Using books and electronic information in generating an assignment in direct violation of teacher's instructions.
9. Accessing, taking, and benefiting from copies of tests and quizzes previously used or to be used by teachers unless provided as study guides by the teacher.
10. Submitting work previously presented in this course or in another course.

### **Plagiarism**

Plagiarism is defined as and includes, but is not limited to, the following:

1. Copying material from the source, including the Internet, without citing the source, or citing the source but omitting quotation marks.
2. Paraphrasing the source without proper citation.
3. Copying stories, in whole or part, which appear in books, magazines, television or film.
4. Copying directly, without making any changes, alterations or adaptations from a drawing, painting, illustration, photographic image, or graphic symbol without citing the source.
5. Submitting papers written in whole or part by someone else, including the Internet.
6. Submitting papers on which the student has received substantial assistance from peers and/or adults that dramatically changes the character of the work so that it is no longer the student's own.
7. Submitting a paper purchased from a research or term paper service, including, but not limited to the internet.

Policy History

Adopted on: March 10, 2010

Revised on

**Restraint & Seclusion**

It is the priority of Jefferson School District No. 251 to promote a safe learning environment for all students and staff. The board recognizes that there may be emergency situations where it becomes necessary for a staff member to physically restrain or place a student in seclusion when the student's behavior poses an imminent risk of serious physical harm to self or others. The purpose of this policy is to ensure that all students and staff are safe in school, and that any student who may have a behavior crisis is free from the inappropriate use of physical restraint or seclusion.

The Board does not condone the use of restraint or seclusion when responding to student behavior and prohibits the use of corporal punishment and unreasonable use of physical force against a student as forms of discipline or methods of classroom governance. The Board recognizes, however, that it may be necessary to use reasonable and appropriate physical restraint and/or seclusion when it is the least restrictive intervention and when the student's behavior poses imminent danger of serious physical harm to self or others. The Board supports school-wide programs and services that promote positive student behavior to improve overall school safety and create an environment that is conducive to learning, while also minimizing the need for the use of physical restraint and seclusion and ensuring that they are only used as a last resort in an emergency.

**DEFINITIONS**

"Aversive technique" means physical, emotional, or mental distress as a method of redirecting or controlling behavior.

"Chemical Restraint" means using drugs or medication to control behavior; not including those prescribed by and administered in accordance with the directions of a qualified health professional.

"Crisis intervention" means implementation of a predetermined strategy to mitigate immediate harm to students or staff in a behavioral crisis.

"Corporal punishment" means knowingly and purposely inflicting physical pain on a student as a disciplinary measure.

"De-escalate" means utilizing strategically employed verbal or non-verbal interventions to reduce the intensity of threatening behavior before a crisis situation occurs.

"Emergency" means a situation in which a student's conduct creates a reasonable belief in another person that the student's conduct has placed the student or a third person in imminent danger of serious physical harm. An emergency requires an immediate intervention.

"Functional behavioral assessment (FBA)" means the evaluation process of gathering information that can be used to hypothesize about the function of student behavior to develop a behavior intervention plan (BIP) for those students demonstrating, or at risk for demonstrating, challenging behavior.

“Imminent” means likely to happen right away or within a matter of minutes.

“Mechanical Restraint” means the use of any device or equipment to restrict a student’s freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- a. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.
- b. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.
- c. Restraints for medical immobilization; or
- d. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

“Physical escort” means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. In addition, physical restraint does not include behavioral interventions used as a response to calm and comfort (e.g., proximity control, verbal soothing) an upset student.

“Physical Restraint” means personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.

“Life-threatening physical restraint” 1) restricts airflow to a student’s lungs, whether by compressing the student’s chest or otherwise, or 2) immobilizes or reduces a prone student’s ability to freely move his or her arms, legs, or head. The use of prone (i.e., lying face down) physical restraints should be avoided.

“Positive behavioral interventions and supports” means application of a broad range of systematic and individualized strategies for achieving important social and learning outcomes, while preventing challenging behaviors by making them irrelevant, inefficient, and ineffective.

“Seclusion” means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

## **PROHIBITED PRACTICES**

The following are prohibited under all circumstances, including emergency situations:

1. The use of restraint and seclusion, and corporal punishment, as a form of discipline, punishment, or as a method of managing classroom behavior.
2. The use of chemical restraints (i.e., drugs or medication) to control behavior or restrict freedom of movement unless it is (1) prescribed by a qualified health professional, and (2) administered as prescribed by the qualified health professional.
3. School employees may not use a life-threatening physical restraint on a student.
4. The use of physical restraint or seclusion procedures when a known psychiatric, medical or physical condition of the student would make physical restraint or seclusion dangerous for that student. For example, seclusion is inappropriate for students who are severely self-injurious or suicidal.

## **APPROPRIATE USE OF PHYSICAL RESTRAINT OR SECLUSION**

Restraint or seclusion will only be implemented in situations where a student's behavior poses imminent danger of serious bodily harm to self or others, and not as a routine strategy to address classroom management or inappropriate behavior. School staff will implement positive behavioral interventions and supports, functional behavioral assessments and related behavior and intervention plans, and utilize constructive methods to de-escalate potentially dangerous situations.

Staff members are authorized to restrain a student or place a student in seclusion when an emergency, exists, or when a student's individualized education program (IEP), behavioral intervention plan (BIP), or intervention plan describes the specific behaviors and circumstances in which restraint and seclusion may be used as a response to imminent danger of serious physical harm to self or others.

The following applies to the use of physical restraint or seclusion:

1. Staff members will take reasonable efforts to prevent the need for the use of physical restraint or seclusion by implementing positive behavioral interventions and supports.
2. Staff members will only use physical restraint or seclusion in situations where (1) the student's behavior poses imminent danger of serious bodily harm to self or others, and (2) efforts at de-escalation or interventions are ineffective.
3. Staff members will utilize the least restrictive technique necessary to end the threat of imminent danger of serious bodily harm.
4. Any behavioral intervention used by staff members must be consistent with the child's rights to dignity and to be free from abuse.
5. Staff members will carefully and continuously visually monitor the student when physical restraint or seclusion is used to ensure the appropriateness of its use and the safety of the student and others.

6. Staff members will immediately terminate the use of physical restraint or seclusion as soon as it is determined the student is no longer in imminent danger of serious bodily harm to self or others, or if the student is observed to be in severe distress.
7. Staff members will document in writing each incident requiring physical restraint or incident immediately and no later than 24 hours after the event.
8. All staff members directly assigned to students or classrooms who demonstrate aggressive or dangerous behaviors will receive training in crisis management, de-escalation techniques, classroom behavior management, functional behavior assessment, behavior intervention planning, and when appropriate, the safe use of physical restraint and seclusion. Only trained personnel will employ these interventions whenever possible.
9. Staff members will review and revise behavioral strategies as appropriate to address the underlying cause of the dangerous behavior and to prevent the repeated use of physical restraint or seclusion for managing the dangerous behavior.
10. Parents will be notified verbally regarding physical restraint or seclusion as soon as possible and no later than 24 hours following the restraint or seclusion. (See “Notice to Parent/Guardian” section).

## **NOTICE TO ADMINISTRATOR**

Staff members must notify the building principal and, if appropriate, special education director, immediately when a student is physically restrained or placed in seclusion.

## **OBSERVATION OF STUDENT**

Seclusion will not be used unless a staff member can continuously monitor the student for visual and auditory signs of physiological distress and can communicate with the student. A staff member will maintain continuous, direct visual and auditory contact with the student throughout the duration of any physical restraint or seclusion to ensure the appropriateness of its use and the safety of the student and others.

Students will be permitted to use the restroom upon request and will be escorted to and from the restroom. Students will also be provided with water on request. Students will not be denied access to meals. If the student’s level of escalation prevents the student from participating in planned mealtimes, the student will be permitted access to meals immediately as soon as the risk of serious physical danger to self or others has passed. See Time and Duration section below for information on allowable length of seclusion.

Monitoring will be conducted by a staff member who has received the required training to ensure the safety of the student and that procedures are appropriately implemented and documented.

## **SECLUSION AREA**

If seclusion is to be employed by the district, each school building must designate a clean and safe seclusion area intended for confining a student without causing or allowing the student to harm him- or herself or others. The seclusion area will be of reasonable size; adequately lighted, ventilated, and heated/cooled; free from any objects or potential hazards that unreasonably expose the student or others to harm; permit direct, continuous visual and auditory monitoring of the student; must not be locked; and must comply with state and federal fire safety requirements. A push lock may be used with consistent monitoring but may not prevent the student from exiting the area should an emergency arise.

A staff member will visually inspect the seclusion area before and after each use to determine whether the area is clean and safe and address any concerns by cleaning the area and/or reporting the concerns to maintenance staff.

## **TIME AND DURATION**

Physical restraint and seclusion will not be used any longer than necessary to allow a student to regain control of his/her behavior and may not exceed thirty (30) minutes.

If an emergency seclusion lasts longer than thirty (30) minutes, the following are required: additional support (e.g., change of staff, introducing a nurse or specialist, or obtaining additional expertise) and documentation to explain the extension beyond the time limit.

## **REINTEGRATION INTO THE CLASSROOM**

Staff members will follow the steps outlined in the student's intervention plan to determine when the student is ready to be reintegrated into the classroom or activities. If no plan is in place, staff members (at least two staff members) may make an independent judgment about when the student is ready to rejoin classmates or other activities. Reintegration may occur quickly, or may be very gradual, but will depend on the circumstances and the emotional state and readiness of the student to return to the normal situation.

## **INCIDENT REPORTING**

Immediately after the student has restored emotional and behavioral control following the use of physical restraint or seclusion, a staff member not involved with the incident will visually examine the student to ascertain if any injury has been sustained during the physical restraint or seclusion.

The staff member(s) involved with the incident will complete a written incident report immediately and no later than 24 hours after the event. The building principal or designee will place a copy of the report in the student's education file.

Each staff member involved in an incident will engage in a debriefing session within two (2) days of the incident to determine what could have been done to prevent the need for the use of physical restraint or seclusion for this student specifically and for other students in similar situations.

### **Incident Report Requirements**

The following information will be included in the incident report created after each instance of physical restraint or the use of seclusion:

1. Information about the student (i.e., name, grade, etc.).
2. If the student has a disability (IDEA or Section 504), and the type of disability.
3. The date and start and end times of the restraint or seclusion.
4. The location of the incident.
5. A description of the incident.
6. Possible events that triggered the dangerous behavior that led to restraint or seclusion.
7. Prevention, redirection, or pre-correction strategies that were used during the incident.
8. A description of the dangerous behavior that resulted in the implementation of physical restraint or seclusion.
9. A description of the restraint or seclusion strategies that were used during the incident and a log of the student's behavior during physical restraint or seclusion.
10. A description of any injuries or physical damage that occurred during the incident.
11. How the student was monitored during and after the incident.
12. A description of behaviors displayed demonstrating the student's ability to return to the educational environment.
13. The staff member(s) who participated in the implementation, monitoring, and supervision of physical restraint or seclusion and whether the person(s) had training related to restraint or seclusion.
14. The extent to which the staff member(s) adhered to state and district procedural implementation guidelines.
15. The follow-up that will occur to review or develop the student's positive behavioral interventions and supports in order to avoid the use of restraint or seclusion in the future.
16. The date and time the parent/guardian was notified.



## **FREQUENT USE OF RESTRAINT OR SECLUSION**

Schools must follow these procedures in cases where a student is placed in physical restraint or seclusion four (4) or more times in 20 school days.

In cases where such a student requires, may require, or is being evaluated for special education services or a 504 plan, the student's planning and placement team must meet to (1) conduct or revise the student's functional behavioral assessment and (2) create or revise any applicable behavioral intervention plan, including the student's IEP or 504.

For all other students, a school administrator, at least one of the student's teachers, the student's parent, or guardian, and, if any, a mental health professional must meet to (1) conduct or revise the student's behavioral assessment, (2) create or revise any applicable behavioral intervention plan, and (3) determine if the student may require special education services.

## **NOTICE TO PARENT/GUARDIAN**

The building principal or designee will verbally notify the parent/guardian of a student requiring physical restraint or seclusion as soon as possible and no later than 24 hours following the incident.

Verbal notice will include a brief summary of the incident and contact information for the staff member who will provide additional information. The delivery of the notice will be documented by the district.

Verbal notice will be provided via telephone or in person. In the event a staff member is unable to speak directly to the parent via telephone, a message will be left on the individual's voicemail, if available. If unable to reach the parent via telephone or leave a message on voicemail, the staff member will send an e-mail to the parent, if the e-mail address is known.

Parents/guardians will receive written, annual notice about the district's policies and procedures for restraint and seclusion. Parents/guardians will be notified within thirty (30) days of any changes to such policies and procedures.

All student handbooks in our schools will contain a statement regarding the use of restraint and seclusion consistent with this policy and outline reporting procedures.

## **CRISIS INTERVENTION TRAINING**

The district will provide all staff directly assigned to students or classrooms with annual professional development training regarding positive behavior supports, de-escalation techniques, and classroom behavior management. This training will be recurrent and will be provided to new staff during orientation.

All staff directly serving students or classrooms with students who demonstrate aggressive or dangerous behaviors will receive annual professional development training in crisis management, de-escalation techniques, the correct use of restraints and seclusion when required, and the

implementation of functional behavior assessment, and behavior intervention plans. This training will be recurrent and will be provided to new staff during orientation.

Restraint and seclusion techniques will only be utilized by a person who has been trained in crisis intervention. Untrained staff should request assistance from trained staff as soon as possible.

## **MONITORING AND REPORTING**

The superintendent or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy in the district. The superintendent or designee will comply with all state and federal requirements for reporting incidents of physical restraint or seclusion. The building principal or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy within the school.

## **ANNUAL POLICY REVIEW**

The district will, not less than annually, review this policy and related procedures to determine the efficacy of the policy and procedures; whether modification of the policy or procedures is necessary; and whether selected school staff should receive additional training on positive behavior intervention and supports, or the proper use of restraint, seclusion, and other aversive techniques. The review must include a review of the documentation and reporting of incidents involving physical restraint and seclusion.

In conducting this annual review, the district shall also review the reports of all events of seclusion or restraint that occurred with the district's students in the past school year. This review will include an analysis as to whether or not the district's personnel are following the terms of this policy, whether additional training activities are necessary, or if there is any weakness in the implementation of this policy that can be strengthened.

Annually, the superintendent designee shall submit to the Board a report containing all the following disaggregated data:

- a. The total number of incidents of seclusion during the previous school year.
- b. The total number of students (i.e., students with and without disabilities) who were involved in incidents of seclusion during the previous school year;
- c. The number of students with disabilities who were involved in incidents of seclusion during the previous school year;
- d. The number of incidents of physical restraint during the previous school year;
- e. The total number of students (i.e. students with and without disabilities) who were involved in incidents of physical restraint during the previous school year; and
- f. The number of students with disabilities who were involved in incidents of physical restraint during the previous school year.

Policy History:  
Adopted on: September 13, 2023  
Revised on:

**STUDENTS**

**3346F**

**Restraint and Seclusion Reporting Form**

**Student Details**

Student Name	Grade	DOB
Parent Name	Parent Phone	Parent Email Address
Mark all that apply. <input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan <input type="checkbox"/> Health Plan <input type="checkbox"/> FBA <input type="checkbox"/> BIP <input type="checkbox"/> NA		Disability

**Reporting Details**

Name of Person Completing Form	Date and Time of Report	Date and Time of Incident
School	Name/s and Roles of Staff Involved in Restraint or Seclusion Incident	
Location of the Incident		

**Incident Details**

<i>Describe possible events that triggered the dangerous behavior that led to restraint or seclusion.</i>			
<i>Describe prevention, redirection, or pre-correction strategies that were used before and during the incident.</i>			
<i>Describe the dangerous behavior that resulted in the implementation of restraint or seclusion.</i>			
Start time	End time	Person implementing restraint or seclusion	Staff who monitored or observed
<i>Describe the restraint or seclusion technique or strategies used.</i>			
<i>Describe how the student was monitored during and after the incident.</i>			

### Incident Log

<i>Provide a log of student behavior during restraint or seclusion.</i>		
Time	Student behavior	Adult response
Time	Student behavior	Adult response
Time	Student behavior	Adult response
Time	Student behavior	Adult response
Time	Student behavior	Adult response
<i>Describe student behavior that demonstrated student's ability to return to the educational environment (recovery).</i>		
<i>Describe any injuries or physical damage that occurred during the incident.</i>		
<i>Other comments.</i>		

### Parent/Guardian Notification

***This report and notification shall be provided to the parent/guardian as soon as possible and prior to the debriefing meeting referenced below.***

Was the parent/guardian notified *immediately* following the incident, or at the latest, within 24 hours?

☐ Yes

☐ No

*If No, Explain:*

Date of notification	Time of notification	How much time had passed following the incident?
Person providing notification	Method of contact	Summary of notification

**Debrief Meeting**

When an incident of restraint or seclusion occurs, a debriefing session shall be convened within two (2) school days to review the incident's details and consider steps to prevent reoccurrence.

Date of meeting	Names and roles of attendees
Time of meeting	

Incident report reviewed during this meeting:

☐ Yes

☐ No

Restraint or seclusion implemented according to state and district guidelines:

☐ Yes

☐ No

*If No, explain.*

Attendees in agreement with the report:

☐ Yes

☐ No

*If No, explain.*

*Summarize the discussion, including planned steps to prevent the reoccurrence of restraint or seclusion and review of positive behavior supports, functional behavior assessment, behavior intervention plan, and/or crisis plan. Describe the follow-up that will occur to review or modify support to avoid future use of restraint or seclusion.*

Form History:  
Adopted On: September 13, 2023  
Revised On:

## **STUDENTS**

**3350**

### Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students. Students may be required to attend Saturday detention for up to four (4) hours.

Preceding the assessment of such punishment, the staff member shall inform the student of the nature of the offense charged, and/or the specific conduct that allegedly constitutes the violation. The student shall be afforded an opportunity to explain or justify his/her actions to the staff member. Parents must be notified prior to a student serving an after-school detention.

Students detained for corrective action or punishment shall be under the supervision of the staff member or designee.

### Policy History

Adopted on:  
Revised on:

## **STUDENTS**

**3360**

Discipline of Students with Disabilities

## **Code of Conduct Violations by Students with Disabilities, Resulting In Disciplinary Consequences of Ten (10) School Days or Less**

Jefferson Joint School District #251 has adopted the Idaho Special Education Manual and all revisions of said manual. Please refer to Chapter 12, Discipline, of the manual. A copy of this section of the manual may be requested by contact the school district's Special Education Department.

### Procedure History

Promulgated on:

Revised on:

## **ZERO TOLERANCE FOR WEAPONS, EXPLOSIVES**

**3361**

### **Statement of Policy for Possession**

It is the policy of the Board of Trustees of School District # 251 that any student who has a firearm or explosives in their possession (either on their person, in their purse, handbag, backpack, gym bag, any other container, in their locker or vehicle on school property) will be immediately suspended from school. The administration of the building where the offense occurred will hold a Due Process hearing within five days of the incident, and make a written recommendation for expulsion to the Board of Trustees, if appropriate. If petitioned for expulsion, the Board will hold such hearing at its next regularly scheduled meeting, or at a special meeting, if the Board deems necessary.

In addition, any student who uses other deadly or dangerous weapons as defined in federal law Section 930 of Title 18 of the United States Code shall be subject to the same procedures and penalties described in the above paragraph. The definition of weapon includes, but is not limited to: dirk knife, bowie knife, dagger, metal knuckles, or any other object capable of being used as a weapon.

Any student expelled under this section may not apply for re-admission for twelve months from the date of expulsion. If re-admission is granted after proper application, it will not occur until the start of the next grading term following approval of re-admission.

18 USC 930

## **Idaho Code Sections 33-205, 18-3302**

## **STUDENTS**

**3365**

### Student Sex Offenders

#### Definition

A Student Sex Offender is defined as a student who has been adjudicated delinquent or convicted of and placed on probation for a dangerous offense such as sexual conduct with a minor, sexual assault, molestation of a child, or continual sexual abuse of a child.

#### Notification to School District

The Superintendent of public instruction is required by state law to notify a school district or private school regarding the enrollment of a registered juvenile sex offender. The Superintendent is also

required to notify the district or school of the offender's probationary status or treatment status, if known. The Superintendent of the district or his designee shall make contact with the State Department of Education in order to receive regular updates of this information.

#### Educational Placement

The Superintendent of the district or his designee shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent or his/her designee shall consider such factors as the safety and health of the student population. The Superintendent or designee shall develop guidelines for managing each student sexual offender in district schools. If the Superintendent or designee determines that, in the best interest of district schools, the student sexual offender should be placed in an alternative educational setting, the district shall pay for the costs associated with this placement.

Convicted juvenile sex offenders shall not attend a school attended by their victims or a victim's sibling. The offender and his or her parent or guardian shall be responsible for providing transportation or covering other costs related to the offender's attendance at another school.

An IEP team shall determine the educational placement of a student sexual offender with a disability. The student with a disability is entitled to all the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act. The IEP team shall develop procedures for managing each student sexual offender with a disability that attends a district school. If the IEP team determines that the student sexual offender should be placed in an alternative educational setting, the district shall pay for the costs associated with this placement.

#### Staff

Staff members are to be alert to and inform school officials of any behavior by a juvenile offender that creates an abnormal risk to members of the school community. However, each circumstance involving a student probationary juvenile offender attending a district school shall be evaluated on a case-by-case basis. Whenever possible without placing other students or adult members of the school community at risk, reasonable efforts should be made to continue the student's education, to provide supportive services, and to avoid any acts of harassment or vigilantism against the student. Although federal and state laws and rules permit the release of information concerning a student registered sex offender, discretion should be exercised when discussing or disseminating information about the student. Whenever possible, the school community should encourage and support timely and appropriate intervention toward the expected outcome that a juvenile offender's conduct will be rectified so the student will commit no further offense and will develop into a responsible, self-controlled adult.

Legal Reference: I.C. § 18-8402 Findings  
I.C. § 18-8408 Providing List to Superintendent of Public Instruction  
I.C. § 33-205 Denial of School Attendance

#### Procedure History

Adopted on: August 5, 2009

Revised on:



## Searches and Seizure

To maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects.

### School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as lockers, desks, and parking lots), as well as personal effects left there by the student, without notice or consent of the student. This applies to student vehicles parked on school property. Building principals may require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle and personal effects therein, when reasonable suspicion of wrongdoing exists.

The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons or other illegal or dangerous substances or material, including searches conducted through the use of specially trained dogs.

## Students

School authorities may search the student and/or the student's personal effects in the student's possession when there is reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

## Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

## Policy History

Adopted on:

Revised on:

**STUDENTS**

**3370P**

## Searches and Seizure

The following rules shall apply to any searches and the seizure of any property by school personnel:

1. The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.
2. If the authorized administrator has reasonable suspicion to believe that any locker, car or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.
3. The authorized administrator may perform random searches of any locker, car or container of any kind on school premises without notice or consent.
4. If the authorized administrator has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.
5. No student shall hinder, obstruct or prevent any search authorized by this procedure.
6. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.
7. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.
8. In any situation where the administrator is in doubt as to the propriety of proceeding with any search or seizure, the administrator is authorized to report to and comply with the directions of any public law enforcement agency.

#### Procedure History

Promulgated on:

Revised on:

## **STUDENTS**

**3380**

### Extracurricular and Co-Curricular Participation Policy

Extracurricular or co-curricular activities are supplements to the regular instructional programs and afford students opportunities for enrichment. **However, participation in extracurricular and co-curricular activities is a privilege, not a right.** I.C. § 33-512(12). As representatives of their school and District, students participating in such activities are expected to meet high standards of behavior.

#### General Definitions for Extracurricular and Co-Curricular Participation Policy

#### **Unless the context otherwise requires, in this policy:**

**“Extracurricular Activities”** means a district and/or school authorized activities which take place outside of the regular school day and do not involve class credit, including, but not limited to athletics, student groups or organizations, and community activities for which high school letters are awarded.

**“Co-Curricular Activities”** are district and/or school authorized activities held in conjunction with a accredited class, but taking place outside of the regular school day including, but not limited to, debate, drama, drill team, band or choir.

**“Activity Suspension or Suspension from Extracurricular or Co-Curricular Activities”** means that suspended students shall not travel, dress in uniform, associate or participate with the team or group at its scheduled event(s). Suspended students may be allowed to participate in practices/meetings; however, the principal or designee may deem it necessary for students to be withheld from practices/meetings for the duration of the suspension.

**“Controlled Substances”** include, but are not limited to opiates, opium derivatives, hallucinogenic substances, including cocaine, and cannabis and synthetic equivalents or the substances contained in the plant, any material, compound mixture or preparation with substances having a depressant effect on the central nervous system, and stimulants.

**“Drugs”** include any alcohol or malt beverage, any inhalant, any tobacco product, any controlled substances, any illegal substance, any abused substance, any look-alike or counterfeit drug, any medication not approved and registered by the school authorities and/or any substance which is tended to alter mood, and/or any substance which is misrepresented and sold or distributed as a restricted or illegal drug.

**“Drug Paraphernalia”** is defined as any or all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivation, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in this policy.

**“Emergency Activity Suspension”** is defined as imposition of an activity suspension by a principal or his designee prior to an informal hearing when it is necessary to protect the health and safety of the individual(s) involved and immediate action is appropriate.

**“Event”** is defined as a match, game, meet, or other competitive event, including regional and/or state tournaments, competitions. “Event” is also defined as any band or choir performance(s).

**“Knowingly Present”** shall mean that a student attended a gathering of two (2) or more individuals at which one or more of the attendees (other than the student at issue) were using or are in possession of drug paraphernalia, controlled substances, drugs, pornography, or alcohol or tobacco and the student knew or reasonably should have known that such use or possession was occurring.

**“Minor Infraction”** shall mean a minor deviation from acceptable behavior or stated student expectations which occurs while the student is engaged in the extracurricular or co-curricular activity and which is not material or substantial. Students will be given notification of the first minor infraction. Students and parents will be given notification of the second minor infraction through a conference and will be informed that a third minor infraction may result in activity suspension.

**“Major Infraction”** shall mean a material or substantial deviation for acceptable behavior or stated student expectations which occurs while the student is engaged in the extracurricular or co-curricular activity, including but not limited to insubordination toward or non-compliance with the

person in charge of the activity, verbal or physical abuse (hazing, fighting), refusal of a student to identify him/herself to school personnel upon request.

**“On any school premises or at any school sponsored activity, regardless of location”** includes, but not be limited to buildings, facilities, and grounds on the school campus, school buses, school parking areas; and the location of any school sponsored activity. “On any school premises or at any school sponsored activity, regardless of location” also includes instances in which the conduct occurs off the school premises but impacts a school related activity.

**“Scholastic Year”** is defined as the period of time beginning with the first day of the fall extracurricular and co-curricular activities season and ending with the last day of school.

**“School Days”** include only those days when school is in session.

#### Eligibility Requirements for Extracurricular and Co-Curricular Participation

To take part in any extracurricular or co-curricular activity students must maintain a 2.0 GPA. If they do not have a 2.0, they are on probation for 2 weeks and can bring up their work and receive a written slip from the teacher or teachers of their passing work. If after the probationary period they do not have their work up to 2.0, they are not allowed to take part in any extracurricular or co-curricular activity until their work is up to 2.0 GPA.

#### Extracurricular or Co-curricular activity Suspension

The Board believes that the safety and welfare of other students may be adversely affected when students who are involved in extracurricular or co-curricular activities commit major infractions or repeated minor infractions at school or during school activities, and/or are involved in criminal conduct or drug use in any location.

At the beginning of each semester, teachers or coaches of co-curricular courses will identify for students how participation in the co-curricular activity impacts their course grade. Co-curricular students who are suspended as a result of this policy will have the co-curricular course grade affected only if the reason for the suspension was related to course work or course expectations. Students who miss a co-curricular activity because of a suspension may ask to do, or be required to do, alternative assignments or special projects to make up the missed activity.

#### I. Activity Suspension as a Result of a School Suspension

A student will be immediately suspended from all extracurricular and co-curricular activities when he/she receives a suspension (not including an in-school detention) from school for any reason.

#### Consequences:

1. The activity suspension is automatic, is for the duration of the school suspension, and runs concurrent with the school suspension.
2. This type of activity suspension cannot be appealed.

## II. Activity Suspension for Repeated Minor Infractions or a Major Infraction During an Activity

A student may be suspended from an extracurricular or co-curricular activity when he/she commits a third minor infraction, or a major infraction, while engaged in an extracurricular or co-curricular activity on any school premises or at any school-sponsored activity, regardless of location. The coach or advisor will recommend suspension to the Principal.

Consequences:

1. The incident will be reviewed pursuant to the Informal Hearing Process at Section V of this policy.
2. If the evidence supports the recommendation, the student may be given an activity suspension for a period of time up to and including the remainder of the season or duration of the activity in that scholastic year for that activity only.
3. If the activity suspension exceeds nine (9) school days, the parent/guardian may request an appeal as outlined in the Appeal Process at Section VI of this policy.

## III. Activity Suspension for Criminal Conduct or Drug Use in Any Location During the Scholastic Year

A student may be suspended from extracurricular and co-curricular activities when he/she has been arrested or it reasonably appears to the District that he/she has violated criminal law, other than infractions or minor traffic violations; or has been involved with drug paraphernalia, controlled substances, or drugs, including alcohol or tobacco, **in any location, either on or off campus**, during the scholastic year, in any of the following ways: attempting to secure or purchase; using or having reasonable suspicion of having used; possession; intending or attempting to sell or distribute; selling or giving away; or being knowingly present when any of the above are used, possessed, or consumed.

Consequences:

### A. Knowingly Present

1. First Violation: When a student violates the “knowingly present” prohibition of this policy for the first time during a scholastic year, the school resource officer (“SRO”), principal, or athletic director:
  - will hold a conference with the student;
  - will notify the student’s parent/guardian and the student of the violation;
  - may arrange a conference with the parent/guardian and the student; and
  - will inform the student and parent/guardian of consequences for future violations of the policy.
2. Second Violation: When a student violates this “knowingly present” prohibition of this policy for the second time during a scholastic year, he/she is subject to the consequences outlined below in part III.B “Other Violations” of the policy.

### B. Other Violations

1. The incident will be reviewed pursuant to the Informal Hearing Process in Section V of this policy. If the evidence supports the accusation, the student may be suspended

from all extracurricular and co-curricular events for a period of twenty-one (21) calendar days.

2. The suspension will be reduced to a fourteen (14) calendar day period if:
  - a. In the case of criminal conduct, the student receives counseling which has been approved by a school counselor.
  - b. In the case of drug, alcohol, or tobacco use, the student agrees to and completes
    - 1) A drug/alcohol/tobacco assessment provided by the school (no cost) or the community (the family incurs the cost); and/or
    - 2) Drug/alcohol/tobacco education group, provided or facilitated by the school, and/or the community.
5. If no event is scheduled during the period of the suspension, the student will be withheld from the next scheduled event.
6. If the student notifies school personnel (self-reports) concerning his/her criminal conduct or drug use prior to the personnel's knowledge of the incident(s), the principal or athletic director may reduce the length of the activity suspension.
7. On the occasion of a subsequent infraction during a scholastic year, and if the evident supports the accusation, the principal or athletic director will bar the student from any form of extracurricular or co-curricular activity for the balance of the scholastic year.
8. All students who receive an activity suspension for criminal conduct or drug use shall be reported to the Superintendent or designee and, if applicable, to the appropriate law enforcement agency.
9. The parent/guardian may request an appeal as outlined in the Appeal Process at Section VII of this policy, with either a first or second offense.

#### IV. Infractions Which Occur in Out-of-School Trips

During an out-of-school trip, if the authorized person in charge of the activity determines that a student should be sent home early because of criminal conduct, drug use or a major infraction, the authorized person will notify the parent/guardian, and ask him/her to take charge of the return of the student. The parent/guardian will assume any expenses incurred for the return of the student.

#### V. Informal Hearing Process

Prior to giving an activity suspension to a student, the principal or athletic director shall grant the student an informal hearing on the reasons for the activity suspension and the opportunity to challenge those reasons unless an emergency activity suspension is necessary. If an emergency activity suspension is necessary, an informal hearing will be held as soon as possible after the emergency ceases to exist.

#### VI. Student travel to or from an extracurricular or co-curricular activity

Unless other travel arrangements are authorized, students will board the bus at the school designated as point of origin for the trip and will return to the point of origin in the bus. There will be no stops along the designated route to pick up or discharge students.

The only variation allowed in this regulation is the release of students to parents in a face-to face situation at the close of the activity before buses begin the return trip. Such release will require a signed, dated note from the parent.

The activity must provide at least one instructor\coach\ or adult sponsor for each bus on a special trip. The bus driver will be responsible for the safe operation of the bus. The sponsor will be responsible for supervision of students and enforcement of bus rules. Any adult designated by the principal as a sponsor will have such authority.

Students must follow all school bus rules with this exception: Food and drink not in glass containers will be allowed on the bus with permission of the principal. However, any debris must be cleaned up at the end of the trip and before students leave the bus.

If a student causes a disruption or hazard on the bus, a hearing will be held with the principal, driver, instructor\coach\ or adult sponsor, parent/guardian and student. The driver, instructor\coach\ or adult sponsor, parent/guardian and the student will have the opportunity to share with the principal their perceptions of the problem. If the principal finds that there has been an infraction of bus rules, he will take the following action:

1. On the first infraction, the student will be warned that following any further infraction he/she will be declared ineligible for transportation to the extracurricular or co-curricular activities for one event.
2. On the second infraction during a semester, the student will be declared ineligible for transportation to the extracurricular or co-curricular activity for two events.
3. On the third infraction during a semester, the student will be declared ineligible for transportation to the extracurricular or co-curricular activities for the remainder of the semester.

Based on the severity of the problem as it relates to respect and safety for others, the principal may bypass step #1 and/or step #2 above and immediately declare the student ineligible for transportation for two weeks or for the remainder of the semester.

## VI. Appeal Process

1. This appeal process may be used by students and their parent/guardian only in those instances where an activity suspension or transportation to an extracurricular or co-curricular activities exceeds nine (9) school days.
2. The parent/guardian must request an appeal in writing within two (2) school days from the notification of the activity suspension decision.
3. The Superintendent will appoint a three-member panel composed of certificated staff members who have not been involved in the disciplinary action in question. The hearing panel will notify the student and the parent/guardian of the date, location, and time of the hearing; the student will have an opportunity to present additional evidence regarding the circumstances of the suspension or reasons to reduce the length thereof. The appeal must be scheduled within five (5) school days of the request.
4. If the panel determines that the evidence reviewed at the appeal supports the suspension, the suspension of the student from extracurricular and/or co-curricular activities shall be continued.
5. The student and the parent/guardian will be notified in writing of the panel's findings and determination with respect to the student suspension from extracurricular and/or co-curricular activities within two (2) school days of the panel's decision.

6. The panel's determination is final, and is not appealable to the Superintendent or Board of Trustees.

## VII. Elementary Students

Students in kindergarten through sixth (K-6) grade who are in violation of this policy may have the length of the activity suspension reduced by the principal or other authorized administrator.

### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3390**

### Extra- and Co-Curricular Chemical Use Policy

Extracurricular and Co-curricular activities are subject to the supervision and regulation of the District. Participation in extracurricular or co-curricular activities is considered a privilege; not a right.

Students participating in extra- and co-curricular activities, whether sponsored by the IHSA or not, shall not use, have in possession, sell, or distribute alcohol, tobacco, or illegal drugs, or abuse prescription or non-prescription drugs during their extracurricular seasons. These rules are in effect twenty-four (24) hours a day. If a student is charged with possession, or is seen using tobacco, alcohol, or illicit drugs, the student will forfeit the privilege of participating in accordance with the activities and student handbooks.

#### Policy Coverage

This policy applies to middle and high school students who are involved in the extra- and co-curricular activities program.

#### Policy Duration

This policy is in effect each school year from the date of the first practice for fall activities until the last day of school or activities, whichever is later. Violations are cumulative, through the student's period of attendance in grades 7-8 and in grades 9-12. The Administration shall publish the participation rules annually in the activities and student handbooks.

#### Student and Parent/Legal Guardian Due Process

If a determination is made that a student has violated this policy, the student and parent or guardian shall be notified of the violation by telephone where possible, and also by mail. Also at this time, the student and parent or guardian shall be notified of the type of discipline that will be administered.

**APPEAL PROCESS:** Any parent or legal guardian and student who is aggrieved by the imposition of discipline shall have the right to an informal conference with the principal, for the purpose of resolving the grievance. At such a conference, the student and the parent shall be subject to



questioning by the principal, and shall be entitled to question staff involved in the matter being grieved.

Legal Reference: I.C. § 33-512

Governance of schools

### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3400**

### Extracurricular Activities Drug-Testing Program

#### Section 1: Philosophy and Rationale for Drug Testing

Jefferson School District #251, (hereafter referred to as the “District”) will provide a safe and secure environment and believes in cultivating high standards of ethical behavior to aid students in decision making, present and future. The purpose of a drug testing policy is:

- (1) the health and safety of all students participating in extra-curricular activities;
- (2) the prevention of student involvement with drugs and alcohol;
- (3) countering the effects of negative peer pressure by providing specific reasons for students to refuse involvement with drugs or alcohol;
- (4) possible intervention with and help for students involved with drugs and alcohol by encouraging those involved to seek treatment or rehabilitation;

#### Section 2: Definitions

For the purposes of this policy, the following definitions are applicable:

**“Drug”** Any controlled substance as defined by Idaho Code 37-2701, except those possessed and/or used pursuant to a valid prescription.

**“Extracurricular Activity”** Any activity sponsored by the District and sanctioned by the Idaho High School Activities Association and/or any activity sponsored by the District that requires, as part of the participation, that the students must leave school grounds and act as representatives of the District in the course of the activity. The activities that will be subject to testing will be the following, all sports sanctioned by the Idaho High School Activities Association (IHSAA), baseball, softball, band, vocal music, speech, debate, drama, dance or drill team and cheerleading.

**“Student Participant”** Any student in grades nine through twelve participating in interscholastic athletic programs sponsored by the District and sanctioned by the Idaho High School Activities Association (IHSAA) and/or any student in grades nine through twelve whose participation in extracurricular activity or competition requires that student to leave the school grounds and act as a representative of the District.

**“Activity Season”** That period of time in a fall, winter, spring or year-round sport or activity from the first allowable day of practice or activity as determined by the IHSAA or the official school sponsor of the activity to the last day designated for that activity.

### Section 3: Drug Testing Required of Students

**Consent:** Any student wishing to participate in any interscholastic or extracurricular program covered by this policy shall indicate consent to testing consistent with this policy by returning to the District a consent form signed by both the parent/guardian and the student prior to the start of the activity season under a deadline by the sponsor of the activity.

**Random Testing:** All students covered by this policy will be subject to random testing for the presence of illegal drugs. A random test is a test that is unscheduled and results in every student being subject to testing at any given time. The random selection method used by the District will be based on a percentage figure determined by the District. A student may also be tested on reasonable suspicion.

**Reasonable Suspicion:** A suspicion based on specific personal observation concerning appearance, speech or behavior of a student participant, and reasonable inferences drawn from those observations. Information provided by a reliable source, if based on personal knowledge, shall constitute reasonable suspicion.

### Section 4: Drug/Alcohol Testing Procedures

**Non-Punitive Nature of Policy:** No student will be penalized academically for testing positive for illegal drugs. The results of drug test pursuant to this policy will not be documented in any student's academic records. Information regarding the results of a drug test will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or legal process. In the event of service of such subpoena or legal process, the student and the student's parent/guardian will be notified at least seventy-two hours before the District will respond to such a request.

**Determining a Positive Test:** Sufficient testing material will be collected from a student to allow the dividing of the specimen into two parts. One part of the specimen will be tested, the other sealed and stored. Should a positive test result be obtained with the first part of the specimen, the second part of the specimen will be tested immediately as a fail-safe measure. A positive result will be determined only upon a positive testing of the second part as well.

**Disciplinary Response to An Initial Positive Result:** Upon determination of a positive test result, the student participant and the parent/guardian of the student shall be notified.

**First Offense –** Suspension from participation for twenty (20) percent of the season. If twenty percent of the season is not remaining when the violation occurs, the suspension will continue into the next activity. The student may not participate in any performances or competitions during this period. A student will be allowed to practice during a suspension. A first time suspension will result in the student being tested monthly at their own expense for the remainder of the school year. A first time suspension will also result in the student being required to complete an Alcohol/Drug Education class at their own expense.

**Second Offense –** Suspension from all extracurricular activities, including all performances and competitions for the remainder of the school year. If a student, who has been suspended twice, wishes to resume participation in extracurricular activities the following year they

will be tested monthly, at their expense, for the remainder of their extra-curricular career in the District.

Third Offense – A third offense will result in suspension from all extracurricular activities for the remainder of the student's stay in the District. A student, who self-refers to the administration or coach before submitting to a drug use test, will be allowed to remain active in all extra-curricular activities. Such a student will, however, be considered to have committed his/her first offense under this policy. A self-referral may only be used once during a student's eligibility in high school.

Arbitration of Results: The agency conducting the test will maintain the availability of qualified medical personnel to arbitrate any issues arising from a positive test result, such as the use of a prescription medication prior to testing, the possibility of the existence of a false positive and other issues of test validity.

#### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3400F**

JEFFERSON JOINT SCHOOL DISTRICT 251  
3850 E 300 N  
RIGBY, IDAHO 83442

### **DRUG TESTING CONSENT FORM**

I understand that my performance as a participant and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the standards, rules and regulations set forth by the Jefferson County 251 District Board of trustees and the sponsors for the activity in which I participate.

I also authorize Rigby High School or Jefferson High School to conduct tests on urine specimens, which I provide, to test for drugs and/or alcohol use. I authorize the release of information concerning the results of such a test to Rigby High School and to my parent or guardian.

This shall be deemed a consent pursuant to the Family Education Right to Privacy Act for the release of above information to the parties named above.

---

Student Signature

Date

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

## **STUDENTS**

**3410**

### School Sponsored Student Activities

1. Student Organizations:
  - a. All student organizations must be approved by the administration. Secret or clandestine organizations or groups will not be permitted.
  - b. Bylaws and rules of student organizations must not be contrary to board policy or to administrative rules and regulations.
  - c. Procedures in student organizations must follow generally accepted democratic practices in the acceptance of members and nomination and election of officers.
2. Social Events
  - a. Social events must have prior approval of the administration.
  - b. Social events must be held in school facilities unless approved by the Board.
  - c. Social events must be chaperoned at all times.
  - d. Attendance at high school social events and dances shall be limited to high school students, and middle school social events shall be limited to middle school students, unless prior permission is received from the principal.
3. Extracurricular Activities

- a. Academic and behavior eligibility rules are established by Idaho High School Activities Association (IHSAA) rules and District policy.
- b. Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.
- c. In establishing an interscholastic program, the Board directs the administration to:
  - i. Open all sports to all students enrolled in the District with an equal opportunity for participation.
  - ii. Recommend sports activities based on interest inventories completed by the students.

Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3420**

### Student Fund Raising Activities

The Board acknowledges that the solicitations of funds from students, staff and citizens must be limited since students are a captive audience and since solicitation can disrupt the program of the schools. Solicitation and collection of money by students for any purpose, including the collection of money by students in exchange for tickets, papers, magazine subscriptions, or for any other goods or services for the benefit of an approved school organization, may be permitted by the Superintendent providing that the instructional program is not adversely affected.

#### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3430**

### Distribution of Fund Drive Literature Through Students

Although many community drives are organized for raising funds for worthy nonprofit causes, it is the policy of the District to refrain from having the students, as student body members, used for such collection or dissemination purposes.

Exceptions to this policy will be considered when recognized student or school-affiliated organizations of the District request permission to participate in such activity.

#### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3440**

### Student Fees, Fines and Charges / Return of Property

Within the concept of free public education, the District shall provide an educational program for the students as free of costs as possible.

No fee shall be charged for courses that are offered for credit at the secondary level or that are part of the regular elementary educational program. A student may be charged a reasonable fee for any course or activity held outside normal school functions. The Board may waive the fee in cases of financial hardship.

The Board delegates authority to the Superintendent to establish appropriate fees and procedures governing the collection of fees and to make annual reports to the Board regarding fee schedules. Fees may be required for the actual cost of excessive supplies that students choose to use that go above and beyond what is typically required and provided for by the district for a course. Examples are industrial arts projects, music clubs or groups, construction projects, or agriculture projects.

A student shall be responsible for the cost of replacing materials or property that is lost or damaged due to negligence. The District, may require, as a condition of graduation, issuance of a diploma or certificate, issuance of a transcript, that all indebtedness incurred by a student be satisfied, or that all books or other instructional material, uniforms, athletic equipment, advances on loans or other personal property of the District be returned.

Legal reference: I.C. § 33-603 Payment of fees or returning of property

#### Policy History

Adopted on:

Revised on:

### **STUDENTS**

**3450**

#### Student Vehicle Parking

Students are permitted to park on school premises as a matter of privilege, not of right. Patrols and inspections may be conducted without notice, without student consent, and without a search warrant. Students are required to unlock vehicles for reasonable inspection when required to do so by an administrator. Failure to cooperate may result in the loss of permission to drive a vehicle onto campus, in-school suspension or short-term suspension from school. In cases involving drugs, alcohol or firearms, the local sheriff or police may be called.

Students will be permitted to park their vehicle in the school parking lot provided they have:

- a. Current vehicle insurance policy;
- b. Driver's license; and
- c. Vehicle registration.

Additional parking requirements include:

1. Students must complete the Student Vehicle Parking form prior to parking on school grounds.
2. Automobiles are restricted to parking in spaces marked for parking. All automobiles inappropriately parked are subject to being towed without additional warning and at owner's expense.
3. The Jefferson Joint School District #251 assumes no responsibility of automobiles left in the lot overnight.
4. The Jefferson Joint School District #251 is not responsible for theft or damage to automobiles parked in the student parking lot.
5. The student parking lot is off limits during normal class time, except when the student has written permission from an administrator.
6. Students are prohibited from loitering in the parking lot. Students must enter the building immediately upon arrival.

Any violation of this policy shall result in the following:

- a. First Offense: Conference with administration and student.
- b. Second Offense: Conference with administration, parent and student.
- c. Third Offense: Loss of right.

#### Policy History

Adopted on:

Revised on:

### **STUDENTS**

**3460**

Foreign travel is not allowed by Jefferson School District.

#### Non-School Sponsored Student Activities or Trips

Jefferson School District 251 shall not assume any responsibility or liability, financial or otherwise, for District students or employees while they are participating in unsponsored activities or trips. District insurance policies will not cover students or employees during such activities or trips

#### Guidelines

##### Use of School or District Name

The school or the District shall not be identified or associated with any non-sponsored activity in order to raise money for trips or to imply that such is school or District sponsored.

##### Communication of Non-Sponsored Status

Clear communications shall be made to staff, students, and patrons that the activity or trip is not school or District sponsored.

##### Materials Distribution

1. Flyers or other literature announcing the activity or trip shall not be sent home under the auspices of the school.
2. General distribution of materials shall not be made within the school.
3. Any materials distributed or displayed shall:
  - a. Clearly state the sponsoring individual or agency.
  - b. Include a disclaimer that the activity or trip is not school or District -sponsored.
  - c. State clearly that the activity or trip is not covered by the legal and financial provisions usually associated with sponsored activities or trips.

##### Use of District Owned Vehicles

Buses or other District owned vehicles shall not be loaned or leased to non-school groups unless permission is specifically granted by the Board.

##### Definition

Non-School Sponsored Student Activities and Trips: include but are not limited to (1) Student trips to foreign countries that are sponsored and organized by an outside agency and



directed or chaperoned by a Jefferson School District 251 staff member or an outside individual. (2) Participation by Jefferson School District 251 students and/or staff members in conferences, workshops, etc. that may be justified educationally on the basis of community service, political or governmental activity, attention to social problems, etc.

Policy History:

Adopted on: May 9, 2007

Revised on: August 9, 2023

## **Travel Out of State Greater than 300 Miles**

**3465**

Generally, approval of travel requests for out of state travel of distances over 300 miles will be limited to those groups who have qualified to attend regional or national competitions by virtue of their winning state competitions as teams or individuals, or who have received non-solicited invitations to perform or participate from recognized and respected educational support organizations.

The Board recognizes that there are times when groups affiliated with schools in Jefferson School District 251 may wish to travel out of state to distances greater than 300 miles to events that feature competition, instructional clinics, or collaboration with similar groups. Groups may apply to attend such events no more frequently than every other year. Exceptions for educational purposes may be granted if approved by the principal and superintendent prior to a request for approval.

No payments for travel may be made prior to receiving Board approval.

Trips should be primarily designed to further the education of the students, not to provide entertainment.

When possible requests for trips must be submitted to the Superintendent's office no later than eight (8) weeks in advance of the trip.

Trips should be scheduled as much as possible during non-school hours/days such as spring or summer break so that absences from other instructional programs are kept to a minimum.

The trip proposal must be in writing and contain the following elements:

1. Identify the purpose of the trip and an outline of anticipated educational experiences and/or course of study to be followed.
2. Identify the names of students and chaperones attending the trip. The proposal must include the names and numbers of chaperones, including both male and female chaperones if the proposal is for a mixed group of students.
3. Identify and plan for any special medical needs of students and chaperones attending the trips.
4. Submit an itemized statement of costs, including transportation, meals, and accommodations.

Students participating in the trip during school hours are permitted and expected to make up any school work missed. The student's absence shall be recorded as "excused." The total number of school days missed due to the trip must be included in the written proposal.

In developing the proposal for the extended trip, the trip organizer will perform the following duties.

1. Hold at least one (1) pre-trip meeting with students and parent/guardian.
2. Provide to the superintendent, students, parent/guardian and chaperones detailed written information about the trip and all activities.
3. Provide detailed information on the responsibilities and rules for the students and chaperones.
4. Discuss district policy regarding student conduct while on a school-sponsored activities.
5. Establish a curfew and enforce strict compliance to this curfew. Chaperones will be required to perform periodic checks to insure that students are following the curfew requirements.
6. Perform periodic checks to insure strict compliance with all school rules and policies.
7. Refrain from using tobacco and consuming alcoholic beverages or drugs while on the extended trip.

#### Pre-Trip Meetings

Pre-trip meetings involving students and their parents, as appropriate, shall be scheduled to assure that all plans are clearly understood. Pre-trip meetings shall not occur until approval from the Board has been received.

#### Chaperones

Trip chaperones must include at least one certified staff member from the school sponsoring the trip, and depending on the number of students involved, additional certified staff and/or parents/guardians of students going on the trip. Chaperones shall be selected by the trip teacher/advisor. Chaperones are under the supervision of the trip teacher/advisor.

A student will be permitted to stay in the same motel/hotel room with a chaperone only if the chaperone is the student's parent or legal guardian. Students whose parents or legal guardians are not serving as chaperones will share rooms with same-sex students only.

Chaperones will agree to the following duties:

1. Supervise and be responsible for students during the entirety of the trip.
2. Ensure that students follow all legal and school requirements.
3. Establish a procedure for room checks and monitor compliance.
4. In all ways model the behaviors expected of District students.

Chaperones must have a background check completed annually prior to travel. Any adult convicted of any sex or drug related offenses, or any other felony may not serve as a chaperone.

The safety, protection and supervision of District students are the sole purposes for adult chaperones accompanying District students on trips. Agreeing to serve as a chaperone is accompanied by an understanding that the established rules and policies will be followed.

The certified staff member serving as the trip organizer will carry a roster of students who are on the trip along with emergency information on each student.

Children who are not a part of the group participating in the trip may not accompany parents when the parents serve as chaperones.

All trips must be adequately supervised with a minimum of one (1) adult per ten (10) students. Groups with both male and female participants must have supervision of at least one (1) male and one (1) female adult.

#### Student Conduct

Students participating in the trip will be subject to all codes of conduct in District policy. Violations will result in appropriate disciplinary action.

Students and their parent/guardian are expected to be knowledgeable about the District's policy on student conduct. Trips are considered an extension of the classroom and all rules and policy pertaining to a school-sponsored activity must be followed.

1. Students and their parent/guardian will read and sign the code of conduct of the school. The code of conduct will be reviewed during the pre-trip meetings.
2. Students who violate any school policy during an extended trip may be disciplined, including, but not limited to, being sent home at the parent/guardian's expense.

#### Permission

All students must return a permission slip for the trip, signed by a parent/guardian, before they will be allowed to participate in the trip.

#### Fundraising

Fundraising drives may be allowed to defray costs, however, all fundraisers must be pre-approved by the building principal.

#### Cancellation of Trips

Cancellation of trips may occur due to weather, safety, world events or local school need. Trips will be cancelled only under circumstances under which appropriate school authorities believe it is reasonably cautious and prudent to do so in order to ensure the safety of students and staff or to ensure the effective operation of the local school. In such cases, every effort will be made to provide as much advance notice as possible.

The District is not responsible for financial losses to students and parents due to cancellation of trips.

The authority to cancel trips rests with the Superintendent or the Superintendent's designee.

#### Report of Trip Conclusion

Following the trip, the trip organizer shall prepare and present a written summary and evaluation of the trip to the Superintendent and Building Principal.

#### Policy History

Adopted on: January 8, 2014

Revised on: August 9, 2023

### Student Health/Physical Screenings/Examinations

The Board may arrange each year for health services to be provided to all students. At the start of the school year, each District school shall notify parent/guardians of health services offered or made available through the school or by private organizations partnering with the District that offer services on school property or as a part of a school program. Parents/guardians shall be notified of any new health services that become available after the annual notice is sent.

Such services may include, but are not limited to:

1. The development of procedures at each building for the isolation and temporary care of students who become ill during the school day;
2. The consulting services of a qualified specialist for staff, students, and parents;
3. Vision and hearing screening;
4. Scoliosis screening; and
5. Immunization as provided by the Department of Health and Human Services.

Parents/guardians will receive a written notice of any screening result which indicates a condition that might interfere or tend to interfere with a student's progress. Additionally, if a member of the District's staff becomes aware of a change in the student's mental, emotional, or physical health or well-being, the staff member shall address the matter as described in Policy 2425.

In general, the District will not conduct a physical examination of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening administered by the District is conducted which is:

1. Required as a condition of attendance;
2. Administered by the school and scheduled by the school in advance; and
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above-described non-emergency, invasive physical examination or screening.

As used in this policy, the term "invasive physical examination" means any medical examination involving the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but this does not include a hearing, vision, or scoliosis screening.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Idaho High School Activities Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

All parents will be notified of the requirements of the District's policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy.

Abortion-Related Counseling and Referrals Prohibited

All staff are prohibited from providing the following services to any person during working hours or in the course of their work:

1. Providing or performing an abortion;
2. Counseling in favor of abortion;
3. Referring for abortion; or
4. Dispensing emergency contraception, except in the case of rape.

Cross References:	2425	Parental Rights
Legal References:	20 USC § 1232h(b)	Protection of Pupil Rights - Limits on Survey, Analysis, or Evaluations
	IC § 18-8701, <i>et seq.</i>	No Public Funds for Abortion Act
	IC § 33-6001	Parental Rights
	IDAPA 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on: August 9, 2023

Revised on:

**STUDENTS**

**3500F**

Notice of Health Services

Dear parent or guardian,

The purpose of this form and the attached copy of the District's policy on Student Health/Physical Screenings/Examinations is to provide notice of all health services offered or made available through at the school by the District or by any private organizations and to provide notice of the District's policy on physical examinations and screening of students.

This year, the District will provide the following, as appropriate and in accordance with District policy:

1. Preventative health and wellness services and screenings as described in Policies 2415 and 3500;
2. Administering or assisting of the administration of medication as described in Policy 3510;
3. First aid and emergency care as described in Policy 3540; and
4. Appropriate management of all health conditions with parental consent.

The District will provide the following additional health services or examinations which can only be provided with parental permission:

Health Service or Exam	Approximate Date	Initial to Indicate <b>Permission</b> to Conduct the Health Service or Exam

The District will provide the following additional health services or examinations **unless the student's parent opts out:**

Health Service or Exam	Approximate Date	Initial <b>only</b> if you do <b>not</b> want your child to receive this health service or exam.
		<i>Opt Out:</i>
		Opt Out:
		Opt Out:

\_\_\_\_\_  
Student Name

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Name

Form History:  
Adopted on: August 9, 2023  
Revised on:

## **STUDENTS 3505**

### Concussion Protocol

Many students within Jefferson School District, No. 251 participate in extra-curricular activities of a nature whereby physical injury may result. Though the District takes care to ensure all extra-curricular activities are as safe as practicable, it is not possible to remove all danger from such activities, and the District acknowledges that concussions may result. The purpose of this policy is to address situations in which student concussions have occurred or are suspected to have occurred.

This policy only applies to organized athletic league or sport in which any District student participates as an athlete or youth athlete. For the purposes of this policy, athlete or youth athlete means an individual who is eighteen (18) years of age or younger and who is a participant in any middle school, junior high school, or high school athletic league or sport. A school athletic league or sport shall not include participation in a physical education class.

### Pre-Season Education

The Administration and coaches will work to ensure that athletes, youth athletes, parents, volunteers, and assistant coaches are educated about concussions. Prior to being allowed to engage or participate in any school athletic league or sport:

1. Each student desiring to participate in such school athletic league or sport, and the student's parents or guardians, shall be provided notice of and/or copies of any concussion guidelines or information available from the State Department of Education and the Idaho High School Activities Association, and also this policy.
2. Each student desiring to participate in such school athletic league or sport, and the student's parents or guardians, shall acknowledge that they have been provided the guidelines or information available from the State Department of Education and the Idaho High School Activities Association, as well as this policy, and have had the opportunity to review and have reviewed such information. Further, each student and the student's parents or guardians shall sign an applicable waiver for participating in such school athletic league or sport.
3. The signed waiver and acknowledgment of review of the appropriate information shall be returned to the District.
4. Coaches, referees, game officials, game judges and athletic trainers shall be provided with a copy of notice any concussion guidelines or information available from the State Department of Education and the Idaho High School Activities Association, and also this policy. All coaches, referees, game officials, game judges, and athletic trainers shall review such information upon employment and biannually thereafter. This information will also be made available to the general public through the District website.

Athletes will not be allowed to participate in school athletic leagues or sports until the above requirements are met.

## Protocol on Suspected Concussion

If, during any school athletic league or sport practice, game, or competition, an athlete exhibits signs or symptoms of a concussion, makes any complaint indicative of a possible concussion, or a coach, assistant coach, volunteer coach, or other school District employee has reason to believe a concussion has occurred, such student shall be removed from play or participation in the practice, game, or competition. According to the Centers for Disease Control and Prevention, and for the purposes of this policy, signs observed by coaching staff which could be indicative of a concussion include if the athlete:

- Appears dazed or stunned
- Is confused about assignment or position
- Forgets an instruction
- Is unsure of game, score, or opponent
- Moves clumsily
- Answers questions slowly
- Loses consciousness (*even briefly*)
- Shows mood, behavior, or personality changes
- Can't recall events *prior* to hit or fall
- Can't recall events *after* hit or fall

According to the Centers for Disease Control and Prevention, and for the purposes of this policy, symptoms reported by the athlete which could be indicative of a concussion include:

- Headache or “pressure” in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Sensitivity to light
- Sensitivity to noise
- Feeling sluggish, hazy, foggy, or groggy
- Concentration or memory problems
- Confusion
- Does not “feel right” or is “feeling down”

Coaches should not try to judge the severity of the injury themselves. Health care professionals have a number of methods that they can use to assess the severity of concussions. Coaches should record the following information, if possible, to help health care professionals in assessing the athlete after the injury:

- Cause of the injury and force of the hit or blow to the head or body
- Any loss of consciousness (passed out/knocked out) and if so, for how long
- Any memory loss immediately following the injury
- Any seizures immediately following the injury
- Number of previous concussions (if any)

Athletes may not be returned to play or participate in any student athletic league or sport (except on an administrative basis, such as team manager), until and unless the athlete has been evaluated and is authorized to return to play or participate by a qualified health care professional who is trained in the evaluation and management of concussions, including a physician or physician's assistant



licensed under chapter 18, title 54, Idaho Code, an advanced practice nurse licensed under Idaho Code 54-1409, or a licensed health care professional trained in the evaluation and management of concussions who is supervised by a directing physician who is licensed under chapter 18, title 54, Idaho Code. Such authorization must be in writing and must be provided to the District prior to the student being returned to play. If the authorization is signed by a licensed health care professional trained in the evaluation and management of concussions, such authorization must also be countersigned by the directing physician.

Legal Reference: I.C. § 33-1625 Youth athletes – concussion and head injury guidelines  
Title 54, Chapter 18 Idaho Code

Other Reference: <http://www.idhsaa.org/concussions/default.asp>  
<http://www.cdc.gov/concussion/sports/index.html>  
<http://www.cdc.gov/concussion/sports/recognize.html>

#### Policy History

Adopted on: December 12, 2012

Revised on:

**STUDENTS**

**3505F1**

### **ACKNOWLEDGMENT OF RECEIPT OF CONCUSSION GUIDELINES**

**Parent's/Guardian's Signature**

I, (print name) \_\_\_\_\_, acknowledge that I am the parent or guardian of the student (below), that I have received from the District information related student athlete concussions, including information from the State Department of Education, the Idaho High School Activities Association, and District Policy 3505, and have had the opportunity to review and have reviewed such information. I understand that participation in school athletics leagues or sports is dangerous, and hereby agree to waive all liability against Jefferson School District, No. 251, its employees, agents, and trustees, related to any injury or damages that my student may experience or incur as a result of participation in such school athletics leagues or sports.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Student's Signature**

I, (print name) \_\_\_\_\_, acknowledge that I am a student of Jefferson School District, No. 251 or otherwise am allowed to participate in school athletics leagues or sports, that I have received from the District information related student athlete concussions, including information from the State Department of Education, the Idaho High School Activities Association, and District Policy 3505, and have had the opportunity to review and have reviewed such information. I understand that participation in school athletics leagues or sports is dangerous, and accept the risk of the potential consequences of such dangers.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE: Both signature lines must be filled in and this form must be provided to the District prior to the student athlete participating in any school athletic leagues or sports.**

Policy History

Adopted on: August 8, 2012

Revised on:

**AUTHORIZATION TO RETURN TO PLAY OR PARTICIPATE IN STUDENT SPORTS**

I hereby state that I am a:

\_\_\_\_\_ Physician licensed pursuant to chapter 18, title 54, Idaho Code.

\_\_\_\_\_ Physician's assistant licensed pursuant to chapter 18, title 54, Idaho Code.

\_\_\_\_\_ Advanced practice nurse licensed under section 54-1409, Idaho Code.

\_\_\_\_\_ A licensed health care professional trained in the evaluation and management of concussions who is supervised by a directing physician licensed under chapter 18, title 54, Idaho Code. My directing physician is \_\_\_\_\_, and his/her license number is \_\_\_\_\_, and address is \_\_\_\_\_.

I further state that I have met with \_\_\_\_\_ ( hereinafter referred to as "student athlete") to evaluate the student athlete for a concussion. I have discussed with the student athlete the potential ramifications of continuing to play sports after having received a concussion or exhibiting concussion like symptoms. I am satisfied that the student athlete can return to play and/or participate in school athletic leagues or sports without significant likelihood of danger or injury, and I therefore authorize student athlete to return to play and/or participation in school athletic leagues or sports.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
License No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Directing Physician  
(if signed by a Licensed Health  
Care Professional)

\_\_\_\_\_  
Date

Policy History

Adopted on: Aug. 8, 2012

Revised on:

### Student Medicines

This policy shall be reviewed annually by the Board of Trustees or their designee.

### Assistance in Self Administration of Medicines by Students

Any school employee authorized in writing by the school administrator or school principal:

1. May assist in the self-administration of any drug to a pupil provided:
  - A. The student's parent/guardian has consented in writing; and
  - B. The drug may lawfully be sold over the counter without a prescription.

Such administration must be as described in the written instructions provided in accordance with this policy.

2. May assist in the self-administration of a prescription drug to a pupil in compliance with the written instructions of a licensed health care practitioner, if the pupil's parent/guardian consents in writing.

### Administering Medicines to Students

No employee except a qualified health care professional may administer a drug or prescription drug to a pupil under this policy except in an emergency situation.

The Board will permit the administration of medication to students in District schools. Pursuant to the written authorization of the student's licensed health care practitioner, as well as the written authorization of a parent/guardian, the school nurse (who has received direction as to the administration of medication by the student's licensed health care practitioner) may administer medication to any student in the school.

Where administration of medication is a routine activity for a particular student, the subject shall be addressed in a student's health care plan, Section 504 Plan, or IEP as applicable.

Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a school employee and should not be practiced by any school personnel.

The absence of a school nurse for the administration of medication shall be addressed on a case-by-case basis considering compliance with Idaho law and the medical needs of the student.

## Emergency Administration of Medicines

In case of an anaphylactic reaction or the risk of such reaction, or in the case of a seizure, a school nurse or delegate may administer medication to any student in need thereof on the school grounds, in the school building, or at a school function, according to the standing order of the chief medical advisor or the student's private physician.

In the absence of a school nurse, the administrator or designated staff member exempt from the nurse licensure requirements who has completed training in administration of medication, may give emergency medication to students. There must be on record a medically diagnosed allergic condition which would require prompt treatment to protect the student from serious harm or death.

Record of the medication administered in an emergency will be entered on an Individual Student Medication Record and filed in the student's cumulative health folder.

## Self-Monitoring and Treatment of Diabetes

A student with diabetes, upon written request of the student's parent/guardian and written authorization from the student's treating physician, shall be permitted by the Board to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the student's diabetes in the classroom and in any area of the school or school grounds, and to possess on the student's person at all times all necessary supplies and equipment to perform these monitoring and treatment functions.

## Epilepsy and Seizure Disorder Plans

Upon written request of the parent/guardian of a student who has epilepsy or another seizure disorder, the District shall authorize implementation of a plan – whether a Section 504 plan, Health or Emergency Care Plan, or Seizure Disorder Plan, as deemed appropriate for each individual student. The plan will include, but is not limited to, the following:

1. Providing notice of the student's condition to all employees who interact with the student;
2. The student's symptoms;
3. Written orders from the student's physician on providing care to the student;
4. Whether the student may fully participate in exercise and sports and, if applicable, any accommodations required;
5. Accommodations for school-related activities, such as school trips and after-school activities;
6. A description of how medical treatment of the condition may affect the student's education, if applicable;
7. The student's understanding of and ability to manage the epilepsy or seizure disorder.
8. How to maintain communication with the student, parents/guardians, the student's healthcare team, and the employee responsible for administering emergency medication]; and

9. A list of qualified staff who may administer emergency medication to the student for a seizure.

The plan may be updated annually and as necessary if there is a change in the health status of the student. The plan must also address the notification to the appropriate staff.

All employees who have received notification that a student they interact with has epilepsy or another seizure disorder will be provided with information about how to recognize indicators for epilepsy and seizure disorder, epilepsy, or seizure disorder first aid, when to call for assistance, and a parent/guardian and emergency contact information for that student. The training shall be provided by the school nurse or another medical professional selected by the Superintendent or designee. The training may be individualized to each student, if necessary.

#### Self-Administration of Asthma Medication, Insulin/Diabetic Treatment, Seizure Disorder Medication, or Epinephrine Auto-Injectors

Pursuant to Idaho Code covering the self-administration of asthma medication, the following shall apply to epinephrine auto-injectors, seizure disorder medication, insulin, or blood glucose monitoring supplies if a parent/legal guardian chooses to have their child self-administer medication:

1. The parents/guardians of the pupil shall provide to the Board or designee written authorization for the self-administration of medication.
2. The parents/guardians of the pupil shall provide to the Board or designee written certification from the student's physician that the student has a severe allergic reaction (anaphylaxis), asthma, another potentially life-threatening respiratory illness, epilepsy or another seizure disorder, or diabetes and is capable of, and has been instructed in, the proper method of self-administration of medication. In cases where the pupil has severe or life-threatening allergies, Policy 3515 Food Allergy Management, and any related procedures shall be followed. For students with a severe allergic reaction, asthma, another potentially life-threatening respiratory illness, seizure disorder, or diabetes the student's physician or health care provider-supplied information shall contain:
  - A. The name and purpose of the medicine;
  - B. The prescribed dosage;
  - C. The time(s) at which or the special circumstances under which medication should be administered;
  - D. The length of time for which medication is prescribed;
  - E. The possible side-effects of the medicine;
  - F. Actions to take in the event of an emergency, including if the medication does not improve the child's breathing or allergic reaction;
  - G. Contact information for the physician and parent/guardian; and
  - H. If applicable, a list of the child's asthma or seizure triggers or allergies.
3. The school's administration and appropriate teachers and school personnel shall be informed that the student is self-administering prescribed medication. Such notification shall be done in a manner so as to best preserve the privacy of the student and the student's medical condition to the extent appropriate.

For students with severe or life-threatening allergies this information may be provided in the student's Emergency Care Plan.

#### Additional Requirements for Self-Administration of Medicines

The Board or Board designee will inform the parents/guardians of the pupil in writing that the District and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil, absent any negligence by the District, its employees, or its agents, or as a result of providing all relevant information provided pursuant to subdivisions of this subsection with the school nurse, absent any negligence by the District, its employees, or its agents, or in the absence of such nurse, to the school administrator.

The parents/guardians of the pupil shall sign a statement acknowledging that the District shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents/guardians shall indemnify and hold harmless the District and its employees or agents against any claims arising out of the self-administration of medication by the pupil.

Students who are authorized to carry their medication, supplies, or equipment necessary for managing their diabetes, allergies, asthma, or epilepsy or other seizure disorder may be retested periodically to ensure they are still capable of correctly using the medication.

As used in this section:

1. "Medication" means:
  - A. An epinephrine auto-injector;
  - B. A metered dose inhaler or a dry powder inhaler;
  - C. Medication for the treatment of epilepsy or another seizure disorder; and
  - D. Insulin, insulin delivery system and/or supplies or equipment necessary for diabetes monitoring and/or treatment prescribed by a physician and having an individual label;
2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician; and
3. A student who is permitted to self-administer medication pursuant to this section shall be permitted to possess and use the prescribed medication at all times.

Any school employee authorized in writing by the school administrator or principal may assist with self-administration of medications provided that only the following acts are used:

1. Verbal suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
2. Handing a prefilled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy to the student;
3. Opening the lid of the above container for the student;
4. Guiding the hand of the student to self-administer the medication;
5. Holding a container of fluid and assisting the student in drinking fluid to assist in the swallowing of oral medications; and/or
6. Assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

## Handling and Storage of Medicines

All medications, including those approved for keeping by students for self-administration, must first be delivered by the parent or other responsible adult to the nurse or employee assisting with the self-administration of medication. The nurse or the employee must:

1. Examine any new medication to ensure that it is properly labeled with dates, the name of the student, the medication name, the dosage, and the physician's name;
2. If administration is necessary, the nurse must develop a medication administration plan for the student before any medication is given by school personnel;
3. Record on the Student's Individual Medication Record the date the medication is delivered and the amount of medication received;
4. Store medication requiring refrigeration at 36F - 46F; and
5. Store prescribed medicinal preparations in a securely locked storage compartment excluding those medications approved for self-administration. Controlled substances will be contained in a separate compartment, secured, and locked at all times.

No more than a 45 school day supply of a medication for a student will be stored at the school. All medications, prescription and nonprescription, will be stored in their original containers. Access to all stored medication will be limited to persons authorized to administer medications or assist in the self-administration of medications. Each school will maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

## Disposal of Medication

School personnel must either return to the parent/guardian or destroy (with permission of the parent/guardian) any unused, discontinued, or obsolete medication. Medicine which is not repossessed by the parent/guardian within a seven day period of notification by school authorities will be destroyed by the school nurse in the presence of a witness

## Medications to Reverse an Opioid Overdose

Opioid Overdose: The District participates in a program that provides treatment of opioid overdoses, as outlined in Policy 3518.

Legal References:	IDAPA 08.02.03.160.01.a.i IC § 33-520	Rules Governing Student Health Policies Policy Governing Medical Inhalers, Epinephrine Auto-Injectors, Insulin and Blood Glucose Monitoring Supplies
	IC § 54-1401Nurses — Purpose —	License Required — Representation to the Public



### Policy History:

Adopted on: October 13, 2010

Revised on: August 12, 2020

Revised on August 9, 2023

## **STUDENTS**

**3511**

Jefferson Joint School District No. 251 will maintain a stock supply of epinephrine auto-injectors in its schools to assist students or other individuals on school property requiring immediate medical intervention related to a severe allergic reaction (anaphylaxis).

## **DEFINITIONS**

"Administer" means the direct application of an epinephrine auto-injector to the body of an individual.

"Designated school personnel" means an employee, agent, or volunteer of a school designated by the governing authority of a school who has completed the training to provide or administer an epinephrine auto-injector to a student.

"Epinephrine auto-injector" means a device that automatically injects a premeasured dose of epinephrine.

"Self-administration" means a student or other person's discretionary use of an epinephrine auto-injector, whether provided by the student, a school nurse, or other designated school personnel.

## **PRESCRIPTION**

Any physician, advanced practice registered nurse licensed to prescribe, or physician assistant licensed to prescribe may prescribe epinephrine auto-injectors in the name of a school to be maintained for use in accordance with this policy.

Students who have diagnosis of anaphylaxis, severe allergy, or other diagnosis where a prescription for an epinephrine auto-injector has been issued should provide the school nurse or designated school personnel with an epinephrine auto-injector, and replace after use or upon expiration.

## **ADMINISTRATION**

The board authorizes school nurses and designated school personnel to do the following:

1. Provide an epinephrine auto-injector to a student to self-administer the epinephrine auto-injector in accordance with a prescription specific to the student on file with the school nurse.
2. Administer an epinephrine auto-injector to a student in accordance with a prescription specific to the student on file with the school nurse.
3. Administer an epinephrine auto-injector to any student or other individual on school premises that the school nurse or designated school personnel in good faith believes is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine auto-injector or diagnosis of severe allergy.

Each school that maintains a stock supply and administers epinephrine auto-injectors is required to submit a report of each incident at the school or related school event involving a severe allergic reaction or the administration of an epinephrine auto-injector to the board or its designee.

## TRAINING

The board, through its authorized designee, will establish detailed standards for training programs that must be completed by designated school personnel in order to provide or administer an epinephrine auto-injector. Such training may be conducted online and, at a minimum, will cover:

1. Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis.
2. Standards and procedures for the storage, administration, and disposal of an epinephrine auto-injector.
3. Emergency follow-up procedures.

**EMERGENCY ADMINISTRATION OF MEDICINES**

In an emergency situation, such as anaphylactic reaction or the risk of such reaction, the school nurse or properly trained designee may administer emergency medication to any student in need thereof while at school or school sponsored activities.

## IMMUNITY FROM CIVIL LIABILITY

In accordance with Idaho law, there shall be no civil liability for any damages for a physician, advanced practice registered nurse, physician's assistant or pharmacist providing a prescription or standing protocol for school epinephrine auto-injectors consistent with the standard of care for the provider. In addition, there will be no civil liability for damages for a school or its employees or agents for any injuries that result from the administration or self-administration of an epinephrine auto-injector, regardless of whether authorization for use was given by the student's parents, guardian, or medical provider, provided the actions taken in administering or providing the injector were reasonable under the circumstances.

The liability protections set forth herein do not apply to acts or omissions constituting gross negligence, or those that are reckless or constitute willful and wanton behavior.

Legal Reference: Idaho Code Sections  
 33-520 Policy Governing Medical Inhalers, Epinephrine Auto-Injectors,  
 Insulin and Blood Glucose Monitoring Supplies  
 33-520A Life-Threatening Allergies in Schools  
 54-1401 Purpose – License Required – Representation to the Public  
 (Nurses)

Policy History:  
Adopted on: August 12, 2020  
Revised on:

### Food Allergy Management

Food-allergic reactions can develop into severe or life-threatening reactions and, even with proper treatment, can be fatal. A student's ability to learn may be drastically altered by their fears of a reaction. The Board will endeavor to provide a safe and healthy environment for students with severe and life-threatening food allergies and to address food allergy management in District schools in order to:

1. Reduce the likelihood of severe or potentially life-threatening allergic reactions;
2. Ensure a rapid and effective response in the case of a severe or potentially life-threatening allergic reaction; and
3. To provide students, through necessary accommodations, the opportunity to participate fully in all school programs and activities, including classroom parties and field trips.

Food allergy management will focus on prevention, education, awareness, communication, and emergency response.

District and school administrators, will endeavor to be knowledgeable about and follow all applicable federal laws, including the Americans with Disabilities Act, Section 504, Individuals with Disabilities Education Act, and the Family Educational Rights and Privacy Act, as well as all State laws and District policies and guidelines that may apply to students with allergies.

Administrators or their designees may make all of the appropriate allergy forms available to parents, explain the procedures for completing and returning them, and ensure that all forms and health records submitted by parents and physicians are reviewed by the appropriate personnel.

Administrators and school nurses may also meet with parents and listen to their needs and concerns.

When a student has been identified as having food allergies verified by a physician, nurse practitioner, or physician assistant, individual written management plans may be used to determine accommodations to be made on a daily basis to prevent and prepare for an allergic reaction. An emergency care plan may be used to provide direction in the event of a life-threatening allergic reaction at school or at a school event. Key staff members may be trained to use emergency medications and may be notified of the location of those medications at school and at any special function.

The Superintendent or designee, in coordination with the school nurse, school nutrition services staff, and other pertinent staff, may develop administrative regulations to implement this policy, including regulations pertaining to all classrooms and instructional areas, school cafeterias, outdoor activity areas, school buses, field trips, and school activities held before or after the school day.

Administrative regulations may address the following components:

1. Identification of students with food allergies and provision of school health services;
2. Development and implementation of individual written management plans;
3. Medication protocols, including methods of storage, access, and administration;
4. Development of a comprehensive and coordinated approach to creating a healthy school environment;

5. Ensuring that the needs of children with documented allergies are taken into consideration in planning for District programs;
6. Communication and confidentiality;
7. Emergency response;
8. Professional development and training for school personnel;
9. Awareness education for students and parents/guardians;
10. Training for District staff and volunteers; and
11. Policy monitoring and evaluation.

Allergy-related policies, protocols, and plans may be updated annually or after any serious allergic reaction occurs at school or at a school-sponsored activity.

The Superintendent or designee may annually notify students, parents/guardians, staff, and the public about the District's food allergy management policy by publishing such in handbooks and newsletters, on the District's website, through posted notices, or other efficient methods.

Students with allergies will be treated in a way that encourages the student to report possible exposure to allergens and any symptoms of an allergic reaction and to progress toward self-care with his or her food allergy management skills. Allergy-related bullying will not be tolerated.

The parent/guardian is expected to provide an adequate supply of the medication to be dispensed, and to retrieve any unused medication at the end of the school year or at the withdrawal of the student. Medication that is not retrieved by the parent/guardian by the student's last day of attendance during the school year will be disposed of by the District. This disposal will be verified by two people.

Cross Reference:	2400	Special Education
	2410	Section 504 of the Rehabilitation Act of 1973
	3510	Administering Medicines to Students

Policy History:  
Adopted on: April 12, 2017  
Revised on:

## **STUDENTS**

**3518**

### **Treatment of Opioid Overdoses**

The District's Board of Trustees wishes to prevent opiate-related overdose deaths. For this reason, The Board authorizes the District Superintendent to make available in any schools the Superintendent deems appropriate either naloxone, sometimes marketed as Narcan, or any other opioid antagonist permitted by IC 54-1733B. If the Superintendent elects to make opioid antagonists available in District schools, the Superintendent or their designee shall establish procedures for the acquisition, storage, and administration of opioid antagonists and for the training of staff members in how to administer them. This procedure shall also provide a process for ensuring there is an adequate supply of opioid antagonists at each school designated to have a supply, ensuring that the medication has not expired, and replacing the medication as needed.

The Superintendent or their designee may obtain opioid antagonists from a licensed health professional authorized to prescribe and dispense them by Idaho law.

Documentation that the opioid antagonist was prescribed and dispensed in accordance with State law shall be maintained in the Superintendent's office, and copies of any directions provided with the opioid antagonist shall be kept with the medication.

Administration of an opioid antagonist shall not be required in circumstances of unavailability of the medication, unavailability of an employee trained to administer it, and/or uncertainty as to whether an opioid overdose is occurring, among other reasons. This policy shall not create a duty on the part of the District and/or its personnel to administer opioid antagonists.

## **Training**

Before any District employee may administer an opioid antagonist under this policy, the employee must successfully complete training on recognizing opioid-related overdoses, administering the opioid antagonist provided by the District, promptly seeking medical attention for drug overdoses, and on this policy. Employees shall be trained every other year on these topics.

Evidence that such training has been completed shall be placed in the employee's personnel file. A list of District employees who successfully completed such training shall be maintained, updated, and kept in the District office.

Students shall be encouraged to immediately report medical emergencies to school officials to ensure medical assistance can be immediately provided.

## **Storage of Opioid Antagonists**

If the Superintendent directs for opioid antagonists to be kept at a school, the medication shall be stored in a safe location in compliance with the drug manufacturer's instructions. The opioid antagonist shall be readily accessible to those employees who have completed the required training to administer it in the event of a suspected drug overdose. All properly trained employees shall be made aware of exactly where naloxone is being stored.

## **Administration of Opioid Antagonist**

These protocols shall be followed when administering an opioid antagonist to respond to a suspected drug overdose:

1. The employee shall immediately ensure that someone calls 911 for emergency medical service personnel to be dispatched to respond to a suspected drug overdose.
2. The employee shall administer the opioid antagonist in accordance with the training they have received and take any further measures directed by their training.
3. The employee shall fully cooperate with emergency medical service personnel responding to the scene and shall not interfere with or impede the administration of emergency medical

services to the individual suffering the suspected drug overdose.

4. The employee shall notify the building administrator of the incident as soon as possible.
5. The employee shall provide a written report describing the facts and circumstances surrounding the event.

The Principal shall provide a copy of the report to the Superintendent.

## **Indemnification**

Any person who administers an opioid antagonist provided under this policy to another person who appears to be experiencing an opiate-related overdose and who:

1. Acts in good faith and exercises reasonable care; and
2. Contacts emergency medical services as soon as possible

will not be liable in a civil or administrative action or subject to criminal prosecution for such acts, as described in IC 54-1735B.

## **Parental Notification**

The District shall notify all parents/guardians of students of this policy once each school year through methods which may include providing it in the student handbook.

A student's parent/guardian, as well as law enforcement, shall be notified of any incident in which their student is believed to have been under the influence of alcohol or controlled substances in accordance with Policy 3320. The student's parent/guardian shall be notified of any health emergency they experience, as described in Policy 3540.

## **Non-Employee Administration of Opioid Antagonists**

Nothing in this policy is intended to regulate, restrict, or otherwise deter any emergency medical technician from administering their own supply of an opioid antagonist when responding in good faith to a suspected drug overdose occurring on District property.

Cross References:	3320	Substance and Alcohol Abuse
	3540	Emergency Treatment

Legal Reference:	IC 54-1733B	Opioid Antagonists
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### Policy History:

Adopted on: November 8, 2023

Reviewed on:

**Contagious or Infectious Diseases**

The district is required to provide educational services to all school-age children who reside within its boundaries. Attendance at school may be denied to any child diagnosed as having a contagious or infectious disease that could make the child's attendance harmful to the welfare of other students. In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the school have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

The Board recognizes that communicable diseases that may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. The district shall rely on the advice of the public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

Management of common communicable diseases will be in accordance with Idaho Department of Health and Welfare guidelines and communicable diseases control rules. A student who exhibits symptoms of a communicable disease that is readily transmitted in the school setting may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the school nurse or other responsible person designated by the Board and may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

The district reserves the right to require a statement from the student's primary care provider authorizing the student's return to school. In all proceedings related to this policy, the district shall respect the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious communicable disease, the staff member or volunteer shall promptly notify the school nurse or other responsible person designated by the Board to determine appropriate measures to protect student and staff health and safety. The school nurse or other responsible person designated by the Board, after consultation with and on the advice of public health officials, shall determine which additional staff members, if any, have need to know of the affected student's condition.

Only those persons with direct responsibility for the care of the student or for determining appropriate educational accommodation will be informed of the specific nature of the condition if it is determined there is a need for such individuals to know this information.

Parents of other children attending the school may be notified that their child has been exposed to a communicable disease without identifying the particular student who has the disease.

## **Head Lice (Pediculosis)**

Head lice are a common problem among school-aged children and adolescents. The district shall take appropriate steps to assist parents/guardians in preventing and addressing head lice while respecting the confidentiality of students with head lice and limiting disruption to their education.

Lice prevention and management activities shall be under the direction of each school's building principal. Each school's building principal or designee shall conduct the following tasks and/or train and designate other staff members to do the following:

1. Provide general information to parents/guardians on the diagnosis, treatment, and prevention of head lice;
2. Encourage parents/guardians to perform regular lice checks on the scalp of their children who attend school, especially when excessive itching is noticed;
3. Conduct checks for head lice in students showing symptoms of head lice; and
4. Notify a student's parent/guardian if they are found to have head lice and provide resources on appropriate treatment options.

Individuals shall be trained and assigned within each school to assist in implementing this policy.

To prevent the spread of head lice at school, students should avoid head-to-head and hair-to-hair contact during activities. Students shall be discouraged from sharing such items as hats, scarves, coats, sports uniforms, hair accessories, combs, brushes, or towels.

## **Checking for Head Lice**

Any staff member who suspects a student has head lice shall report this to the building principal or their designee. The building principal or their designee may train school staff on recognizing signs of head lice.

The student will be checked for head lice in a confidential manner by trained personnel. Students who attend school in the district and are likely to have had head-to-head or other close personal contact with the student, such as siblings, may also be checked.

The district shall not conduct mass lice screenings of students not showing symptoms of head lice.

## **Students Found to Have Head Lice**

Cases of head lice should be managed in ways that reduce disruption to the education process.

The student's parents/guardians shall be notified immediately by the building principal or their designee if their child is checked for head lice.

The parent/guardian shall be notified of whether lice or nits were found. If signs of lice warranting treatment are found, the parent/guardian will be requested to begin treatment immediately. The



notice shall state that prompt, proper treatment of the head lice is in the best interest of the student and their classmates.

Parents/guardians shall be provided with information on head lice treatment consistent with the recommendations of the building principal or designee. The information should include details explaining the problem, list the procedures for treatment and explain any requirements for reentering school. In addition, the building principal or designee may offer extra help or information to families of children who are repeatedly or chronically found to have head lice.

Students who are found to have lice will be discouraged from making head-to-head contact with others and sharing personal items with other students. Students will not generally be sent home from school early due to signs of live or dead lice or nits. Exceptions may be made as determined appropriate and necessary by the building principal or district administration.

### **Return to School**

The student may return to school once the parent/guardian affirms they have begun an appropriate course of treatment for the student's head lice. Students will not generally be excluded from school for having live head lice, provided treatment has begun. Exceptions may be made as determined appropriate and necessary by the building principal or district administration. In no case will a student be excluded from school due to the presence of nits only in their hair.

### **Notification of Head Lice Cases at School**

The district will not normally send a notification regarding head lice cases in the school to parents/guardians of students, aside from notifications related to checks of their own child for head lice.

### **Review of Policy**

The building principal shall review the lice management program and related procedures periodically, in consultation with medical experts as appropriate, to ensure that they are meeting the needs of the students, their families, and the district and to ensure they are in compliance with current best practices.

Any records created related to head lice cases should be maintained in accordance with state and federal laws and regulations and District policies regarding the maintenance and confidentiality of student records. Only information needed for the purpose of assuring notification of the appropriate parties involved and for prevention of further exposures should be noted in a student's school records. Whether any student has or is suspected of having head lice shall be kept confidential.

- Cross References: 3500 Student Health/Physical Screenings/Examinations  
3520 Contagious or Infectious Diseases
- Legal Reference: IC § 33-512 District Trustees - Governance of Schools
- Other References: Head Lice Management in Schools: Position Statement by the National Association of School Nurses, 2020  
Controlling Head Lice & Reducing Stigma by the American Academy of Pediatrics, 2022  
Head Lice Information for Schools by the Centers for Disease Control and Prevention, 2015  
Head Lice, Clinical Reports: Guidance for the Clinician in Rendering Pediatric Care by the American Academy of Pediatrics, 2022

Policy History:

Adopted on:

Revised on: May 10, 2023

## STUDENTS

3525

### Immunization Requirements

The District is required to provide educational services to all school age children who reside within its boundaries. Attendance at school may be denied to any child who does not provide an immunization record to the school regarding the child's immunity to certain childhood diseases. Immunity requirements are met if the child has received or is in the process of receiving immunization as specified by the Board of Health and Welfare or has previously contracted the disease. The parent or legal guardian of the child must comply with the immunization requirements at the time of admission and before attendance for the child.

Summary of Immunization Requirements			
Immunization Requirement	Child born after September 1, 2005	Child born after September 1, 1999 through September 1, 2005	Child born on or before September 1, 1999
Measles, Mumps, and Rubella (MMR)	2 doses	2 doses	1 dose
Diphtheria, Tetanus, Pertussis	5 doses	5 doses	4 doses
Polio	4 doses	3 doses	3 doses
Hepatitis B	3 doses	3 doses	3 doses
Hepatitis A	2 doses	0 doses	0 doses
Varicella	2 doses	0 doses	0 doses

<b>Summary of Seventh Grade Immunization Requirements</b>		
<b>Immunization Requirement</b>	<b>Child admitted to 7<sup>th</sup> grade prior to the 2011-2012 school year</b>	<b>Child admitted to the 7<sup>th</sup> grade during the 2011-2012 school year and each year thereafter</b>
Diphtheria, Tetanus, Pertussis	0 doses	1 dose
Meningococcal	0 doses	1 dose

### Immunization Certification

The immunization record must be signed by a physician, physician's representative, or another licensed health care professional including an osteopath, nurse practitioner, physician's assistant, licensed professional nurse, registered nurse, and pharmacist stating the type, number, and dates of the immunizations received.

### Intended Immunization Schedule

The schedule of intended immunizations statement must be provided by the parent or legal guardian of a child who is in the process of receiving or has been scheduled to receive the required immunizations. A form is provided by the Department of Health and Welfare or a similar one may be used provided it includes the following information:

1. Name and date of birth of child;
2. School and grade child is enrolling in and attending;
3. Types, numbers, and dates of immunizations to be administered;
4. Signature of the parent, custodian, or legal guardian; and
5. Signature of a licensed health care professional providing care to the child.

Children admitted to school and failing to continue the schedule of intended immunizations will be excluded from school until documentation of administration of the required immunizations is provided by the child's parent, custodian, or legal guardian.

### Exemptions

1. Any child who submits a certificate signed by a physician licensed by the State Board of Medicine stating the physical condition of the child is such that all or any of the required immunization would endanger the life or health of the child is exempt from the immunization requirements;
2. Any minor child whose parent or guardian submits a signed statement to school officials stating their objections on religious or other grounds is exempt from the immunization requirements. The parent or guardian can use a form provided by the District or submit a written, signed statement that the District will attach to the form; and

3. A child who has laboratory proof of immunity to any of the childhood diseases listed above will not be required to be immunized for that disease; and
4. A child who has had varicella (chickenpox) diagnosed by a licensed physician upon personal examination will not be required to be immunized for the disease provided they submit a signed statement from the diagnosing physician.

A child exempted under one of the above requirements may be excluded by the District in the event of a disease outbreak.

### Reporting

The District shall submit a report of each school's immunization status to the State Department of Education on or before the first day of November of each year. The report shall include:

1. Inclusive dates of the reporting period;
2. Name and address of the school, District, and county;
3. Grade being reported and total number of children enrolled in the grade;
4. Name and title of the person completing the report form;
5. Number of children who meet all of the required immunizations listed in the tables above;
6. Number of children who do not meet all of the required immunizations listed in the tables above, but are in the process of receiving the required immunizations; and
7. Number of children who claimed exemption to the required immunizations listed in the tables above.

### Legal Reference:

I.C. § 39-4801	Immunization Required
I.C. § 39-4802	Exemptions
IDAPA 16.02.15	Immunization Requirements for Idaho School Children

### Policy History:

Adopted on: December 14, 2011

Revised on: August 8, 2018

## **STUDENTS**

**3530**

### Suicide

Although neither a school district (nor a teacher) has a duty to warn of the suicidal tendencies of a student absent the teacher's or school district's knowledge of direct evidence of such suicidal tendencies, the District may, in its sole discretion, provide the following programs in order to prevent adolescent suicide by:

1. offering and providing help and assistance including early identification;
2. support and/or counseling by school support personnel for low-risk students;
3. referral to appropriate sources outside the school for high and moderate-risk students;
4. attendance to the rights of the student and his/her family; and

5. after care support by the school for faculty, staff, and students after a sudden death has occurred.

Legal Reference: I.C. § 33-512B Suicidal tendencies – Duty to warn.

Policy History

Adopted on:

Revised on:

**STUDENTS**

**3540**

Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment in case of sudden illness or injury to a student, but that further medical attention is the responsibility of the parent or guardian.

Each parent or guardian must provide an emergency telephone number where the parent or designee of the parent can be reached.

When a student is injured, staff shall provide immediate care and attention until relieved by a superior, a nurse or a doctor. The principal or designated staff member should immediately contact the parent so that the parent can arrange for care or treatment of the injured student.

If a child develops symptoms of illness while at school, the responsible school officials shall do the following:

1. Isolate the child immediately from other children in a room or area segregated for that purpose.
2. Inform the parent or guardian as soon as possible about the illness and request him or her to pick up the child.
3. Report each case of suspected communicable disease the same day by telephone to the local health authority, or as soon as possible thereafter if no contact can be made the same day.

In the event that the parent cannot be reached and in the judgment of the principal or person in charge immediate medical attention is required, the injured student may be taken directly to the hospital and treated by the physician on call. When the parent is located, he/she may elect to continue the treatment or make other arrangements.

Policy History

Adopted on:

Revised on:

**STUDENTS**

**3545**

Student Interviews, Interrogations or Arrests

Interviews by School Administrators (Student Victims/Witnesses)

When a violation of board policy or school rule occurs, the school principal or designee may question a potential student victim or students who may have relevant information without prior

consent of the parent, guardian or legal custodian. Another adult should be present during the questioning of students.

#### Interrogations by School Administrators (Student Suspect)

In situations where a student is suspected of violating board policy or school rule, the principal or designee may interrogate the suspected student without the prior consent of the student's parent, guardian, or legal custodian. The school official must first have reasonable grounds, however, to suspect that the student committed such a violation. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies any involvement or culpability, the student will be afforded the opportunity to present his or her side of the story, orally or in writing.

#### Interviews and Interrogations by Law Enforcement Officials (School-Related Violation)

When a suspected violation of criminal law has occurred on school grounds, at a school sponsored activity, or an activity involving school operations, law enforcement officers may be notified by school officials to request a criminal investigation. Law enforcement officers may also independently determine that an investigation requiring student interviews and interrogations is necessary. When law enforcement officers question a student victim, witness or suspect in such instances, school officials shall make an effort to notify the student's parent, guardian or legal custodian in advance of the interview or interrogation.

When students are interviewed or interrogated by law enforcement officers, the principal or designee shall request that police officers observe all procedural safeguards prescribe by law. However, district personnel are not responsible for a police officer's compliance with the law. If a parent or student refuses to consent to police questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

School discipline investigations conducted by school administrators and criminal investigations conducted by law enforcement officers shall be conducted in a parallel manner rather than as a joint investigation. Therefore, a school discipline investigation need not stop as soon as the school administrator believes that a crime has been committed. The results of the parallel investigations may be shared among school officials and the police.

#### Interviews and Interrogations by Law Enforcement Officers (Non-School-Related Violation)

The District strives to maintain cooperative working relations between law enforcement, child protective and school authorities. Law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstances exist, such interviews and interrogations are discouraged during the student's class time. The principal and principal's designee have the right and the obligation to take reasonable steps to prevent disruption of school operations and the educational process while at the same time cooperating with law enforcement efforts. Accordingly, the principal or designee shall work together with law enforcement officers to coordinate efforts and minimize or prevent such disruption in cases of student interviews and interrogations. In the event of disagreement, the principal or designee shall immediately contact the area administrator or district legal counsel for assistance.

Before any student interview or interrogation begins regarding suspected criminal activity, the principal or designee shall ascertain that the law enforcement officer has proper identification evidencing affiliation with an identified law enforcement agency. The principal or designee shall request that all procedural safeguards prescribed by law are observed by the law enforcement officers when interviewing student witnesses or interrogating student suspects. An effort shall be made to notify the student's parent, guardian or legal custodian in advance of the interview or interrogation regarding suspected criminal activity. Whether or not to postpone the interview or interrogation until the parent arrives is ultimately the law enforcement officer's decision. **In cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family, such parent/guardian contact would not be warranted. The Idaho Department of Health and Welfare or law enforcement may exclude school personnel from any child abuse investigations/interviews and may use a school building to conduct the interview.**

#### Arrests by Law Enforcement Officers

A law enforcement officer may take a student into custody if the student has been placed under arrest or if the student's parent, guardian, or legal custodian and the student consent to such release. The officer must first notify the principal or designee so that the student may be summoned to the principal's office and taken into custody in a manner that is as inconspicuous as possible and minimizes disruption of school operations and the educational process. When an emergency situation arises and the student is taken into custody or arrested on school premises without prior notification to the principal or designee, the law enforcement officer should notify school authorities of the situation as soon as possible.

When a student is removed from school by law enforcement officers for any reason, school officials will make every reasonable effort to notify the student's parent, guardian, or legal custodian. The school official will document such effort in writing. Before removing the student from school, the police shall sign a release form in which they assume full responsibility for the student. If a school official has reason to believe that a student was removed from the school by a law enforcement officer without making a valid arrest or without the consent of the student and the parent, guardian, or legal custodian, the school official will attempt to immediately contact the area administrator or legal counsel.

School officials will notify the appropriate area administrator of the removal of any student from school by law enforcement under any circumstance. School officials shall request that all procedural safeguards prescribed by law are observed by law enforcement officers conducting an arrest. District personnel are not, however, responsible for an officer's legal compliance with respect said arrest.

#### Definitions:

1. "Interview"—The questioning of a student who may be a witness or victim of an incident.
2. "Interrogation"—The questioning of a student suspected of violating Board and/or District policy, school rule or criminal law.
3. "Reasonable Grounds to Suspect"—More than a generalized suspicion or a mere hunch, but not requiring certainty, that a violation has occurred. For example, it may be based upon, among other things, direct observations or the reported observations or experiences of

others. It involves a common-sense conclusion about human behavior based upon all of the circumstances presented.

4. “Probable Cause”—A set of probabilities grounded in factual and practical considerations, which would cause a reasonable person to believe that a violation has occurred. It requires having more evidence for than against.

Cross Reference:     4400   Relations with Law Enforcement and Child Protective Agencies  
                          4410   Investigations and Arrests by Police  
                          5260   Abused and Neglected Child Reporting

Legal Reference:    I.C. § 6-904(1)       Exceptions to Governmental Liability  
                          I.C. § 16-1605       Reporting of abuse, abandonment or neglect  
                          I.C. § 16-1606       Immunity  
                          I.C. § 16-1607       Reporting in bad faith—Civil Penalties  
                          I.C. § 16-1631       Authorization for Department to Act  
                          I.C. § 20-516       Apprehension and Release of Juvenile—Detention  
                          Idaho Attorney General Opinion 93-2

#### Policy History

Adopted on:   April 14, 2010

Revised on:



Student Interviews, Interrogations or ArrestsStudent Arrest Form

## FORM FOR SIGNATURE OF ARRESTING OFFICER

I, \_\_\_\_\_, a duly sworn peace officer and member of the \_\_\_\_\_ Department, \_\_\_\_\_ division, have asked that \_\_\_\_\_, a student in the \_\_\_\_\_ School, be surrendered to me, and pursuant thereto have taken said student into my custody and am assuming full responsibility for the student's arrest.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Time \_\_\_\_\_ Badge Number \_\_\_\_\_

**School Action**

Date and time parents notified (if more than one attempt is made, include such information here) \_\_\_\_\_

\_\_\_\_\_  
Signature of Administrator

- 1 copy for School Records
- 1 copy for Parent Mailing
- 1 copy for Police Officer
- 1 copy for Witnessing Administrator

Policy History

Adopted on: April 14, 2010

Revised on:

## STUDENTS

3545F2

### Student Interviews, Interrogations or Arrests

#### Student Interview Form

#### FORM FOR SIGNATURE OF INTERVIEWING OFFICER

I, \_\_\_\_\_, a duly sworn peace officer and member of the  
\_\_\_\_\_ Department, \_\_\_\_\_  
division, have asked that \_\_\_\_\_, a student in the  
\_\_\_\_\_ School, be made available  
for interview.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Time \_\_\_\_\_ Badge Number \_\_\_\_\_

#### **School Action**

Date and time parents notified (if more than one attempt is made, include  
such information here) \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Administrator

- 1 copy for School Records
- 1 copy for Parent Mailing
- 1 copy for Police Officer
- 1 copy for Witnessing Administrator

#### Policy History

Adopted on: April 14, 2010

Revised on:

**Removal of Student During School Hours**

The Board recognizes its responsibility for the proper care of students during school hours.

Students shall not be removed from school grounds, any school building or school function during school hours except by a person duly authorized in accordance with District procedures.

Before a student is removed or excused, the person seeking to remove the student must present, to the satisfaction of the principal, evidence of his/her proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone unless the request is approved by the principal. The Superintendent is directed to establish procedures for the removal of a student during school hours.

**Policy History**

Adopted on:

Revised on:

**Removal of Student During School Day**

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policy 4410P.
2. Any other agencies must have a written administrative or court order directing the District to give custody to them. Proper identification is required before the student shall be released.
3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.
4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.
5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else's custody, unless an emergency situation justifies a waiver.
6. Police should be called if a visitor becomes disruptive or abusive.

**Procedure History**

Promulgated on:

Revised on:

**Video Surveillance**

The Board believes that the use of video taping equipment can make positive contributions to the health, safety, and welfare of all students, staff, and visitors to the District, as well as safeguard District facilities and equipment. Having carefully weighed and balanced the rights of privacy of students, staff and visitors against the District's goal of ensuring the safety of every student, employee and visitor while they are on school district property and also accomplish the goal of

safeguarding District facilities and equipment, the Board hereby authorizes the use of video cameras on District property as follows:

Video surveillance shall be used to promote order, to maintain the security, health, welfare, and safety of all staff, students and visitors on District property, and to safeguard District facilities and equipment.

The District shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on District property. Additionally, notices shall be posted on or about School District property alerting those on School District property that the district is utilizing the use of Video Surveillance.

Review of any video recordings is restricted to those who have a security, safety or a legitimate educational interest.

Video recordings may become a part of a student's educational record or a staff member's personnel record. The District shall comply with all applicable state and federal laws related to record maintenance and retention. Video tapes that are records of student and/or staff behavior shall be secured in a locked file until the tapes are either reused or erased. The video tape shall be considered a student and/or staff record and shall be subject to current law for the release of student record information and/or personnel record.

Video surveillance may be used for investigations of criminal activity by appropriate law enforcement agencies and may be used by the School District to investigate violations of School District policy.

Students or staff in violation of Board policies, administrative regulations, building rules, or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement agencies.

Video cameras may be installed in public locations as deemed appropriate by the Superintendent, and shall not be installed in areas with a reasonable expectation of privacy.

Audio shall not be part of the video recordings made, reviewed, or stored by the District.

Cross-Reference: 3570 Student Records

Legal Reference: I.C. § 33-512  
Books v. Logan, 127 Idaho 484, 903 P.2d 73 (1995); Rife v. Long, 127 Idaho 841, 908 p.2d 143 (1995).  
I.C. § 18-6701 et. seq.  
34 C.F.R. Part 99  
Family Educational Rights and Privacy Act (FERPA)

#### Policy History

Adopted on: June 4, 2008  
Revised on: Aug. 13, 2008

**Student-Tracking Safety Devices**

Because of student privacy concerns, the District requires listen-in technology to be disabled while any student tracking device is at school, on District-provided transportation, and at school events. The District prohibits unauthorized audio or visual recordings or transmission of audio or images of other students.

A parent/guardian shall obtain approval from the building principal before operating a student-tracking safety device or other electronic device with recording or listen-in capability, such as AngelSense, at school or at a school-sponsored event. Any parent/guardian receiving permission to use an electronic device with listen-in capability may be requested to enter into a user agreement with the school to define the scope and limits of such use.

Legal Reference:      Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000)

Policy History:

Adopted on: July 10, 2019

Revised on:

**Student Records**

School student records are confidential, and information from them shall not be released other than as provided by law. State and federal laws grant students and parents certain rights, including the right to inspect, copy, and challenge school records. The information contained in school student records shall be kept current, accurate, clear and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The District may release directory information as permitted by law, but parents shall have the right to object to the release of information regarding their child. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all high school students, unless the parent(s) notifies the school not to release this information.

The Superintendent shall implement this policy and State and federal law with administrative procedures. The Superintendent or a designee shall inform staff members of this policy, and shall inform students and their parents of it, as well as their rights regarding student school records.

Legal Reference:      20 U.S.C. § 1232g; 34 C.F.R. 99 Family Education Rights and Privacy Act, I.C. § 33-209 Transfer of Student Records -- Duties  
I.C. § 32-717A Parents' Access to Records and Information  
No Child Left Behind Act of 2001, P.L. 107-334

Policy History

Adopted on:

Revised on:

### Annual Notice of Student Education Record Privacy (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions:
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

#### Directory Information

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, participation in school activities, photograph, weight and height of athletic team members and dates of attendance. The information is routinely disclosed for the purposes of graduation programs, newspaper articles, and other program related activities. If you do not wish to have this information disclosed, please talk with your student's principal and request in writing that the information not be disclosed to third parties.

If you wish to file a complaint with the U.S. Department of Education concerning alleged failures of the district to comply with this policy, contact:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202-5901

## Form History

Adopted on:

Revised on:

## **STUDENTS**

**3570P**

### Student Records

#### Maintenance of School Student Records

The District shall maintain a record for each student that shall contain information, including but not limited to the following:

- basic identifying information
- academic transcripts
- immunization records
- attendance records
- intelligence and aptitude scores
- psychological reports
- achievement test results
- participation in extracurricular activities
- honors and awards
- teacher anecdotal records
- verified reports or information from non-educational persons
- verified information of clear relevance to the student's education
- information pertaining to release of this record
- disciplinary information

Information in student files shall be maintained for a period of 5 years after a student graduates or permanently leaves the District. Records which may be of continued assistance to a student with disabilities who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

The building principal shall be responsible for the maintenance, retention, or destruction of a student's records, in accordance with the District's procedure established by the Superintendent.

#### Access to Student Records

The District shall grant access to student records as follows:

1. The District or any District employee shall not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.
2. The parents of a student under eighteen (18) years of age shall be entitled to inspect and copy information in the child's school records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within fifteen (15) days of the District's receipt of such a request.

Where the parents are divorced or separated, both shall be permitted to inspect and copy the student's school records unless a court order indicates otherwise. The District shall send copies of the following to both parents at either one's request, unless a court order indicates otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including pupil-parent interaction.

When the student reaches eighteen (18) years of age, graduates from high school, marries, or enters military service, all rights and privileges accorded to the parent become exclusively those of the student.

Access shall not be granted to the parent or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment, or the receipt of an honor or award, if the student has waived his or her right of access, after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The District may grant access to, or release information from, student records to employees of officials of the District or the Idaho State Board of Education, provided a current, demonstrable, educational or administrative need is shown, without parental consent or notification. Access in such cases shall be limited to the satisfaction of that need.
4. The District may grant access to, or release information from, student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
5. The District shall grant access to or release information from a student's records pursuant to a court order, provided that the parent shall be given prompt written notice, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
6. The District shall grant access to or release information from any student record as specifically required by federal or state statute.
7. The District shall grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy shall be mailed to the parent or eligible student by the Superintendent. Whenever the District requests the consent to release certain records, the



records custodian shall inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

8. The District may release student records to the Superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.
9. Prior to the release of any records or information under items 5, 6, 7, and 8 above, the District shall provide prompt written notice to the parents or eligible student of this intended action. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.
10. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian shall make this decision taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District shall notify the parents or eligible student as soon as possible of the information released, the date of the release, the person, agency or organization to whom the release was made, and the purpose of the release.
11. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities pertaining to violations of the Idaho Youth Court Act or criminal laws by the student.
12. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).
13. The District charges a nominal fee for copying information in the student's records. No parent or student shall be precluded from copying information because of financial hardship.
14. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) shall be kept and maintained as part of such records. This record shall be maintained for the life of the student record and shall be accessible only to the parent or eligible student, records custodian, or other person. The record of release shall include:
  - a. Information released or made accessible.
  - b. The name and signature of the records custodian.
  - c. The name and position of the person obtaining the release or access.
  - d. The date of the release or grant of access.
  - e. A copy of any consent to such release.

#### Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information shall be limited to:

- name
- address
- gender
- grade level
- birth date and place
- parents'/guardians' names and addresses
- academic awards, degrees, and honors
- information in relation to school-sponsored activities, organizations, and athletics
- major field of study
- period of attendance in school

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

#### Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

#### Student Record Challenges

The parents may challenge the accuracy, relevancy or propriety of the records, except (1) grades, and (2) references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing at which each party has:

- the right to present evidence and to call witnesses;
- the right to cross-examine witnesses;
- the right to counsel;
- the right to a written statement of any decision and the reasons therefore;
- the right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include a statement in any release of the information in dispute.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. 99 Family Education Rights and Privacy Act,  
                   I.C. § 33-209      Transfer of Student Records - Duties  
                   I.C. § 32-717      A Parents' Access to Records and Information

#### Procedure History

Promulgated on:

Revised on:

## Relations with Non-custodial Parents

The Jefferson Joint School District #251, unless informed otherwise, assumes that there are no restrictions regarding the non-custodial parent's right to be kept informed of the student's school progress and activities. If restrictions are made relative to these rights, the custodial parent will be required to submit a certified copy of the court order, to the superintendent, which curtails these specific rights.

Unless there are specific court-imposed restrictions, such as a final divorce decree which includes specific denial of visitation rights or a restraining order denying such rights, the non-custodial parent, upon written request may view the student's educational, medical or similar records maintained in such student's cumulative record, receive school progress reports, visit the child briefly at school and have an opportunity to conference with the student's teacher(s).

The Board presumes that the person who enrolls a student in school is the student's custodial parent. Further, the parent with whom the student primarily resides shall be recognized by the district as the custodial parent unless a legal document or signed parental agreement indicates otherwise. The school district reserves the right to request verification in the form of a certified court document from the custodial parent.

While both parents can visit the student at school, only the custodial parent has the right to remove the student from school property. Only a verified note from the custodial parent will be cause for exception to this provision. If school personnel anticipate a possible student abduction, law enforcement personnel are to be notified immediately.

The custodial parent has the responsibility to keep the school office informed as to the address of the student's primary residence, in a manner determined by the school, and how he/she may be contacted at all times. Any legal documents which restrict the rights of the non-custodial parent must be provided by the custodial parent.

Legal Reference: Federal Family Educational Rights and Privacy Act of 1974  
Department of Education 34 C.F.R. Part 99 (May 9, 1980 45FR 30802) regs.  
Implementing

FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232G) – parent and student privacy and other rights with respect to educational records

### Policy History

Adopted on:

Revised on:

## **STUDENTS**

**3610**

### Records of Missing Children

Upon notification by the Idaho state police of a missing or runaway child currently enrolled in the District, that student's records shall be flagged in such a manner that whenever a copy of or

information regarding the record is requested, the school is alerted to the fact that the record is that of a missing or runaway child. If request is made for a flagged record, the record shall not be forwarded and the local law enforcement agency shall be notified of the request for the flagged record.

Any request concerning flagged records or knowledge as to the whereabouts of a missing or runaway child shall immediately be reported to the local law enforcement agency. Upon notification by the Idaho state police of the return of the missing or runaway child, the school shall remove the flag from the student's record.

Legal Reference: I.C. § 18-4511      School Duties—Records of Missing Child—Identification  
Upon Enrollment—Transfer of Student Records

#### Policy History

Adopted on:

Revised on:

### **STUDENTS**

**3620**

#### Transfer of Student Records

##### Receiving School

Within fourteen (14) days after enrolling a transfer student, the elementary or secondary school shall request directly from the student's previous school a certified copy of his record and exercise due diligence in obtaining the copy of the record requested.

##### Forwarding School

A certified copy of the permanent, or cumulative, file of any student and the file containing special education records of any student shall be forwarded by mail, or electronically, to a local educational agency or accredited school in which the student seeks to or intends to enroll within ten (10) days after receipt of a written or electronic request, except as provided in 3605—Records of Missing Children. The files that are forwarded must include information concerning violent or disruptive behavior or disciplinary action, however, such information shall be contained in a sealed envelope, marked as "confidential" and addressed to the principal or other administrator of the receiving school.

Cross Reference:	3570 - 3570P 3610	Student Records Records of Missing Children
Legal Reference:	I.C. § 18-4511  I.C. § 33-209	School Duties—Records of Missing Child— Identification Upon Enrollment—Transfer of Student Records Transfer of school records - Duties

#### Policy History

Adopted on:

Revised on:

