

3000 - STUDENTS

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Entrance, Placement, and Transfer

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Entrance, Date, and Age

No pupil may be enrolled in the kindergarten or first grade whose fifth or sixth birthday respectively does not occur on or before the first day of September of the school year in which the child registers to enter school. Any child of the age of five 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 above shall be allowed to enter the first grade.

Initial Enrollment

Immunization records or an appropriate waiver and birth certificate are required for admission to all District schools (subject to provisions of McKinney Homeless Assistance Act). Communication of the requirement for immunizations records or exemptions shall comply with District Policy 3525.

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 or she must provide within 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 30 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 or she has an additional ten 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,

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Entrance, Placement, and Transfer (continued)

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may be considered in the placement of all students. Final disposition of all placement decisions rests with the principal, subject to review by the Superintendent and the Board.

Advanced Enrollment For Military Dependents

Any member of the United States Armed forces who has received transfer orders to a location in Idaho and will, upon such transfer, reside in the District's attendance boundary may enroll his or her child in the District regardless of where the child resides at the time of enrollment.

Transfer

District policies regulating pupil enrollment from other accredited elementary and 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 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-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; and
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.

Transfer from Persistently Dangerous Schools

If any school within the District is found to be persistently dangerous in accordance with federal law, students attending the school shall be permitted to transfer to another traditional or charter school within the District which is not persistently dangerous. The transfer may be either permanent or temporary and lasting until the school of origin is no longer designated as persistently dangerous. Parents/guardians of students shall be notified that the school has been

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Entrance, Placement, and Transfer (continued)

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designated as persistently dangerous within ten days of being so designated. Within 20 days of receiving such notification, students may be transferred to another school within the District.

Any student who is the victim of a violent criminal offense on school grounds shall be permitted to transfer to another school within the District.

Cross References:	§ 3060	Education of Homeless Children
	§ 4160	Parents Right-to-Know Notices
Legal References:	20 U.S.C. § 7912	Unsafe School Choice Option
	20 U.S.C. § 6313	Eligible School Attendance Areas
	42 U.S.C. § 11432	Grants for State and Local Activities for the Education of Homeless Children and Youths
	Id. Const. art. IX, § 9	Compulsory Attendance at School
	I.C. § 18-4511	School Duties — Records of Missing Child — Identification Upon Enrollment — Transfer of Student Records
	I.C. § 33-201	Attendance at Schools - School Age Attendance at Schools —Transfer of Student Records — Duties
	I.C. § 33-209	
	I.C. § 33-524	Advance Enrollment for Military Dependents
	I.C. § 39-480	Immunization required
	I.C. § 39-4802	Immunization Exemptions

PolicyHistory:

Adopted on: 1/8/07

Revised on: 11/12/07, 1/16/09, 1/15/17, 8/10/21, 1/18/22

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Open Enrollment

3010

The Board of Trustees recognizes that some of its patrons may want to enroll their children in a school that is located within a district other than where their primary residence is located, 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 Board of Trustees shall consider the needs of the student requesting the transfer as well as the other students affected by the transfer. A student currently under suspension or expulsion in this District or another district is not eligible for open enrollment under this policy.

Transportation

Parents/guardians of a student accepted under this open enrollment 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.

Varsity Sports

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

An open enrollment application must be submitted annually for admission to a specific school. Applications will be accepted from January 1 to 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 Superintendent shall establish a procedure for:

1. The method of determining which students are chosen when classroom space is limited;
2. Notifying parents of the action taken on the open enrollment application;
3. The factors which may cause an open enrollment application to be denied; and
4. The process for removing a student from a transfer school, including the grounds for removal, parent notification, and the appeal process.

Re-enrollment

As long as a transfer student continues to reapply for enrollment, the Superintendent shall treat that student as if he or she resides in that school's attendance area, except in the circumstances described below. To the extent possible, the Superintendent shall expedite the enrollment process.

In situations where class space is limited, the Superintendent may give priority to certain students. Priorities may include, but are not limited to situations where a student:

1. Resides in the District and seeks enrollment in another District school under the provisions of the Every Student Succeeds Act;
2. Was previously enrolled at the requested school during the prior year;
3. Has a brother or sister enrolled at the requested school;

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Open Enrollment (continued)

3010

4. Resides in the attendance area of another District school;
5. Has parents employed by the District; or
6. Has a unique situation or extraordinary circumstances.

The Superintendent may deny an open enrollment request when such enrollment would negatively impact the efficient use of the District resources. The Superintendent may set numerical limits defining hardship for schools, grade levels, or programs to provide for appropriate and efficient use of facilities and staff. The student to teacher ratios shall not exceed the overloaded class/teacher limits outlined in the Policy 2240.

Revocation of a Transfer

Transfer students are required to comply with all District policies. Unacceptable behaviors by a transfer student or false or misleading information on their open enrollment application are grounds for the District to remove a transfer student at any time. If a student's open enrollment transfer is revoked, the parent/guardian may request an administrative review by the Superintendent. The Board may review the Superintendent's decision.

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. 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.

Preventing or Recruiting Potential Open Enrollment Students

The District or its employees will not 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. His or her 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

Legal Reference: I.C. §33-512

Governance of Schools

I.C. §33-1401

Definitions

I.C. §33-1402

Enrollment Options

I.C. §33-1404

Districts to Receive Pupils

I.C. §33-2001

Definitions

Policy History: Adopted

on: 1/8/07

Revised on: 11/12/07, 1/16/09, 11/11/19

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Open Enrollment Procedures

3010P

1. Submitting the Form

- A. Varsity Sport Participation: A student who plans to participate in a varsity sport governed by the Idaho High School Activities Association (IHSA) should review IHSA rules prior to submitting an Open Enrollment Application. Certain school transfers will lead to a student being ineligible to play at the varsity level for one year.
- B. Open Enrollment Application forms are available at any Troy School District school. Based on mutually agreed upon waivers, Open Enrollment Applications will be accepted at any time throughout the school year, although the general period for accepting applications will be January 1 to February 1 for the following school year. 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.
- C. For students who reside in the Troy School District, the parent/guardian completes the Open Enrollment Application form and submits it to the principal of their attendance zone school (home school).
- D. For students who reside outside the Troy School District boundary, the parent/guardian completes the Open Enrollment Application form and submits it to the principal of the school they wish to attend (receiving school), and the parent/guardian must give notice to the home school.

2. Review Approval Process

- A. **Limited Opening:** Applications will normally be considered on a “first-come first- serve” basis. However, in situations where openings are limited, the Superintendent may give priority if a student:
 - I. Was previously enrolled at the requested school in a prior year
 - II. Has a brother or sister enrolled at the requested school;
 - III. Resides in the attendance area of another District school;
 - IV. Has a parent employed by the District; or
 - V. Has a unique situation or extraordinary circumstances.
- B. Factors which may cause an Open Enrollment Application to be denied include:

- I. A school, grade, or program(s) has lack of available classroom capacity and/or staff; II. The current enrollment is at or above the following:

<u>Grade</u>	<u>Class/TeacherLoadSize</u>
K-1	22
2-3	22
4-12	26
Special Education	12:1 Ratio

- III. The student has been suspended or expelled or has committed a disciplinary violation for which he or she could be suspended or expelled;
- IV. The student has a history of documented disciplinary infractions; or
- V. It is determined that information on the Open Enrollment Application has been misrepresented or was incomplete.

C. Out-of-District approval process:

- I. A receiving school principal makes a recommendation to approve or not approve the transfer by completing the appropriate section of the Open Enrollment Application form.
- II. The receiving school principal sends the form to the Superintendent.
- III. The Superintendent approves or denies the Open Enrollment Application by completing the appropriate section of the Open Enrollment Application form.

3. Parent Notification

- A. When the application is submitted during the enrollment time period, January 1 through February 1, the Superintendent will notify the parent/guardian of his or her decision by March 31.
- B. When the application is submitted outside of the open enrollment time period, notification must be made within 60 days after an application is accepted.
- C. 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 may include information about other schools in the District that are below capacity.
- D. The letter approving the request will inform the parents of the following:
 - I. Parents must provide transportation or get student to the nearest District bus stop, if space is available;
 - II. State law requires reapplication on an annual basis;
 - III. Inappropriate behavior in violation of District policies may be grounds for removing the student during the school year; and
 - IV. Special education, English Language Learners (ELL), or alternative school students must meet the requirements and the procedures established for those programs.

4. Re-enrollment: As long as a transfer student applies for re-enrollment, the Superintendent shall treat that student as if he or she resides in that school's attendance area, except in the circumstances described below.
5. Revocation of a Transfer
 - A. As long as a transfer student applies for re-enrollment, the Superintendent shall treat that student as if he or she resides in that school's attendance area. However, the District reserves the right to remove a transfer student at any time because of unacceptable behavior in violation of District policies or because of false or misleading information on the open enrollment application.
 - B. If a student's transfer is revoked, the parent/guardian may request an administrative review by the Superintendent of the transfer school. The parent/guardian must request the review within five school days of receiving notice that their child's transfer has been revoked.
 - C. The Superintendent of the transfer school must render a decision to the parent/guardian request for review within five school days. The decision of the Superintendent may be appealed to the Board.
6. Student Rights and Responsibilities: Due process for all students remains 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. 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, he or she shall be ineligible to apply again for open enrollment in this District.
7. Preventing or Recruiting Potential Open Enrollment Students: The District or its employees will not 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.

Definition

School Days: Include only those days when school is in session.

ProcedureHistory

Adopted on: 11/11/2019, 4/10/2023

Revised on: 3/13/2023

Reviewed on: 10/14/2019

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Part-Time Attendance/Dual Enrollment

3030

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 curricular or extracurricular program, 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.

Additionally, the District shall have an option for joint enrollment in a regular public school and in an alternative school.

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 or her parents/guardian.

Admittance

The parent/legal guardian of any non-public school student wishing to admit their son or 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.

Dual enrolled students may enter any program available to other students subject to the same responsibilities and standards of behavior and performance that apply to any student’s participation.

Extracurricular Activities

Participation in extracurricular activities shall be subject to Policy 3031.

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Average Daily Attendance

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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.

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 students 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.

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 same grade and other graduation requirements as regular full-time students as outlined in Policy 2720, unless exceptions are made as described in 2710 High School Graduation Requirements—Specialty Diplomas.

MixedCurriculum

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 presentation 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

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Average Daily Attendance (continued)

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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 ensure 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/Section504Students

Parents who wish dual enrollment students to be enrolled in special programs must comply with the requirements of the Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973 (Section 504). Requests by parents for an evaluation of the student by the multidisciplinary or child study team shall determine if special services are appropriate for the student. Provided special services are needed by the student, 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	Attendance at Schools - Dual Enrollment
	I.C. § 33-1001, <i>et. seq.</i>	Foundation Program — State Aid —
	I.C. § 33-512	Apportionment
	I.D.A.P.A. 08.02.03.111.13	Governance of Schools
		Assessment in the Public Schools - Dual Enrollment

PolicyHistory:

Adopted on:: 1/8/07, 9/13/2021

Revised on: 1/16/09

Reviewed on: 8/9/2021

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Extracurricular Activities – Eligibility for Students Not Enrolled for Academic Activities 3031

The following rules apply for non-public school students who wish to participate in nonacademic school activities, such as extracurricular activities, for which public school students must demonstrate academic proficiency or eligibility. For the purposes of this policy, “non-public school student” means a student who attends a public charter school, home school, or private school, regardless of whether they are dually enrolled for academic or instructional activities as described in Policy 3030:

1. Non-public school students must meet the same eligibility standards as full-time District 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 stanine for the battery total score. The parents/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 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.
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 non-public 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. The primary education provider shall also be responsible for the oversight of any other academic standards relating to participation in nonacademic activities.

Cross Reference:	3030	Open Enrollment by Students Who Reside Within and Outside the District
Legal Reference:	I.C. § 33-203 I.C. § 33-512	Attendance at Schools - Dual Enrollment Governance of Schools
Other Reference:	IHSAA Rules and Regulations on Eligibility	

PolicyHistory: Adopted
on: 9/13/2021
Revised on: 1/18/2022
Reviewed on: 8/9/2021

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Compulsory Attendance

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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.

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, 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.

LegalReference:

- Art. IX, 9, Idaho Constitution – Compulsory Attendance at School
- I.C. 20-510 Information-Investigation-Petition
- I.C. 33-201 School age
- I.C. 33-202 School attendance compulsory
- I.C. 33-203 Dual enrollment
- I.C. 33-204 Exemption for Cause
- I.C. 33-205 Denial of School Attendance
- I.C. 33-207 Proceedings against parents or guardians

PolicyHistory:

Adopted on: 1/16/09
Revised on: 10/10/11

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Attendance Policy

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The entire process of education requires a regular continuity of instruction, classroom participation, learning experiences, and study in order to reach the goal of maximum educational benefits for each individual child. The regular contact of the students with one another in the classroom and their participation in instructional activities under the tutelage of a competent teacher are vital to this purpose. This is an established principle of education that underlies and gives purpose to the requirement of compulsory schooling in this and every other state in the nation. The good things that schools have to offer can only be presented to students who are in attendance. With continued emphasis regarding Excellence in Education, all parties involved in attendance can better strive for quality in the classroom. Attendance reflects a student's dependability and is a significant factor on the student's permanent record. Future employers are as much concerned about punctuality and dependability as they are about academic record. School success, scholarship, and job opportunity are greatly affected by a good attendance record.

MakeUp Regulations

1. Absence: Students will be given one day for every day missed to make up work when they are absent. Extra days may be given at the discretion of the teacher. Parents are encouraged to request assigned work by contacting the school.
2. All Out-of-School suspensions: A suspended student loses credit for all classwork during the suspension. However, any previously assigned homework and or tests may be turned in or taken for credit immediately upon the student's return.
3. All make up is the responsibility of each individual student.

Attendance Accounting

It is the policy of this District to maintain a system of student attendance accounting which shows the number of days present and absent for each enrolled student. The record of attendance for each student will be entered upon his or her permanent student record.

The attendance of each student shall be recorded daily. In kindergarten through 6th grade the individual classroom teacher shall record attendance and at the end of the school year record attendance on permanent records. In grades seven (7) through twelve (12), attendance shall be handled by office personnel daily and recorded at year's end on permanent records.

Absence Policy

Excused absences are absences from school with the parent/guardian's knowledge and consent, which may include, but are not limited to, illness, medical appointments, illness or death in the family, authorized school activities, or other pre-arranged absence. Except in the case of unexpected excused absences, a written excuse from the parent/guardian must be presented to the school administrative office. If the excused absence is unexpected, verification

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Attendance Policy (continued)

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from the parent/guardian must be presented to the school administrative office upon return to school.

Unexcused absences are absences without the knowledge and consent of the student's parent/guardian.

Truancy. Absence without a legitimate excuse shall be deemed truancy. A habitual truant is any pupil who repeatedly has violated the attendance regulations established by the Board of Trustees or other governing body operating the school attended. A child of compulsory school age may also be considered an habitual truant if the child's parents or guardians, or any of them, have failed or refused to cause such a child to be instructed as provided in Idaho Code 33-202.

A. All absences are subject to review. Patterns of excessive absences, unexcused absences, and/or trancies may result in denial of credit in the related class or classes as well as being subject to appropriate disciplinary action.

B. Students with ongoing attendance problems will be referred to the principal to determine action to be taken.

C. After six (6) absences in a quarter, or if lack of attendance is negatively affecting the pupil's academic success, the building administrator is hereby authorized by the Board of Trustees to refer students to Attendance Court.

D. After four (4) unexcused absences, the building administrator is hereby authorized by the Board of Trustees to refer pupils to the Prosecutor's Office as habitually truant.

90% Attendance

It is the intent of the Board of Trustees to have students attend school on a regular basis. Regular and consistent attendance results in increased learning. It is also the intent of the Board of Trustees to have the regular classroom teacher present whenever possible. A student's presence in the classroom with the regular teacher contributes to time on task, and time on task attributes directly to learning.

All students must be in attendance in each classroom 90% of the time when that class is in session. No credit will be granted to students missing more than nine (9) days per semester. The administration shall adjudicate absences where the total number of days is brought below 9 days through doctor's excuses and legitimate illness.

The school shall provide written notice of absences to the student's parent/guardian not less than quarterly, and more frequently if the student's attendance drops below ninety-five percent 95% and/or the student is at risk of losing credit or promotion, or of being expelled due to habitual truancy. Students not meeting the ninety percent (90%) attendance requirements will not receive credit or be promoted even though they may have passing grades.

The following absences shall not be used for denial of credit:

- A. Those that occur due to school-sponsored activities, since these are considered an equivalent educational experience. These exemptions will apply to students

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Attendance Policy (continued)

3050

- participating in sports events, cheerleading, music related events, FFA trips, academic field trips, and others deemed co-curricular.
- B. Bereavement in the immediate family (grandmother, grandfather, father, mother, sister, brother). Any extended bereavement may be reviewed by the Attendance Appeal Board;
- C. Subpoenas to appear in court or court-ordered, out-of-District placements for special services;
- D. Illness or hospitalization verified by a doctor's statement.

90% Attendance Appeal Process

The parent/guardian who has valid reasons to believe that all or part of the absences are the result of extraordinary circumstances may file a written request for review by the building attendance committee. Such request must be made within five (5) days of receiving notice of the denial. The building attendance committee will review the records and the circumstances and determine whether or not the student will receive credit or be promoted. The attendance committee will consist of the building Principal, school counselor, and three (3) teachers designated by the Principal.

The decision of the attendance committee may be appealed to the Superintendent. This appeal must be submitted to the Superintendent within ten (10) days after the attendance committee submits its decision. The Superintendent will render a decision on the appeal within ten (10) days after receiving the appeal.

The decision of the Superintendent may be appealed to the Board for a final decision. The appeal must be filed with the Superintendent's office within ten (10) days after the superintendent notifies the parent/guardian of his or her decision. The Board will address the appeal in executive session. The parent/guardian will have an opportunity to appear before the Board for an informal hearing. The parent/guardian will be given an opportunity to present written or oral information as to why the student should not be denied credit or promotion. The parent/guardian does not have the right to be represented by an attorney, present evidence, or cross-examine witnesses. Upon reviewing the decision of the attendance committee and Superintendent, and the basis for the appeal by the parent/guardian, the Board will uphold or overturn the Superintendent's decision, issuing a written decision within ten (10) days. The Board's decision will be final.

The student will be allowed to continue to attend classes pending the Board's determination in this matter.

If a student has lost credit due to excessive absences and the parent or guardian feels there is an extenuating circumstance, he or she may appeal to the Board of Trustees.

In reviewing written documentation during the appeal hearing, the committee will consider the following: (1) attendance for the preceding semester and/or year, (2) grade(s) earned in the

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Attendance Policy (continued)

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class(es) where credit was lost and other grades, (3) made-up work completed, and student's attitude toward school, and (4) extenuating circumstances. The Board decision and acceptance or rejection of extenuating circumstances is final.

Attendance Impact on Driving Privileges

Any student younger than eighteen (18) years of age but at least fourteen and one-half (14½) years of age applying for a driver's license or an instruction permit must provide written verification from this District to the Idaho Department of Transportation that he or she is enrolled in school and meets this District's attendance requirements. Written verification will be obtained from the student's school.

In the event a student fails to meet the enrollment and attendance requirement of this policy, the building Principal or designee will provide written notification on a form provided by the Idaho Department of Education to the student and parent/guardian of this District's intent to request that the Idaho Department of Transportation suspend the student's driving privileges because the student has dropped out of school and has failed to comply with the enrollment and attendance requirements.

The student or parent/guardian will have fifteen (15) calendar days from the date of receipt of the notice to request a hearing before the building Principal or designee to review the pending suspension of driving privileges. The requested hearing will be held within thirty (30) calendar days after the receipt of the request.

The building Principal or designee may grant a hardship waiver of the requirements of this policy for any student for whom a personal or family hardship requires that the student have a

driver's license for his or her own or his or her family's employment or medical care. The building Principal or designee will take into account the recommendations of teachers, other school officials, guidance counselors, or academic advisors prior to granting a waiver. Such hardship waiver must be requested by the student or parent/guardian at the initial hearing.

If the building Principal or designee denies a hardship waiver, that decision may be appealed to the Board of Trustees within seven (7) calendar days of receipt of the Principal's or designee's decision. The hearing before the Board will be held at a mutually convenient time. The Board will have the authority to uphold the decision of the building Principal or designee, or reverse the decision and grant the hardship waiver.

The Board authorizes the Superintendent or designee to notify the Idaho Department of Transportation of all students not complying with enrollment and attendance requirements or who have been granted a hardship waiver.

Students of Mennonite and Amish faiths are not required to comply with school attendance requirements for purposes of obtaining an Idaho driver's license, driver training permit or instruction. Such students must be reported to the Idaho Department of Transportation as not being enrolled in school and not in compliance with this District's attendance policy. The Idaho Department of Transportation will make the determination as to whether a religious exemption applies.

TROY SCHOOL DISTRICT #287

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Attendance Policy (continued)

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LegalReference:

Family Educational Rights and Privacy Act 34 CFR Part 99
Wisconsin v. Yoder, 406 U.S. 205 (1972)
I.C. 33-202
I.C. 33-206
I.C. 33-207
I.C. 33-211
I.C. 33-506(1)
I.C. 33-1002
I.C. 49-326
I.C. 49-303
I.C. 49-305
I.C. 49-303A
I.C. 49-310
Idaho Department of Transportation letter, October 4, 1996

PolicyHistory:

Adopted on: 1/8/07
Revised on: 11/12/07, 1/16/09, 10/14/13

3000 – STUDENTS

Education of Homeless Children

3060

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;

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Education of Homeless Children(continued)

3060

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 living in any of the circumstances described in clauses 1 through 3 above.

“Children and youth in transition” is defined as children and youth who are otherwise legally entitled to or eligible for a free public education, including preschool, and who lack a fixed, regular, and adequate nighttime residence.

“Unaccompanied youth” is defined as a youth not in the physical custody of a parent/guardian who is in transition as defined above.

The term “school of origin” is defined as the school 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.

InGeneral

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.

PlacementChoice

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.

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Education of Homeless Children(continued)

3060

When addressing school placement, the student may attend a school different than the school of attendance from before the student became homeless or the school last attended by the student, if such is the choice of the student's parent and such is feasible.

When addressing school placement, the District's Liaison shall work with the family to address the student's transportation needs.

SchoolStability

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/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/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/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.

ImmediateEnrollment:

1. **In General:** The school selected in accordance with this policy shall immediately enroll the homeless student, even if the student:
 - A. Is 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;
 - B. Has missed application or enrollment deadlines during any period of homelessness; or
 - C. Has outstanding fees or fines, including fees associated with extracurricular activities.

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Education of Homeless Children (continued)

3060

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.

Disputes

If a dispute arises over eligibility, school selection or enrollment in a particular school, or any other issue addressed in this policy:

1. The student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. The student shall receive educational services for which the student is eligible, such as attending classes and full participation in all school activities
2. The parent/guardian of the student or (in the case of an unaccompanied student) the student shall be provided with a written explanation identifying the basis for any decisions related to school selection or enrollment made by the District, or other entity, including the rights of the parent/guardian or unaccompanied student to appeal such decisions;
3. The parent/guardian or unaccompanied student shall be referred to the local educational agency liaison designated under "District Liaison" below, and upon being informed of the dispute, the liaison shall, within 10 days, initiate an appeal with the District and, if unsuccessful, to the state coordinator of the dispute regarding the educational placement of the homeless student; and
4. In the case of an unaccompanied student, the liaison shall ensure that the student is immediately enrolled in the school in which the student seeks enrollment pending resolution of the student's dispute.
5. If an agreement cannot be reached between the parties regarding the educational placement of enrollment status of the student, then the District shall seek further assistance from the State Coordinator of Homeless Education to review and determine within ten business days how the student's best interests will be served. The decision of the State Department of Education shall constitute final resolution.

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Education of Homeless Children(continued)

3060

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").

ContactInformation

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

ComparableServices

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 but not limited to the following:

1. Transportation services. Students may be provided with additional transportation services if needed to ensure the student's full participation in the District's education program;
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. Upon enrollment, the student's name shall immediately be submitted to the District's Nutrition Services Department as eligible for free meals, which eligibility commences at the time of enrollment.

DistrictLiaison

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:

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Education of Homeless Children(continued)

3060

1. All homeless students in and out of school are identified by school personnel through outreach and coordination activities with other entities and agencies;
2. The District tracks academic and enrollment data on homeless students;
3. All homeless students are enrolled in, and have a full and equal opportunity to succeed the same as non-homeless students of the District;
4. 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;
5. 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;
6. The parents/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;
7. All unaccompanied students and youth who receive any credits for classes attended shall be informed by the Liaison of their status as an “independent student” for purposes of the student’s Free Application for Federal Student Aid (“FAFSA”). The Liaison shall also provide the required “verification” of the student’s status in connection with his or her application for Federal Student Aid.
8. Public notice of the educational rights of homeless students is disseminated in locations frequented by parents/guardians of such students, and unaccompanied students, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents/guardians of homeless students and unaccompanied students;
9. Eligibility, school selection, or enrollment disputes are mediated in accordance with “Disputes,” above;
10. The parent/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;
11. School personnel receive annual professional development and other support; and
12. Unaccompanied homeless students:

3000 – STUDENTS

Education of Homeless Children (continued)

3060

- 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.

LocalandStateCoordination

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. These shall include public and private agencies, the transportation department, the State Coordinator for the Education of Homeless Children and Youth, and others. 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).

HomelessStatus

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.

Title1,PartA

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 References: 4120
 4160

Uniform Grievance Procedure
Parents Right-to-Know Notices

Legal References: 20 U.S.C. § 6311, *et seq.*

Improving Basic Programs Operated by Local Educational Agencies (Subchapter I, Part A, of the Elementary and Secondary Education Act)

TROY SCHOOL DISTRICT #287

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Education of Homeless Children(continued)

3060

20 U.S.C. § 1400, *et seq.*

Individuals with Disabilities Education Act
(IDEA)

42 U.S.C. § 1758

School Lunch Programs – Program
Requirements

42 U.S.C. § 9831, *et seq.*

Head Start Programs

42 U.S.C. § 11301, *et seq.*

McKinney-Vento Homeless Assistance Act of
1987

I.C. § 33-1404

Districts to Receive Pupils

Policy History:

Adopted on: 1/8/07, 4/12/21

Revised on: 1/15/17, 6/11/18

Reviewed on: 3/15/21

3000 – STUDENTS

Students of Legal Age

3070

Every student eighteen (18) years of age or older shall be deemed to be an adult and will have legal capacity to act as such. Such students, like all other students, shall 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 shall be considered the residence for school purposes.

Field Trips/Athletic Programs

Approved forms for participation shall 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 shall result in consequences according to policy 3050 and will be reported on the report card.

Suspension/Expulsion

All suspension and/or expulsion proceedings shall conform to the requirements of state statutes. Notification of all such proceedings shall 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 shall guide and counsel potential dropouts and encourage their continued attendance. Parents shall 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.

TROY SCHOOL DISTRICT #287

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Students of Legal Age (continued)

3070

ReportCards

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

ExcusesfromSchool

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.

FinancialResponsibility

Students of legal age can be held financially responsible for damage to school property.

PolicyHistory:

Adopted on: 1/16/09

Revised on:

3000 – STUDENTS

Nonresident Student Attendance Policy

3080

Students may attend school in other than the resident student's school under the following circumstances:

1. State Enrollment Options Program;
2. When the resident and non-resident districts mutually agree; or
3. When the resident district and an out-of-state school district mutual agree;
4. Except when such transfer would work a hardship on the receiving school district

State Enrollment Program –

An administrator who is knowledgeable of the student, the student's academic history, the student's disability who has been designated by the Superintendent shall evaluate data, if any, and/or the placement options. The Designee has discretion to review and accept or deny the Open Enrollment applications on a case by case basis.

The non-resident school will have 60 days in which to consider the application. The district may deny out-of-district student enrollment for circumstances that constitute a hardship, or fall within the scope of any Hardship Declaration including, but not limited to, enlarged student-teacher ratios; overcapacity of any program such as special education, classes, as well as overcapacity of any grade level, or building; or any other factors pertaining to staffing, student-teacher ratios, case load and/or to protect the health, safety, and welfare of its existing students and/or its educational processes. If the application is denied, the non-resident school must provide a written explanation of the denial of enrollment.

No tuition shall be charged when a student attends a non-resident school under the State's Enrollment Options Program.

The parent/guardian of a non-resident student is responsible for transporting the student to and from the school or to a bus stop within the non-resident district.

Eligibility rules for participating in extracurricular activities shall apply to non-resident students. Any suspended or expelled student will not be eligible to attend a non-resident school under the provisions of this law.

Mutual Agreement of Resident And Non-Resident Idaho Districts

The boards of trustees of a resident and non-resident district may agree in writing, on an annual basis, that students may be allowed to attend school in the non-resident district.

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Nonresident Student Attendance Policy (continued)

3080

Mutual Agreement of Resident District And An Out-Of-State District

The Board of Trustees may agree in writing, on annual basis, that a resident student attend school in the nearest appropriate school district in a neighboring state. Such agreement shall state the rate of tuition and cost of transportation, if any, to be paid by the District. The agreement will be entered into the records of the Board of Trustees. A copy must be filed with the State Board of Education.

The Board of Trustees may, upon approval of the State Board of Education, enter into an agreement with the governing body of a school district in another state for education and/or transportation of an out-of-state student. The rate of tuition, cost of transportation as well as other appropriate costs shall be specifically addressed in the agreement. The agreement will be entered into the records of the Board of Trustees with a copy to be filed with the State Board of Education.

Hardship Exception

When tuition is to be paid by the resident district, or waived by this District, the District will admit students except when any such transfer would constitute a hardship. In the following circumstances, the District may determine that a hardship exists when acceptance of a non- resident student(s) would:

1. Require the hiring of additional staff, the provision of educational services not currently provided in the school, or the crowding of existing classes;
2. Cause an excessive number of students in a particular building (i.e., when the total number of students exceeds the following numbers:
22:1 Grades K-3
25:1 Grades 4-6
26:1 Grades 7-12
3. Cause the total enrollment in a specialized program, including but not limited to special education programs, to exceed the limits below:

8:1 Special Education Services
4. Would cause disruption of the education process. The District will consider the following criteria in making this determination:
 - A. Is the student in good standing with the most recently attended school in terms of conduct and attendance;
 - B. Can the student demonstrate a record free of truancy;
 - C. Can the student demonstrate a clean behavior record in the school last attended for a period of at least one year;
 - D. Would the student's presence pose a detriment to the health and safety of other students and/or staff;
 - E. Has the student been suspended or expelled from any other school district.

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Nonresident Student Attendance Policy (continued)

3080

Idaho Youth Rehabilitation/Child Protective Act

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

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 such homeless child.

Other Conditions

The Board will not admit any student prior to viewing that student's records from the student's previous school districts.

The District has the option of accepting a nonresident 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. If a student applies and is accepted in this district from out of district, but fails to attend, that student will be ineligible to apply again for an enrollment option in this district.

The Board will not admit any student who is expelled from another school district.

New or continued enrollment of such open enrollment students will be subject to the District's discretion and such students may be denied enrollment, re-enrollment, or continued enrollment in accordance with the District's Open Enrollment Policy, this District's Hardship Declaration and/or other factors.

An open enrollment out-of-district student who becomes eligible for special education during the school year will be allowed to complete the school year as an open enrollment student, however, the student may be re-evaluated and/or his or her enrollment status may be reviewed prior to enrollment for the following year, and depending upon circumstances, such enrollment may be denied in accordance with the District's Open Enrollment Policy, this District's Hardship Declaration and/or other factors.

Legal Reference: I.C. § 33-1400 et seq.
I.C. § 33-205

Transfer of Pupils
Denial of School Attendance

Policy History:

Adopted on: 1/16/09

Revised on: 8/13/18

3000 – STUDENTS

Sexual Harassment, Discrimination and Retaliation Policy

3085

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

Scope of Policy

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

Policy Statement

Troy School District 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 District employees.

Title IX Coordinator

The Superintendent or designee serves as Troy 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 Human Resources Director/Business Manager at the Troy School District Office.

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Sexual Harassment, Discrimination and Retaliation Policy (continued)

3085

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

Troy School District 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 as described in Policy 5260 OR the Board's policy on reporting suspected abuse, abandonment, or neglect.

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 Troy School District Title IX Coordinator (or deputies, if applicable) using the contact information below:

Troy School District
Office of Superintendent
102 W Fifth Street
208-835-3791
<http://www.sd287.k12.id.us/>

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Sexual Harassment, Discrimination and Retaliation Policy (continued)

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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 online, using the reporting form posted at <http://www.sd287.k12.id.us/>
3. Report by phone at 208-835-3791.

When notice is received regarding conduct that may constitute Title IX sexual harassment, Troy School District shall provide information about supportive measures and how to file a formal complaint, as described policy 3085P

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 them self 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 Troy School District’s grievance processes noted below, as

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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 the Uniform Grievance Procedure, Certificated/Non-certificated Staff Grievance Procedure.

Cross References:	3270	Student Records
	3270P	Student Records
	3285	Relationship Abuse and Sexual Assault Prevention and Response
	3290	Sexual Harassment/Intimidation of Students
	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3295P	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3330	Student Discipline
	4120	Uniform Grievance Procedure
	4600	Volunteer Assistance
	4600P	Volunteer Assistance
	5240	Sexual Harassment/Sexual Intimidation in the Workplace
	5250	Certificated Staff Grievances
	5275	Adult Sexual Misconduct
	5500	Personnel Records
	5500P	Procedures for Releasing Personnel Records to Hiring School Districts
	5800	Classified Employment, Assignment, and Grievance
	5800P	Classified Employee Grievance Procedure

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Sexual Harassment, Discrimination and Retaliation Policy (continued)

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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: 10/12/2020

Revised on:

Reviewed on: 9/14/2020

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Notice of Investigation & Allegation Template

3085F1

Note: May also be used for initial Interview Request

[DATE]

[ADDRESSEE (RESPONDENT AND PARENT/LEGAL GUARDIAN) [MAILING ADDRESS OR (IF DELIVERED VIA EMAIL) EMAIL ADDRESS]

Dear **[ADDRESSEE]**:

On **[DATE]** the **[NAME OF OFFICE]** received a formal complaint from **[COMPLAINANT]** (“complainant”) alleging that you may have engaged in behavior that potentially violates District policy, including misconduct alleged on **[DATE(S)]** at **[LOCATION(S)]**.

Specifically, it is alleged that you **[APPROPRIATELY 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 3085: <http://www.sd287.k12.id.us/policymanual>. 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 3085 Sexual Harassment, Discrimination and Retaliation Policy:

[ALL POTENTIALLY APPLICABLE POLICY SECTIONS]

[ALL POTENTIALLY APPLICABLE SANCTIONS THAT COULD RESULT]

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.

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Notice of Investigation & Allegation Template (continued)

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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 <http://www.sd287.k12.id.us/policymanual>. If you need a hardcopy or accessible copy of these procedures, you should direct a request to Troy School District Office with contact information.
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 3085P. 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 **[LENGTH 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 superintendent at the Troy School District Office].
10. Your rights in the process are detailed throughout the District's procedures.

Investigation and Interview

[INVESTIGATOR(S)] has/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 during 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 **[CONTACT INFORMATION]** to confirm which of these times work best for you.

1. **[OPTION 1]**
2. **[OPTION 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 3085 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.

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Notice of Investigation & Allegation Template (continued)

3085F1

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.

{SERVICES PROVIDED AND CONTACT INFORMATION}

{ANY OTHER INTERNAL OR EXTERNAL APPLICABLE SUPPORTIVE SERVICES}

{DESCRIPTION OF SERVICES PROVIDED AND CONTACT INFORMATION}

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 the Troy School District Office at 208-835-3791 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 **[PHONE NUMBER]** or **[EMAIL ADDRESS]**.

Sincerely,

[NAME]

Title IX Coordinator

[CONTACT INFORMATION]

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: _____

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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 _____

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions **3085P**

Scope of Procedure

This Title IX Grievance Process applies to all members of Troy School District's community, including students, employees, and Board members as well as District patrons, guests, visitors, volunteers, and invitees.

Purpose of This Policy and Procedure

Troy School District is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, which 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 procedure. Violations of this District procedure or its related policy may result in discipline to either students or employees.

Guiding Principles

Title IX requires school districts to put into place policies and procedures that promote the goal of Title IX, specifically, to prohibit discrimination based on sex, and to respond appropriately if and when sex discrimination occurs or may occur. Title IX explains that when an appropriate official at the District has "actual knowledge" of "sexual harassment" of a student or employee that occurs in one of its educational programs or activities, the District must respond promptly and in a manner that is not "deliberately indifferent." This standard does not require a perfect response; rather, it requires a response that is not "clearly unreasonable" in light of the known circumstances over which the District exercises control.

Grievance Procedure

1. Receipt of a Complaint, Report, or Information Alleging Sexual Harassment

Upon receipt of a complaint or report (whether verbal or written) of possible sexual harassment, the District shall first determine whether to initiate a formal or informal response. Thus, any and all complaints, reports, or information received by any District employee that sexual harassment is occurring or has occurred shall be immediately

forwarded to the District's Title IX Coordinator or other designated employee for review and action as appropriate.

The Title IX Coordinator shall promptly contact the complainant or reporting party and discuss with them the availability of supportive measures, and will consider the complainant's wishes with respect to the provision of supportive measures. The Coordinator shall explain the availability of these measures to the complainant with or without the filing of a "formal complaint." During this initial meeting, the Coordinator or designee shall explain to the complainant the process for filing a written formal complaint, and shall provide assistance to the complainant to ensure the written formal complaint is properly prepared and submitted.

Emergency Removal (of students): Nothing in this procedure prevents the District from removing a respondent from a District education program or activity on an emergency basis, provided that an individualized safety and risk analysis is performed by the Coordinator and Superintendent who determine that an immediate threat to the physical health or safety of any student or other individual arise from the allegations of sexual harassment that justify removal. The Coordinator and Superintendent shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights and requirements under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave (of employees): Nothing in this procedure precludes the District from placing a non-student employee respondent on administrative leave during the pendency of a grievance investigation under this procedure. Notwithstanding the above, prior to placing an employee respondent on administrative leave, the Coordinator or designee shall ensure any rights provided by Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act are not impaired or violated.

2. Providing Supportive Measures

If an informal complaint is filed, (for instance, because the complainant does not wish to file a written formal complaint,) as well as during the pendency of the investigation and the decision concluding a formal complaint, the following supportive measures may be implemented to restore or preserve the complainant's access to the District's educational programs without unreasonably burdening the other party (also referred to herein as respondent).

Supportive measures may include actions taken to protect the safety of all parties or the District's educational environment, or which otherwise deter sexual harassment from occurring in the future. Additional supportive measures may include, but are not limited to: counseling, the availability of a safe place or person in the event complainant feels threatened or uncomfortable, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services at school, mutual restriction of contact between the parties, changes in work locations, leaves of absence, increased security and/or

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

monitoring of locations where prohibited conduct has occurred or may occur in the future, as well as additional measures to protect the complainant, provided the supportive measures initiated are not punitive to the respondent.

3. Filing a Written Formal Complaint

Upon receipt of a written formal complaint, the Coordinator or designee is required to provide written notice to all known complainants and respondents of the allegations and the resulting investigation.

- A. General Notice Requirements: The notice will include the District's Title IX grievance process as well as information regarding the District's informal resolution process.
- B. Specific Notice Requirements: The written notice shall include the following information:
 - i. Information describing the alleged conduct potentially constituting sexual harassment, including sufficient details known at the time the notice is prepared to allow the parties to prepare a response prior to the investigator's initial interview, and shall be delivered to the parties in enough time to allow their preparation for the initial interview.
 - ii. Sufficient details include but are not limited to the identities of the parties involved, the conduct allegedly constituting sexual harassment, the date(s), and location(s) of the incident(s).
 - iii. A statement that the respondent is presumed to not be responsible for the alleged conduct, and that a determination of responsibility will not be made until the conclusion of the grievance process.
 - iv. A statement informing the parties that they are entitled to have an advisor or representative of their choosing who may be, though is not required to be, an attorney, and that the advisor is authorized to review all evidence submitted in the matter.
 - v. The notice must inform the parties that District policy and procedure prohibit knowingly making false statements or knowingly submitting false information to the investigator or at any other time during the grievance process.
 - vi. The notice must warn the parties that retaliation is prohibited. Accordingly, the parties must be informed that no District employee or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this procedure, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an

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investigation, proceeding, or hearing under this procedure. Retaliation includes circumstances where intimidation, threats, coercion, or discrimination are made for the purpose of interfering with any right or privilege secured by Title IX or this procedure. This includes threatening charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment. The District shall keep confidential the identity of:

- a. Any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment;
 - b. Any complainant;
 - c. Any individual who has been reported to be the perpetrator of sex discrimination;
 - d. Any respondent; and e.
- Any witness

except:

- a. As may be permitted by FERPA (20 U.S.C. § 1232g) or a FERPA regulation (34 CFR Part 99);
- b. As required by law; or
- c. To carry out the purposes of this procedure, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed as an additional charge or counter-charge under these procedures.

- C. Additional Charges: If, during the course of the investigation, it is determined based on the information gathered that additional allegations or charges are warranted, an amended notice shall be prepared and submitted to the parties including the new allegations and charges as appropriate.
- D. Consolidation: The Coordinator may consolidate two or more formal complaints into a single action provided that the allegations of sexual harassment and retaliation arise out of a common set of facts or circumstances and if in the course of an investigation, it is determined that:
 - i. There is more than one respondent and/or more than one complainant; or
 - ii. There are cross-complaints, or additional complaints raised by the original complainant against the original respondent (such as retaliation), or by the respondent against any other party.

4. Conduct of the Investigation, Informal Resolution

In the course of their investigation, the District's Coordinator and designees shall comply with the following requirements.

Investigation

- A. Burden of Investigation: The burden of gathering evidence sufficient to make a determination of responsibility is the responsibility of the District's investigator(s) and not the parties. However, the District's investigator is not authorized to access a party's records that are made or maintained by a health care provider such as a physician, psychiatrist, psychologist, or other recognized health care provider, if the record was made in the course of providing treatment to the party, unless and until written consent from an authorized person is provided to obtain such privileged records for purposes of investigating and resolving the allegations of the formal complaint.
- B. Evidence Offered by Parties: The parties shall be provided an equal opportunity to call witnesses, including fact and expert witnesses, as well as other inculpatory and exculpatory evidence.
- C. No Restrictions: The ability of the parties to discuss the allegations under investigation or to gather and present evidence shall not be restricted.
- D. Equal Representation Rights: All parties shall have the same opportunity to have others present, or to be represented by the advisor of their choice throughout the grievance process, including attendance at related meetings or proceedings. If the District limits access to representation in any way at any time during the proceedings, such limitation shall be equally applied to all parties in the same manner. Access to representation may be limited only where a party is already represented as authorized by this procedure, and the additional representation will unduly increase the cost to the parties, and/or will not otherwise serve to significantly promote a legitimate purpose under this procedure.
- E. Notice of Interviews and Hearings: Adequate notice of the purpose, date, time, place, and the identities of all participants involved shall be provided to any party whose participation at a hearing, interview, or meeting is invited or expected, and allowing sufficient time for the party to prepare and fairly participate.
- F. Evidentiary Considerations: The investigation shall not consider:
 - i. Incidents not directly related to the possible violation, unless they evidence a pattern;
 - ii. The character of the parties; or

- iii. 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.

- G. Right to Inspect Evidence: All parties shall be provided equal access to inspect and review any or all evidence gathered during the investigation related to the allegations of the formal complaint, whether or not relied upon or referred to in the investigator's report. This will ensure that the parties can respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigation report, the investigator shall provide the parties and their respective advisors, when advisors are identified, a secured electronic or hard copy of the evidence subject to inspection. The parties must have at least ten **school** days to submit a written response which the investigator shall consider prior to completion of the investigative report. All such evidence shall be made available to all parties at any hearing to give the parties equal opportunity to refer to such evidence during the hearing, including cross-examination of adult parties.
- H. Investigative Report: At least ten **school** days prior to a hearing, or other time of determination regarding responsibility, the investigator shall send to all parties and their advisors, if any, by electronic format or hard copy, a copy of the investigative report for the parties' review and written response. The parties' responses shall be made part of the record.

Informal Resolution: The informal resolution process may include mediation, or other meeting of the parties that does not involve a full investigation and adjudication of the complaint. The District may **not** require the parties to participate in an informal resolution process. Informal resolution is available **only** if a written formal complaint was submitted to the Coordinator. If these conditions are satisfied, then at any time during the course of an investigation, but prior to the time of the Decision-Maker's final determination of responsibility, the parties may request the Coordinator to initiate the informal resolution by process. In so doing, the Coordinator is required to comply with the following:

- A. Provide the parties with written notice informing them of the allegations at issue and the requirements of the resolution process. These requirements include the fact that a written agreement signed by the parties that resolves the allegations at issue will preclude the parties from resuming the formal complaint process that arose from the same allegations. The parties will also be informed that at any time prior to reaching a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and will be notified that the records submitted or discussed during the informal process will be maintained by the District as part of the record, and may be used by the Decision-Maker to determine responsibility.

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

- B. Require the parties submit voluntary, written consent to participate in the informal resolution process.
- C. Ensure that the informal resolution process is **not** made available to resolve allegations that an employee sexually harassed a student.
- D. An informal resolution, signed and agreed to by the parties thereto, is not appealable.

Dismissal of a Formal Complaint: A written formal complaint may be dismissed by the Coordinator under any of the following circumstances, and prior to a finding of responsibility:

- A. After investigating the allegations of the written formal complaint, dismissal is required if:
 - i. The Coordinator or designee determines that the conduct alleged in the complaint, even if proven, would not constitute sexual harassment as defined herein; or
 - ii. The alleged conduct did not occur in a District education program or activity; or
 - iii. The alleged conduct did not occur against a person in the United States.

Dismissal of the Title IX formal complaint, however, does not preclude action under another provision of the District's Code of Conduct or other District Policy.

- B. If the Complainant notifies the Coordinator in writing that he or she would like to withdraw the formal complaint or any allegations contained therein.
- C. If the respondent is no longer enrolled or employed by the District.
- D. If specific circumstances exist which prevent the investigator from gathering evidence sufficient to reach a determination regarding the merits of the formal complaint or allegations therein.

Upon dismissing a formal complaint, the Coordinator shall simultaneously inform the parties in writing that the complaint has been dismissed, and shall identify the reason(s) for the dismissal. This decision may be appealed in accordance the Appeals portion of this procedure, below.

5. Decision-Maker's Participation

If the matter is not dismissed for one of the reasons set forth above and is not resolved by the parties through the informal resolution process then, (following completion of the investigation, including issuance of the investigator's final investigation report,) the matter shall be submitted to the Decision-Maker for review and issuance of a determination of responsibility. The Decision-Maker cannot make a determination regarding responsibility until ten school days after the date the final investigation report is transmitted to the parties

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued)

3085P

and the Decision-Maker, unless all parties and the Decision-Maker agree to an expedited timeline.

The Coordinator shall designate a single Decision-Maker or a three-member panel, and inform the parties and their advisors.

The Decision-Maker(s) may not have had any previous involvement with the investigation. Those who have served as investigators in the investigation cannot serve as Decision-Makers. Those who are serving as advisors for any party cannot serve as Decision-Makers in that matter. The Coordinator is also prohibited from serving as a Decision-Maker in the matter.

All objections to any Decision-Maker must be raised in writing. Any written objection must detail the rationale for the objection and must be submitted to the Coordinator no later than two school days after being notified of the Decision-Maker's identity. Decision-Makers shall not be removed unless the Coordinator concludes that the Decision-Maker's bias or conflict of interest precludes a fair and impartial consideration of the evidence.

The Coordinator shall give the Decision-Maker(s) a list of the names of all parties, witnesses, and advisors. Upon review thereof, if any Decision-Maker believes they cannot make an objective determination, they must recuse themselves from the proceedings. If a Decision-Maker is unsure whether a bias or conflict of interest exists, they shall immediately disclose their concern(s) to the Coordinator and simultaneously inform the parties and their advisors.

No less than ten business days prior to any meeting or the decision-making phase of the process, the Coordinator or the Decision-Maker shall send notice to all parties. Once mailed, emailed, or received in-person, Notice will be presumptively delivered.

The Notice shall contain the following:

- A. 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.
- B. The time, date, and location of any meeting.
- C. Any technology that will be used to facilitate the meeting.
- D. 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 Coordinator at least two school days prior to the meeting.
- E. Information on whether the meeting will be recorded and, if so, information on access to the recording for the parties after the meeting.
- F. **A statement that if any party does not appear at the scheduled meeting, the meeting will only be rescheduled for compelling reasons.**
- G. Notification that the parties may have the assistance of an advisor of their choosing at the meeting.
- H. A copy of all the materials provided to the Decision-Maker(s) about the matter.

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- I. An invitation for the parties to review and submit a written response to the final investigation report within **three to seven** school days of the date of the notice.
- J. 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** school days of the date of the notice.
- K. 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.
- L. An invitation to contact the 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 school** days prior to the meeting/final determination.
- M. 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 3085 and Procedure 3085P, 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.

- A. **Evidentiary Consideration by the Decision-Maker:** Whether at a hearing or through an exchange of questions, only relevant, credible evidence will be admitted into evidence and considered 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:
 - i. Incidents not directly related to the possible violation, unless they evidence a pattern;
 - ii. The character of the parties; or
 - iii. 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 responsibility. This information may only be considered at the sanction stage of the process and cannot be shared with the Decision-Maker until that time.

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.

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- B. Hearing Procedure and Exchange of Questions Procedure:** At the time the matter is referred to the Decision-Maker(s), the Coordinator shall determine, based on the parties involved and the circumstances of the alleged sexual harassment, whether to hold a hearing or to initiate an exchange of questions procedure, and shall so inform all parties and their advisors. Both of these decision-making procedures are discussed below. Upon their selection, the Decision-Maker(s) shall review the evidence and issue a determination of responsibility based on the following circumstances and procedures.
- C. Exchange of Questions Procedure:** Where a party involved is an elementary student, or where the Coordinator otherwise determines that a hearing is not appropriate under the circumstances, the Coordinator will initiate the Exchange of Questions Procedure, which provide as follows.

After the Coordinator or designee has submitted the investigative report to the parties pursuant to this procedure and before reaching a determination regarding responsibility, the Decision-Maker(s) shall provide each party an opportunity to submit written, relevant questions that party desires to ask of any party or witness, and shall subsequently provide each party with the answers. The Decision-Maker will also allow for additional, limited follow-up questions from each party to the other, and provide both with complete copies of the answers. Upon receipt of the proposed questions, the Decision-Maker will review the proposed questions and determine which questions will be permitted, disallowed, or rephrased. The Decision-Maker shall limit or disallow any questions that are irrelevant, repetitive (and thus irrelevant), or abusive. The Decision-Maker shall have full authority to decide all issues related to questioning and determinations of relevance. The Decision-Maker may ask a party to explain why a question is or is not relevant from their perspective. The Decision-Maker shall explain any decision to exclude a question as not relevant or to reframe it for relevance. Whether a hearing is held or not, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant:

- i. 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 by the complainant; or
 - ii. 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. This basis for asking questions or presenting evidence shall not be allowed if the respondent is an adult, non-student employee, because consent is not a recognized defense in cases where the complainant is a student and the respondent is an employee.
- The Decision-Maker, after any necessary consultation with the parties, investigator(s), and/or Coordinator, shall provide the parties and witnesses with:

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

- i. The relevant written questions to be answered; and
- ii. A deadline for the parties and witnesses to submit written responses to the questions and any appropriate follow-up questions or comments by the parties.

The exchange of questions and responses by the parties and witnesses shall be concluded within a three to ten school day period.

D. Hearing procedure: Where both parties are adult employees, or a mature secondary school student, the Coordinator may initiate the live Hearing Procedure. If either party, however, objects and requests the Exchange of Questions Procedure, then the Exchange of Questions procedure shall be followed by the Decision-Maker(s). The Hearing Procedure shall include the following:

At the live hearing, the decision maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the District to restrict the extent to which advisors may participate in the proceedings, as long as the restrictions apply equally to all parties. At the request of either party, the District must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other relevant questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the District shall provide without fee or charge to that party, an advisor of the District's choice to conduct cross-examination on behalf of that party. The advisor may be, but is not required to be, an attorney.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- i. 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 by the complainant; or
- ii. 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.

In cases where both parties are 18 or older, if a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker(s) is prohibited from relying on any statement of that party or witness in reaching a determination regarding responsibility. However, that the Decision-Maker(s) cannot draw an

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the District's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. The District shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

At the hearing, 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 violations of policy or procedure that have occurred in concert with the Title IX sexual harassment, even though those collateral allegations may not specifically fall within the definition of sexual harassment set for in these procedures.

Any witness scheduled to testify before the Decision-Maker must have been first interviewed by the investigator(s) 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 hearing, 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 hearing, the Decision-Maker may elect to address those issues, consult with legal counsel, and/or refer them to the Coordinator, and/or preserve them for appeal. If bias is not in issue during the hearing, the Decision-Maker shall not permit irrelevant questions regarding bias.

6. Decision Making Process and Determination Requirements

Following its review of the evidence submitted by the investigator and the parties, the Decision-Maker, (who cannot be the Coordinator) shall issue a written determination of responsibility. To reach this determination, the District's burden of proof — preponderance of the evidence OR clear and convincing evidence —must be described, and the burden satisfied, before the respondent can be found responsible for sexual harassment in violation of Title IX.

The written determination of responsibility shall include the following information:

- A. Identification of the allegations potentially constituting sexual harassment in violation of Title IX.

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- B. A description of the procedural steps taken from receipt of the written formal complaint through the determination, including notifications to the parties, interviews of the parties and witnesses, site visits, methods used to obtain other evidence, and hearings used.

Findings of fact supporting the determination.

- D. Conclusions regarding application of the District's code of conduct to the facts.
- E. A statement of and rationale for the determination as to each allegation, including any determination regarding responsibility, any disciplinary action to be imposed on the respondent, and identification of remedies and measures, if any, that will be provided to restore or preserve equal access to the District's educational programs and activities to be provided to the complainant.
- F. Considerations for disciplinary action. Factors considered when determining discipline may include, but are not limited to:
- i. The nature, severity of, and circumstances surrounding the violation(s);
 - ii. The respondent's disciplinary history;
 - iii. Previous allegations or allegations involving similar conduct;
 - iv. The need for discipline to bring an end to the Title IX sexual harassment;
 - v. The need for discipline to prevent the future recurrence of Title IX Sexual harassment;
 - vi. The need to remedy the effects of the Title IX sexual harassment;
 - vii. The impact on the parties; and
 - viii. Any other information deemed relevant by the decision-maker(s)
- G. The discipline imposed 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.
- H. Identification of the procedures for filing an appeal and the permissible grounds for complainant or respondent to base their appeal.

The Decision-Maker shall simultaneously provide their written determination to all parties. The determination becomes final either, (where an appeal is filed,) on the date the parties are provided copies of the written determination of the result of the appeal; or, (if no appeal is filed,) the date on which an appeal would no longer be considered timely.

The Coordinator is responsible for the effective implementation of any and all remedies set forth in the written determination of responsibility. In the event a student expulsion is recommended, pursuant to and in accordance with the requirements of Idaho Code § 33-205, the Coordinator shall ensure that an expulsion hearing is scheduled and heard by the Board of Trustees.

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued)

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7. Appeals

Any party may file a request for appeal in writing with the Coordinator within three to seven school days of the delivery of the notice of a final decision.

A three-member appeal panel chosen from the pool of eligible members shall be designated by the Coordinator OR a single appeal decision-maker shall chair the appeal]. No [appeal panelists OR appeal decision-maker] will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

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 a timely manner.

Appeals shall be limited to the following grounds:

- A. Procedural irregularity that affected the outcome of the matter;
- B. 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;
- C. The 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;

Appeal procedure: Upon receipt of a valid appeal, the Coordinator shall:

- A. Notify the other party in writing that an appeal has been filed, and implement the appeal procedure fairly and equally for both parties.
- B. Ensure the appeal decision-maker(s) is not:
 - i. The same person(s) as the Decision-Maker(s) that issued the written determination of responsibility;
 - ii. The person who issued the dismissal;
 - iii. The investigator; or
 - iv. The Coordinator.
- C. Ensure the appeal decision-maker has been trained in accordance with the requirements of this grievance procedure.

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

- D. The appealing party shall have ten school days following the delivery of the notice of the appeal to submit a written statement in support of the appeal and challenging the outcome. The responding party shall have ten school days following the delivery of the appealing party's statement in support of appeal to submit the responding party's written statement in opposition to the appeal (and supporting the outcome that is the subject of the appeal). In the event the parties and the appeal decision-maker agree to a different briefing schedule (whether allowing more or less time), the time allowed to prepare a written statement shall be the same for all parties.
- E. Issue a written decision describing the result of the appeal and identifying the bases and rationale for the decision.
- F. Provide the written decision simultaneously to all parties.

Requirements of the Title IX Grievance Procedure

The following requirements apply to the conduct of the Title IX Grievance procedure set forth above.

- 1. Equitable treatment of the parties:** At all times, both complainants and respondents shall be equitably treated by providing remedies to a complainant until a determination of responsibility for sexual harassment has been made against the respondent. No sanction or discipline may be imposed against the respondent unless and until the process required by this procedure has been completed. Until a final determination of responsibility has been issued only "supportive measures" may be initiated that are non-disciplinary or non-punitive and avoid burdening the respondent. Any and all final remedies, however, must be designed to restore or preserve equal access to the District's education program or activity. Such remedies may include the same individualized services described as "supportive measures;" however, following the decision, such remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent
- 2. Objective evaluation of the evidence:** The formal grievance process involves an objective evaluation of all relevant evidence obtained, including evidence that supports the conclusion the respondent engaged in a violation of policy or procedure and evidence that supports the conclusion the respondent did not. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness.
- 3. Lack of bias:** Any individual materially involved in the administration of the formal grievance process including the 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.
- 4. Title IX training of District participating staff:** Any individual designated by the District as a Coordinator, investigator, decision-maker, or any person designated by the

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

District to facilitate an informal resolution process, cannot have a conflict of interest or bias for or against complainants or respondents generally, or against any individual complainant or respondent. The District shall ensure that Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of “sexual harassment” set forth in this procedure, the scope of the District’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The District shall ensure that Decision-Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, as required by this procedure. The District shall also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in this procedure. All materials used to train Coordinators, investigators, decision-makers, and any persons facilitating an informal resolution process, shall not rely on stereotypes based on gender, and must promote impartial investigations and adjudications of formal complaints of sexual harassment, and provide guidance therefor.

- 5. Presumption of innocence:** 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 procedure, that Policy 3085 or procedure 3085P prohibiting sex discrimination and sexual harassment has been violated.
- 6. Promptness:** Investigations are completed promptly, normally within 30 school 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 the investigation as promptly as possible and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Notwithstanding the above, 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.

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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.

7. **Description of sanctions.** The following describes the range of sanctions that may be implemented following a finding of responsibility.

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

- A. A warning;
- B. Required counseling;
- C. A required substance abuse treatment program;
- D. Exclusion from participating in extracurricular activities or other District programs/activities;
- E. Alternative placement;
- F. Suspension, which may be in-school, out-of-school, long-term, short-term, extended, or other suspensions;
- G. Expulsion (in compliance with I.C. § 33-205); and
- H. 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: A.

- A verbal or written warning;
- B. A performance improvement plan or management process;
- C. Enhanced supervision, observation, or review;
- D. Required counseling;
- E. Required training or education;
- F. Probation;
- G. Denial of pay increase or pay grade;
- H. Loss of oversight or supervisory responsibility;
- I. Demotion;
- J. Transfer;
- K. Reassignment;
- L. Assignment to a new supervisor;
- M. Restriction of professional development resources;
- N. Suspension with pay;
- O. Suspension without pay;
- P. Termination (in compliance with I.C. § 33-513(5), in the case of certificated employees);
- Q. Other actions: In addition to or in place of the above sanctions, the District may assign any other sanctions as deemed appropriate.

8. **Burden of proof.** When determining whether the respondent is responsible for violating Policy 3085 or Procedure 3085P by discriminating based on sex and/or for sexual

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

harassment as defined herein, the decision-maker shall apply the preponderance of the evidence standard, which means the evidence proves on a more likely than not basis that respondent violated the policy or procedure OR clear and convincing evidence standard; which requires that the evidence proves there is a high probability that the respondent violated the policy or procedure.

9. **Appeals.** Any party may file a request for appeal in writing to the Coordinator within three to seven school days of the delivery of the notice of a final outcome.
10. **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. Examples of supportive measures may include, but are not limited to:
 - A. Referral to counseling, medical, and/or other healthcare services;
 - B. Referral to community-based service providers;
 - C. Visa and immigration assistance;
 - D. Education of the school community or community subgroup(s);
 - E. Altering work arrangements for employees;
 - F. Safety planning;
 - G. Providing school safety escorts;
 - H. Providing transportation accommodations;
 - I. Implementing contact limitations, such as no contact orders, between the parties (note: allegations of violations of a no contact order will be investigated as collateral misconduct under this process);
 - J. Academic support, extensions of deadlines, or other course or program-related adjustments;
 - K. Emergency warnings;
 - L. Class schedule modifications, withdrawals, or leaves of absence;
 - M. Increased security and monitoring of certain areas of the school;
 - N. Any other actions deemed appropriate by the Coordinator.
11. **Recognition of privileges:** At no time during this grievance procedure may any evidence (whether through testimony or documents) be required, admitted, relied upon, or otherwise obtained by asking questions or admitting evidence that constitutes, or seeks disclosure of, information protected by a legally recognized privilege, unless the person holding the privilege has knowingly and freely waived the privilege.
12. **Recordkeeping;**
 - A. The District shall maintain for a period of seven years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

transcript required where a hearing is held, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;

- ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All materials used to train Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District shall make these training materials publicly available on its website.
- B. For each response to a report of harassment or discrimination based on sex, the District shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it took measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then the Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances (i.e., was not a result of sex discrimination). The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken or to be taken.

Title IX Grievance Procedure Definitions

The following definitions apply to the identified terms used in this procedure:

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to:

- 1. The District's Coordinator; or
- 2. Any District official possessing the authority to institute corrective measures on behalf of the District; or
- 3. Any employee of the District.

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Coordinator as set forth in this procedure.

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Under circumstances where a sexual assault is alleged by a student against an adult, non-student employee, the District does not recognize the defense of “consent,” however it is defined. Where the parties are both adults, however, the following definition of “consent” will apply: Consent occurs where there is a knowing, voluntary, and clear grant of 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. Consent may be withdrawn. 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, or is otherwise incapacitated.

“Incapacitation” occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing, informed consent. For example, they cannot understand the “who, what, when, where, why, or how” of their sexual interaction.

“Formal Complaint” means a document filed by a complainant, or signed by the Coordinator, alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the educational programs or activities of the District. A formal complaint may be filed with the Coordinator in person, by mail, or by electronic mail, or by using the contact information listed on the District’s website. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission, (such as by electronic mail or through an online portal provided for this purpose by the District,) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Coordinator signs a formal complaint, the Coordinator is not a complainant or otherwise a party to this grievance procedure, and must otherwise comply with the requirements of this procedure.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. “Quid pro quo” harassment, which occurs when a District employee conditions the provision of a District benefit, service, or assistance on an individual’s participation in unwelcome sexual conduct;

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Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions (continued) **3085P**

2. “Hostile Environment,” which is defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to District education program or activity; or
3. Physical threats and attacks, including “sexual assault,” defined as forcible and non- forcible sex offenses as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent in cases where either no formal complaint has been filed, or both before and/or after the filing of a formal complaint. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District shall maintain as confidential any supportive measures provided to the complainant or respondent, provided that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures. The Coordinator is responsible for coordinating the effective implementation of all supportive measures.

“Elementary school” and “secondary school” as used in this procedure refer to a local educational agency, as defined in the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, a preschool, or a private elementary or secondary school, and include this District.

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.

References: 34 CFR Part 106 Nondiscrimination on the Basis of Sex in Educational Programs or Activities Receiving Federal Financial Aid

Procedure History:

Adopted on: 10/12/2020

Revised on:

Reviewed on: 9/14/2020

TROY SCHOOL DISTRICT #287

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Foreign Exchange Students

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[RESERVED]

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Programs for At-Risk/Disadvantaged Students

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The District shall designate one at-risk coordinator to collect and disseminate data regarding dropouts 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 shall 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 shall review and approve the plan annually.

At-RiskStudents

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 dropout, 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.

ProgramsandDistrictPlan

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;

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Programs for At-Risk/Disadvantaged Students (continued)

3100

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 shall 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).

LegalReference:

IDAPA 08.02.03.110 Alternative Secondary Programs

PolicyHistory:

Adopted on: 1/16/09

Revised on:

3000 – STUDENTS

Public School Choice

3130

Pursuant to the No Child Left Behind Act (NCLB), District students are eligible to transfer to another school if their school of origin has been identified as being in need of school improvement (not meeting adequate yearly progress (AYP) for a second year in a row), corrective action, or restructuring. Choice is also available to students enrolled in a school that has been determined to be persistently dangerous or if the student has been the victim of a violent crime on school property.

Public school choice shall be offered to all students until the school is no longer identified for improvement. Students who transfer to another school as a result of school improvement may remain in that school until the student has completed the highest grade in the school.

This District will offer more than one choice, if more than one school, including charter and magnet schools, is eligible to receive students. The District will not disregard academic entrance requirements for students seeking to enroll in magnet schools.

Students may not transfer under school choice to schools that have been identified for needs improvement, corrective action, or restructuring, or identified as persistently dangerous.

If there are no schools to which students can transfer because all are in school improvement, there is only one school in the District serving that grade, or due to the rural or isolated nature of the District, parents shall be notified that the school is in need of improvement and that the students are eligible for school choice, but no choices are currently available. Parents shall also be informed of the alternative of supplemental services for eligible students. This District will work with neighboring districts, to the extent possible, to establish a cooperative agreement which would allow inter-district choice.

NoticeRequirements

The District will mail information regarding school choice issues directly to all parents of impacted students well before the beginning of the school year. A reasonable deadline will be established by which parents must respond to the opportunity to exercise school choice.

Parents must submit their decision regarding school choice in writing and the school will confirm receipt of the communication.

StudentsReceivingPriority

All students must have the opportunity to exercise school choice if the school of origin is in needs improvement. However, the District shall give priority to the lowest achieving students from low-income families. The District shall appoint a committee to determine how such prioritization will be applied. The committee may allow the lowest achieving low-income students first choice of schools, and give such students priority for transportation if available funds are limited. Students may be rank-ordered within a group of low-income families by achievement levels as evaluated by an objective educational measure of student achievement. Students will not be rank-ordered based solely on family income.

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Public School Choice (continued)

3130

Implementation of School Choice

Final decision-making regarding the selection and enrollment of eligible students in school choice shall be at the discretion of the District after taking into account the parents' preferences of choices offered. To the extent practicable the District will respect those preferences in making decisions regarding provision of transportation as well as enrollment. Parents are not guaranteed their first choice of schools.

Transportation

The District is responsible for paying all or a portion of the transportation necessary for the implementation of public school choice but not to exceed twenty (20%) percent of the Title I Part A allocation received by the District which may be spent on choice-related transportation and supplemental services.

The District is no longer obligated to pay for transportation after the end of the school year in which the school of origin is no longer identified as being in need of improvement.

Students With Disabilities

The District may offer students with disabilities different options for school choice than nondisabled students if determined necessary to meet their needs for a free, appropriate public education.

Reporting Requirements

Reporting of the number of students and schools participating in public school choice shall be reported as required to the State Department of Education and in public reporting.

Legal Reference:

No Child Left Behind Act, Section 1116

Public School Choice, Draft Non-Regulatory Guidance (U.S. Dept. of Education, Dec. 4, 2002)

Policy History:

Adopted on: 1/8/07

Revised on: 1/16/09

TROY SCHOOL DISTRICT #287

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Student Rights and Responsibilities

3200

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 Searches and Seizure
 3330 Student Discipline

LegalReference:

I.C. § 33-205 Denial of school attendance
Tinker v. Des Moines Ind. Sch. Dist., 89 S.Ct. 733 (1969)

PolicyHistory:

Adopted on: 1/8/07
Revised on: 11/12/07, 1/16/09

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Uniform Complaint Policy

3210

Board members may listen to the problems brought to their attention by a patron of the District, and should encourage patrons and employees to review particular problems with the Building Principal or Superintendent. A Board member may bring any matter for review to the attention of any member of the administration and/or to the attention of the Board sitting as a whole.

It is the Board's desire that administrative procedures for settling complaints and grievances be an orderly process within which solutions may be pursued. Further, that the procedure provide prompt and equitable resolution at the lowest possible administrative level. Additionally, it is the Board's desire that members of the community be assured an opportunity for orderly presentation and review of complaints without fear of reprisal.

Community members, parents, employees, and others should use this complaint procedure if they believe that the Board, or its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

Exceptions:

Individuals with complaints alleging illegal discrimination should follow the procedure described in Policy 1360.

Individuals seeking to resolve differences dealing with educational services available under Section 504 of the Rehabilitation Act should follow the procedure described in Policy 1370.

The District will endeavor to respond to and resolve complaints without resorting to this complaint 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 complaint procedure is not a prerequisite to the pursuit of other remedies, and use of this complaint procedure does not extend any filing deadline related to the pursuit of other remedies.

Level1:Informal

An individual with a complaint is encouraged to first discuss it with the teacher, coach, 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.

Level2:PrincipalorSupervisor

If the complaint is not resolved at Level 1, the complainant may file a written complaint stating: 1) the nature of the complaint, and 2) the remedy requested. It must be signed and dated by the complainant. The Level 2 written complaint must be filed with the Principal or Supervisor within

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Uniform Complaint Policy.(continued)

3210

sixty (60) days of the event or incident, or from the date the complainant could reasonably become aware of such occurrence.

3210

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

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the Principal or Supervisor shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The Superintendent or appointee shall serve as Nondiscrimination Coordinator, and will 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.

The District will maintain a complete written record of each complaint, the manner in which it was investigated, and the manner in which it was resolved. Such records will be maintained pursuant to the District's record retention policy unless circumstances dictate that the file should be retained for a longer period of time. Written records, to the extent appropriate, will be maintained in a confidential manner in any affected employee's personnel file.

Level3:Superintendent

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the Principal or Supervisor. The parties shall be afforded the opportunity to either dispute or concur with the Principal's or Supervisor'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 or Supervisor, the recommendation will be implemented. If the Superintendent rejects the recommendation, 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.

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Uniform Complaint Policy, (continued)

3210

Level4:TheBoard

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the individual 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 is final.

LegalReference:

- I.C. 33-506(1) Organization and government of the board of trustees
- I.C. 33-511 Maintenance of Schools
- I.C. 33-512 Governance of Schools
- I.C. 33-517

PolicyHistory:

Adopted on: 1/8/07
Revised on: 11/12/07, 10/13/08, 11/10/08, 5/9/11, 7/11/11

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Student Use of Buildings: Equal Access

3220

The school buildings of the Troy District are open on scheduled hours. No student should be in the buildings outside those hours unless chaperoned by an adult employee. No student should be present in unauthorized areas (i.e. those areas not commonly used for educational classes). Should this occur, students are subject to suspension or expulsion.

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.

LegalReference:

Elementary and Secondary Education Act (2001)
20 U.S.C. 4071 Equal Access Act
Board of Education v. Mergens, 110 S.Ct. 2356 (1990)

PolicyHistory:

Adopted on: 1/8/07
Revised on: 11/12/07, 1/16/09

3000 – STUDENTS

Student Clubs: Equal Access

3225

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 and related procedure:

1. “School” shall mean any school in the Troy School District.
2. “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.
3. “Sponsored Club” shall mean a club which is directly under the sponsorship, direction, and control of the school.
4. “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.
5. “non-participating capacity” shall mean a person may not promote, lead or participate in any meeting.

The school 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.

EqualAccessRegulations

The following general guidelines will be observed in approving, establishing, and operating student clubs at Troy School District 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 a sponsored club or non-sponsored or non- curriculum club.

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Student Clubs: Equal Access (continued)

3225

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 student constitution, if applicable.
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, designee, or student council (if appropriate) 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:

1. Each sponsored club will have a faculty or staff member appointed as sponsor. The sponsorship shall be approved by the principal or designee.
2. All activities of the club must have prior approval of the sponsor.
3. Club funds shall be subject to deposit, audit and disbursement in accordance with the regulations of the school district.
4. 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:

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

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Student Clubs: Equal Access (continued)

3225

5. No funds shall be expended by the school for any such meeting beyond the incidental cost associated with providing a meeting place.
6. 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.
7. No school employee shall be compelled to be a monitor of a non-sponsored or noncurriculum club.
8. Club posters or flyers need to have a disclaimer, and poster content and placement shall be approved by the Principal or designee.
9. The Troy School District shall not be identified or associated in any way with the goals, objectives, activities, or opinions of any non-sponsored or noncurriculum clubs to raise money.

LegalReference:

20 U.S.C. 4071-4074 Equal Access Act

PolicyHistory:

Adopted on: 1/16/09

Revised on:

TROY SCHOOL DISTRICT #287

3000 – STUDENTS

Student Government

3230

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.

LegalReference:

I.C. 33-506(1)

I.C. 33-512(12)

PolicyHistory:

Adopted on: 1/8/07

Revised on: 11/12/07, 1/16/09

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Student Publications

3240

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

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Student Publications (continued)

3240

- 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 designee. The decision of the Superintendent or 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.

LegalReference:

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
LaVine v. Blaine School Dist., 257 F.3d 981 (9th Cir. 2001)
Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)
Bethel School District No. 403 v. Fraser, 106 S. Ct. 3159 (1986)

PolicyHistory:

Adopted on: 1/8/07
Revised on: 11/12/07, 1/16/09

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Distribution and Posting of Materials

3250

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. Nonschool- 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 or Principal before materials may be distributed. The Superintendent or Principal 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:

1. Maintain a centrally located bulletin board for the posting of bulletins.
2. Maintain a table where flyers and other information can be made available to students.
3. 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

PolicyHistory:

Adopted on: 1/16/09

Revised on:

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Student Dress

3260

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. Clothing is to be clean and in good repair. The Superintendent or 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.

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Student Dress (continued)

3260

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.

TemporaryExceptions

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.

LegalReference:

I.C. 33-506

I.C. 33-512

PolicyHistory:

Adopted on: 1/8/07

Revised on: 1/16/09

3000 – STUDENTS

Electronic Communications Devices

3265

Cell phones, beepers, or other communication devices may be used only during breaks and between classes. All communication devices are to be powered off, and not visible, while classes are in session. (Exception: Headphone-equipped players may be used only with the expressed permission of the teacher.)

The use of the camera function of any electronic communication device to take, store, or transmit photographs is strictly prohibited at all times on school premises. It is the District's position that such activities may violate rights of privacy, and may be used to exploit personal information and compromise the integrity of educational programs.

Electronic communication device usage by students while riding to and from school on the bus, or during school-sponsored activity bussing, is at the discretion of the bus driver. Distracting behavior that creates an unsafe environment will not be tolerated.

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.

Students are prohibited from 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 tests or examinations.

The District is not responsible for loss, theft, or destruction of 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 who violate 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 be returned only to the student's parent or guardian. If appropriate, police authorities may be contacted.

PolicyHistory:

Adopted on: 1/16/09

Revised on: 2/14/11

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District Provided Access to Electronic Information, Services, and Networks

3270

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

Acceptable Use: Access to the District's electronic networks must be:

1. For the purpose of education or research and consistent with the educational objectives of the District; or
2. For legitimate business use.

Unacceptable Uses of Network. The unacceptable uses described in 3270P are considered

examples of unacceptable uses and constitute violations of this policy. Additional uses may also be unacceptable.

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District Provided Access to Electronic Information, Services, and Networks(continued) 3270

InternetSafety

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 filter may also block other materials students are prohibited from accessing by District policy or procedure. The Superintendent or designee shall enforce the use of such filtering devices.

The District shall require that any vendor, person, or entity providing digital or online library resources to the District for use by students verify they have policies and technology protection measures:

1. Prohibiting and preventing users from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined by section 18-1514, Idaho Code; and
2. Filtering or blocking access to obscene materials, materials harmful to minors, and materials that depict the sexual exploitation of a minor, as defined in chapter 15, title 18, Idaho Code.

The District will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing material that is inappropriate ~~and~~ or harmful to minors, as defined in section 18-1514 Idaho Code or as defined in 47 USC Section 254.

Filtering should also be used in conjunction with:

1. Educating students on appropriate online behavior;
2. Requiring students review and sign Form 3270F Internet Access Conduct Agreement;
3. Using behavior management practices for which internet access privileges can be earned or lost; and
4. Appropriate supervision, either in person and/or electronically.

The system administrator and/or Internet Safety Coordinator and/or building principal shall monitor student internet access.

The Internet Safety Coordinator shall set a process for reviewing student claims that access has been denied to internet material that is not within the prohibitions of this policy and for unblocking such materials when appropriate.

Review of filtering technology and software shall be done on a periodic basis and is the responsibility of the Internet Safety Coordinator. It shall be the responsibility of the Internet Safety Coordinator 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

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Code 18-1514 and any other applicable provisions of Chapter 15, Title 18, Idaho Code.

StudentUseofSocialMedia

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.

InternetAccessConductAgreements

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. 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. 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 and attorney fees. 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 OR the Internet Safety Coordinator 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.

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InternetSafetyCoordinator

The Superintendent shall serve, or appoint someone to serve, as “Internet Safety Coordinator” with responsibility and authority for ensuring compliance with the requirements of federal law, State law, and this policy. The Internet Safety Coordinator 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 Internet Safety Coordinator 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 Internet Safety Coordinator shall maintain documentation evidencing that instruction by school personnel on internet safety is occurring District wide.

Public Notification

The Internet Safety Coordinator 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.

SubmissiontoStateDepartmentofEducation

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.

Cross Reference:	2335	Digital Citizenship and Safety Education
	3330	Student Discipline
Legal Reference:	20 U.S.C. § 9134(f)	State Plans - Internet Safety
	20 U.S.C. § 7131	Internet Safety
	I.C. § 18-1514(6)	Children and Vulnerable Adults — Obscene Materials — Definitions — "Harmful to Minors" Defined
	I.C. § 33-132	Local School Boards — Internet Use Policy Required
	I.C. § 33-137	Digital and Online Library Resources for K-12 Students

PolicyHistory:

Adopted on: 1/8/07

Revised on: 1/16/09, 8/10/20

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Acceptable Use of Electronic Networks

3270P

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

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.

1. Privileges: The use of the District's electronic networks is a privilege, not a right, and inappropriate use of the District's electronic networks may result in cancellation of those privileges. The system administrator (**AND/OR building principal AND/OR Internet Safety Coordinator**) will make all decisions regarding whether or not a user has violated these procedures, and may deny, revoke, or suspend access at any time. An appeal of such decisions may be made to the Superintendent within seven days. His or her decision is final.
2. Unacceptable Uses: The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are the following:
 - A. Using the network for any illegal activity, or to access websites encouraging illegal activity including violation of copyright or of contracts, or transmitting any material in violation of any U.S. or State law;
 - B. Accessing sites which allow or promote online gambling;
 - C. Accessing information pertaining to the manufacture of weapons or the promotion of illegal weapons;
 - D. Uses that cause harm to others or damage property;
 - E. Unauthorized downloading, installation, or copying of software, regardless of whether it is copyrighted or checked for viruses;

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Acceptable Use of Electronic Networks (continued)

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- F. Downloading copyrighted material or trade secret information;
 - G. Viewing, transmitting, or downloading pornographic materials, materials harmful to minors, or other sexually explicit materials;
 - H. Using the network for private financial or commercial activities; I. Wastefully using resources, such as file space or the printer;
 - J. Hacking, attempting to bypass security systems, or gaining unauthorized access to files, resources, or entities;
 - K. Uploading a worm, virus, or other harmful form of programming and other uses that jeopardize the security of the network;
 - L. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
 - M. Using another user's account or password or some other user identifier that misleads message recipients into believing that someone other than you is communicating;
 - N. Posting material authored or created by another person, or pictures of another person, or another person's private information or messages without his or her consent;
 - O. Posting anonymous messages or messages using a name other than one's own; P. Using the network for commercial or private advertising;
 - Q. Uses that are commercial transactions;
 - R. Accessing, submitting, posting, publishing, sending, or displaying any inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material;
 - S. Accessing sites which promote violence or depict or describe graphic violence. This includes promotion of self-harm;
 - T. Accessing sites which advocate discrimination or which promote intolerance.
 - U. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying;
 - V. Uses that cause harm to others or damage their property, person, or reputation, including but not limited to engaging in defamation;
 - W. Using the network while access privileges are suspended or revoked;
 - X. Promotion of political, personal, or religious causes in a way that presents such opinions as the view of the District;
 - Y. Disclosing identifying personal information or arranging to meet persons met on the internet or by electronic communications;
3. 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 other students or staff.
 - D. Recognize that District email 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.
 - F. Consider all communications and information accessible via the network to be private property.

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Acceptable Use of Electronic Networks (continued)

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4. Security: Network security is a high priority. If the user can identify a security problem with the District's electronic devices or services, the user must notify the system administrator, Internet Safety Coordinator, or building principal. The user shall not demonstrate the problem to other users. Users shall keep their account and passwords confidential. Users shall ~~Do~~ not use another individual's account. Attempts to log on to the internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
5. Telephone Charges: The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, or equipment or line costs.
6. Copyright Web Publishing Rules: Copyright law and District policy prohibit the republishing of text or graphics found on the internet 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 website address of the original source.
 - B. Students engaged in producing website pages must provide library media specialists with e-mail or hard copy permissions before the website 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.
 - F. Violation of the copyright web publishing rules may result in denial of access to the network.
7. Use of Email
 - A. The District's email system, and its constituent software, hardware, and data files, are owned and controlled by the District. The District provides email to aid students in fulfilling their duties and responsibilities and as an education tool.
 - B. Email could be subject to public records requests and disclosures depending upon the

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Acceptable Use of Electronic Networks (continued)

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subject matter of the contents of the email.

- C. 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 to an email account is strictly prohibited.
- D. Each person should use the same degree of care in drafting an electronic email message that would be put into a written memo or document. Nothing should be transmitted in an email that would be inappropriate in a letter or memorandum.
- E. Email from a District account carry with them an identification of the user's internet domain. This domain name 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 emails transmitted to external recipients.
- F. should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any electronic based message is prohibited unless the user is certain of that message's authenticity and the nature of the file so transmitted.
- G. Use of the District's email system constitutes consent to these regulations.

InternetSafety

- 1. Internet access is limited to only those "acceptable uses," detailed in these procedures.
- 2. Staff members shall supervise students while students are using District internet access at school, to ensure that the students abide by the Terms and Conditions for Internet access contained in these procedures.
- 3. Each District computer with Internet access shall be equipped with a filtering device that blocks that are obscene, pornographic, or harmful or inappropriate for students as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee. Students must use the District's filtered network for all online activities on school grounds or using District equipment.
- 4. The system administrator, Internet Safety Coordinator, and/or building principals shall monitor student Internet access.

StudentUseofSocialMedia

Students will be held accountable for the content of the communications that they post on social media locations and are responsible for complying with District policy and procedures for content posted using a District computer, network, or software or when posted during school hours when the student is in attendance at school. Student posts on social media locations outside

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Acceptable Use of Electronic Networks (continued)

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of school hours and school grounds using a personal computer, network, and software shall be private as long as they do not enter into the educational setting and interfere with the orderly operation of the school. Posts to social network sites using a District computer, network, or software may be subject to public records requests. Students may not disrupt the learning atmosphere, educational programs, school activities, or the rights of others.

All of the requirements and prohibitions in District policy and procedure apply to the use of social media on school grounds, through the District network or using District equipment, or as part of a class assignment.

ProcedureHistory:

Adopted on 8/10/20

Revised:

Reviewed: 7/20/20

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Equal Education, Nondiscrimination and Sex Equity

3280

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 Officer, specified to be the District Superintendent. An individual with a complaint alleging a violation of this policy shall follow the Uniform Complaint Policy.

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 District Title IX Officer, 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.

LegalReference:

I.C. 67-5909 Acts Prohibited

PolicyHistory:

Adopted on: 1/16/09

Revised on: 6/11/12

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Relationship Abuse and Sexual Assault Prevention and Response

3285

The Board endeavors to take steps to prevent and respond to known instances of relationship abuse and sexual assault. Such conduct by students or third parties is strictly prohibited and shall not be tolerated on District premises, or at any District sponsored activity, regardless of location including, but not be limited to buildings, facilities, and grounds on the District campus, school buses, District parking areas, and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises, but impacts a District related activity.

Relationship abuse includes the intentional use of physical, sexual, verbal, or emotional abuse or violence by a person to harm, threaten, intimidate, or control another person in a current or past dating relationship. Sexual assault includes sexual violence, sexual abuse, sexual stalking, and rape.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. 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. Should the District or any of its' employees have reason to believe that a child under 18 years of age has been abused, abandoned, or neglected or has been subjected to conditions which would reasonably result in abuse, abandonment, or neglect, the school shall follow appropriate reporting requirements pursuant to the Child Protective Act. Employees shall also report the incident to the District's Title IX coordinator or deputies, as described in Policy 3085.

The Superintendent is hereby directed to develop administrative procedures to implement this policy in the cases of actions which violate this policy but are not within the scope of sexual harassment as defined in Procedure 3085P. Procedures shall include descriptions of prohibited conduct, the definition of abuse pursuant to the Child Protective Act, reporting and investigative procedures, prevention and response procedures, and provisions to ensure notice of this policy is provided to students.

The Board shall review this policy annually.

Addressing Sexual Assault Outside the Scope of Policy 3085 and Procedure 3085P

Any person wishing to report an instance of sexual assault may do so in accordance with Policy 3085.

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If the Title IX Coordinator determines the instance of sexual assault does not fall within the scope of Procedure 3085P to address, it may be addressed through this policy. The District shall maintain the confidentiality of the student, as far as possible, and may notify the student of what information may need to be disclosed in the course of the investigation, to whom, and why. The District shall take steps to prevent retaliation against a student who files a complaint regarding sexual assault. The District shall immediately act to remediate the situation, without waiting for the completion of the investigation, and shall notify the student of any services available to assist him or her.

Such remediation during or following an investigation may include:

1. Providing an effective escort to ensure the complainant can move safely between classes and activities;
2. Ensuring that the complainant and the perpetrator or alleged perpetrator do not share classes, extracurricular activities, or a school;
3. Provision of victim services such as medical, counseling, and academic support services;
4. Arranging for the complainant to have extra time to complete or retake a class without academic penalty;
5. Disciplinary action against the perpetrator;
6. Counseling for the perpetrator;
7. Conducting training with a group of students if, for example, the sexual violence created a hostile environment within a particular grade level or on a sports team;
8. Ensuring the school has access to a counselor trained to assist victims of sexual violence;
9. Training employees on how to handle reports of sexual violence;
10. Informing students about the problem of sexual violence and how to seek assistance;
11. Conducting bystander intervention and sexual assault prevention programs with students;
12. Issuing official statements that the District will not tolerate and will respond to any incidents of sexual violence; and
13. Assessing the school climate to determine whether the campus is free of sexual violence and determining what steps should be taken to address any problems.

Following the investigation, to the extent possible and not in violation of any applicable law, the complainant shall be notified of the outcome of the complaint, including whether the investigation determined that the alleged conduct occurred, remedies being offered to the complainant, any sanctions imposed on the perpetrator that directly relate to the complainant, and any other steps taken to eliminate the hostile environment or prevent recurrence.

Cross Reference:	3085	Sexual Harassment, Discrimination and Retaliation Policy
	3085P	Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions
Legal References:	I.C. § 16-1601, <i>et seq.</i>	Child Protective Act
	IDAPA 08.02.03.160	Safe Environment and Discipline

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Relationship Abuse and Sexual Assault Prevention and Response (continued)

3285

PolicyHistory:

Adopted on: 1/8/07, 12/14/2020

Revised on: 1/6/09, 9/16/19

Reviewed on: 11/9/2020

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Sexual Harassment/Intimidation of Students

3290

Sexual harassment is a form of sex discrimination and is prohibited in the District. An employee, District agent, or student engages in sexual harassment whenever he or she makes unwelcome advances; requests sexual favors; or engages in other verbal, non-verbal, or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
 - A. Substantially interfering with the student's educational environment;
 - B. Creating an intimidating, hostile, or offensive educational environment;
 - C. Depriving a student of educational aid, benefits, services, opportunities or treatment; or
 - D. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct which has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but are not limited to, unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing related to sexual characteristics; and spreading rumors related to a person's alleged sexual activities.

Students who believe that they may have been sexually harassed or intimidated should contact a counselor, teacher, Title IX coordinator, or administrator who will assist them in the complaint process. Supervisors or teachers who knowingly condone, or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion, consistent with the discipline policy. Any person knowingly making a false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge with regard to employees, or suspension and expulsion with regard to students.

The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given the appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

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Sexual Harassment/Intimidation of Students(continued)

3290

Any individual seeking further information should contact the Superintendent for the name of the current Title IX Coordinator for the District. The Superintendent shall ensure that the student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the District's compliance efforts.

An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

Cross Reference: 4120

Uniform Grievance Procedure

Legal References: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments
34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education
Programs or Activities Receiving Federal Financial
Assistance
I.C. § 67-5909 Acts Prohibited
IDAPA 08.02.03.160 Safe Environment and Discipline

Policy History:

Adopted on: 1/8/07

Revised on: 1/6/09, 9/16/19

Reviewed on:

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Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing

3295

The Board of Trustees is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing, cyber bullying, or bullying by students, staff or third parties is strictly prohibited and shall not be tolerated in the District.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. 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 of Trustees.

Individuals may also be referred to law enforcement officials. Staff will be reported to the Idaho Teacher Standards and Practices Commission.

The Superintendent is directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, reporting and investigative procedures, as needed, and provisions to ensure notice of this policy is provided to students, staff and third parties.

Cross Reference: 3210 Uniform Complaint Policy

LegalReferences:

- 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments
- 34 CFR Part 106
- I.C. 18-917 Hazing
- I.C. 18-917A Student Harassment – Intimidation – Bullying
- I.C. 33-205 Denial of School Attendance
- I.C. 33-512 Governance of Schools
- I.C. 67-5909 Acts Prohibited

PolicyHistory:

Adopted on: 1/8/07
Revised on: 1/16/09, 7/6/09

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Drug Free School Zone

3300

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:

1. all dangerous controlled substances as so designated and prohibited by Idaho law;
2. all chemicals which release toxic vapors;
3. all alcoholic beverages;
4. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
5. “look-alikes”;
6. anabolic steroids;
7. 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.

In addition, use of tobacco products (including electronic cigarettes) is prohibited on school property and at school activities.

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

LegalReference:

20 U.S.C. 3170 et. seq. Drug-Free Schools and Communities Act of 1986
Drug-Free Schools and Communities Act of 1988
PL 100-690 and all subsequent amendments
Individuals with Disabilities Education Act
PL 94-142 and subsequent amendments
Section 504 of the 1973 Rehabilitation Act
Americans with Disabilities Act
I.C. 20-516
I.C. 33-205
I.C. 33-210
I.C. 37-2705

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Drug Free School Zone (continued)

3300

I.C. 37-2732C

PolicyHistory:

Adopted on: 1/8/07

Revised on: 1/16/09

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Gangs and Gang Activity

3310

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 two (2) or more persons, whether formal or informal, who 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.

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. 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
3. 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.

PolicyHistory:

Adopted on: 1/8/07

Revised on: 1/16/09

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Substance and Alcohol Abuse

3320

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 shall 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 shall 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 shall 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 shall 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 shall be called when deemed appropriate.
5. The student shall 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 shall agree to undergo assessment and counseling for alcohol and/or drug use. The District shall provide information regarding available counseling services and any other services available to the student and/or the student's parents.

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Substance and Alcohol Abuse (continued)

3320

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 shall 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 shall be called immediately as will be the parent/guardian. The student shall 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 shall be made to the Board of Trustees. The student shall be entitled to full due process prior to being expelled from school. As a condition of readmission, the Board may require 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.

LegalReference:

I.C. 33-210 Students using or under the influence of controlled substances

PolicyHistory:

Adopted on: 1/16/09

Revised on:

3000 - STUDENTS

Student Discipline

3330

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;

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Student Discipline (continued)

3330

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 which is 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;

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Student Discipline (continued)

3330

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

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Student Discipline (continued)

3330

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. Such term does not include a pocket knife with a blade of less than 2½ inches in length. 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.

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Student Discipline (continued)

3330

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.

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;

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Student Discipline (continued)

3330

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 References:	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3340	Corrective Actions and Punishment
	4320	Disruption of School Operations
Legal References:	18 U.S.C. § 930	Possession of Firearms and Dangerous Weapons in Federal Facilities
	18 U.S.C. § 921	Firearms - Definitions
	20 U.S.C. § 7961	Gun-Free Requirements
	29 U.S.C. § 701, <i>et seq.</i>	Section 504 of the Rehabilitation Act of 1973
	I.C. § 33-205	Denial of School Attendance
	I.C. § 18-917	Assault And Battery - Hazing
	I.C. § 18-917A	Student Harassment — Intimidation — Bullying
	I.C. § 18-3302D	Possessing Weapons or Firearms on School Property
		Threatening Violence on School Grounds
	I.C. § 18-3302I	Powers and Duties of Teachers
	I.C. § 33-1224	Requirements for Harassment, Intimidation and Bullying Information and Professional Development
	I.C. § 33-1631	Special Education
		Safe Environment and Discipline
	IDAPA 08.02.03.109.05	
	IDAPA 08.02.03.160	
Other Reference:	Office of Civil Rights Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline	

PolicyHistory:

Adopted on: 1/8/07, 9/13/2021

Revised on: 11/12/07, 1/16/09, 11/9/09, 6/11/12, 8/9/2021

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Corrective Actions and Punishment

3340

It is the intent of the Board to provide each student with those due process rights that are provided by law.

Suspension

In the event the proposed punishment of a student is to include denial of the right of school attendance from any single class or full schedule of classes for at least one day, the following procedure shall be used:

1. Before suspension, the student shall be provided a conference during which the charges will be explained and the student will be given the opportunity to respond to the charges.
2. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. Any suspension shall be reported immediately to the student's parent/legal guardian. A written notice of suspension shall state the reasons for the suspension, including any school rule which was violated, and a notice to the parent/guardian of the right to a review of the suspension. A copy of the notice shall be sent to the Superintendent.
4. Upon request of the parent/legal guardian, a review of the suspension shall be conducted by the Superintendent. At the review, the student and parent/legal guardian may appear and discuss the suspension with the Superintendent. After the meeting, the Superintendent shall take such action as appropriate. That action is final.
5. Students who are absent as a result of an out-of-school suspension do not have the right to make up missed work.
6. The suspension of a student may be extended by the Superintendent or the Board in accordance with State law. Written notice of the extension of a suspension will be provided to the student's parent/legal guardian.

Expulsion

A student may be expelled from school only by the Board, and only after the following due process procedures have been followed:

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Corrective Actions and Punishment(continued)

3340

1. The student and parent/legal guardian shall be provided written notice of the Board hearing to consider the recommendation for expulsion, by registered or certified mail at least five school days before the date scheduled for the hearing. The notice shall include the grounds for the proposed expulsion, the time and place of the hearing, information describing the process to be used to conduct the hearing, including the rights of the student to be represented by counsel, to produce witnesses and submit documentary evidence and the right to cross-examine adult witnesses who testify against the student.
2. Within the limitation that the hearing must be conducted during the period of suspension, an expulsion hearing may be rescheduled by the parent/legal guardian by submitting a request showing good cause to the Superintendent at least two school days prior to the date of the hearing as originally scheduled. The Superintendent shall determine if the request shows good cause.
3. At the hearing, the student may be represented by counsel, present witnesses and other evidence, and cross-examine adult witnesses. Formal rules of evidence are not binding on the Board.
4. To afford the pupil privacy, the Board must take action on expulsion in executive session. The student shall not be named in the minutes of the meeting, but a record of the decision will be placed in the student's educational record and in the official records of the Board.

ProceduresforSuspensionandExpulsionofStudentswithDisabilities

The District shall comply with the provisions of the IDEA when disciplining students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Any special education student whose gross disobedience or misconduct is not a manifestation of the student's disability may be expelled pursuant to expulsion procedures, except that the disabled student shall continue to receive education services as provided in the IDEA during such period of expulsion.

A special education student may be suspended for ten days of school per incident, regardless of whether the student's gross disobedience or misconduct is a manifestation of the student's disabling condition. Any special education student who has or will exceed ten days of suspension may be temporarily excluded from school by court order or by order of a hearing officer if the District demonstrates that maintaining the student in the student's current placement is substantially likely to result in injury to the student or others. The student shall continue to receive educational services in accordance with the IDEA during such period of suspension.

A special education student who has carried a weapon to school or to a school function, or who knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function may be removed from the student's current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than 45 days in accordance with the IDEA.

ProcedureHistory:

Adopted on: 1/8/07

Revised on: 1/16/09, 9/13/2021

Reviewed on: 8/9/2021

TROY SCHOOL DISTRICT #287

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Detention

3350

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.

PolicyHistory:

Adopted on: 1/16/09

Revised on:

TROY SCHOOL DISTRICT #287

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Discipline of Students with Disabilities

3360

Troy School District shall use the guidelines developed by the Idaho Department of Education in its *Idaho Special Education Interim Manual*. As of the development of this amended procedure, the most recent version of this manual is September 2005. Please refer to Chapter 12, Discipline, of the manual. The manual can be found on the internet by going to the Special Education section of the State Department website or by accessing the following link:

<http://www.sde.idaho.gov/SpecialEd/docs/manual/ManualminusCP.pdf>

PolicyHistory:

Adopted on: 1/16/09

Revised on:

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Student Sex Offenders

3365

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 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 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 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

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Student Sex Offenders (continued)

3365

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.

LegalReferences:

I.C. 18-8402 Findings

I.C. 18-8408 Providing List To Superintendent Of Public Instruction

I.C. 33-205 Denial of School Attendance

PolicyHistory:

Adopted on: 7/6/09

Revised on:

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Searches and Seizure

3370

To maintain order and security in the schools, Superintendent and Principals or designees are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects.

SchoolPropertyandEquipment;StudentPersonalEffects

Superintendent and Principals or designees 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 or designee 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

Superintendent and Principals or designees may search the student and/or the student's personal effects in the student's possession when there is reasonable grounds 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.

SeizureofProperty

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.

UseofDrugDogs

The District may elect to use specially trained drug dogs to alert the dog's handler to the presence of controlled substances, at the discretion of the Superintendent or designee. The use of a drug dog shall comply with District policy and applicable law.

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Searches and Seizure (continued)

3370

The drug dogs will be present for the purpose of detecting controlled substances in lockers, personal items or vehicles on District property only when there are no students or employees present. Only the trained dog's handler will determine what constitutes an alert by the dog.

A drug dog's alert constitutes reasonable suspicion for the District officials to search the lockers, personal items or vehicles. Such a search by District officials may be conducted without notice or consent, and without a search warrant.

Notice

Students and parents/guardians shall be informed of this policy at the beginning of each school year through publication of the policy or an age-appropriate summary in the Student Handbook.

LegalReference:

I.C. 18-3302D

New Jersey v. TLO, 469 U.S. 325 (1985)

Tinker v. Des Moines, 393 U.S. 503 (1969)

PolicyHistory:

Adopted on: 1/8/07

Revised on: 1/16/09

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Extracurricular Participation Policy

3380

The schools in this District shall develop a well-rounded and age-appropriate extracurricular activities program that provides opportunities for students to participate in a variety of activities which may include, but are not limited to, journalism and yearbook, music, speech and drama, and interscholastic athletics. To provide a variety of activities for students, the District shall periodically assess the types of activities offered, the scheduling of facilities and activities, and the expenditure of funds.

Interscholastic activities and competitions are recognized as a valid part of the total school program. Expenditure of School District funds in accordance with the District's expenditure and budgetary regulations is authorized for support of these activities. The District shall maintain membership in the Idaho High School Activities Association for the appropriate grade levels.

All interscholastic activities and competitions in which the students of this District participate must comply with the rules of the Idaho High School Activities Association.

The following guidelines shall be followed in interscholastic activities and competitions:

1. The director, coach, or other adults involved in the district's interscholastic activities program must be qualified to direct such activity.
2. All interscholastic activities and competition should be scheduled as far in advance as possible and, except in extraordinary circumstances, not interfere with the regular school day.
3. All students involved in interscholastic activities and competition will demonstrate sportsmanship, respect, and cooperation.
4. All activities and competitions will conform to:
 - a. The Idaho High School Activities Association's rules and regulations;
 - b. Local city ordinances and the laws of the State of Idaho; and c.This District's policies.
5. In the event the number of seventh and eighth grade student participants falls below the established minimums, the district will open participation in that sports program to sixth grade students on a first come, first served basis.

Parental Permission

Students are not required to have parental permission to join extracurricular clubs but must have parental permission to participate in any athletic team. In addition, extracurricular clubs may engage in specific activities for which parental permission must be obtained prior to the student participating in the specific activity.

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Extracurricular Participation Policy

3380

FeesforExtracurricularActivities

Recognizing the importance of a well-rounded activities program to the academic, social, and physical development of students, and recognizing the limited funding available for such activities, this District requires that all student participants, regardless of the activity, pay a nominal fee as indicated in the Student Handbook.

Students who are unable to pay the fee may receive a full or partial waiver as determined by the Superintendent or designee on a case-by-case basis.

LegalReference:

Idaho Code Section 33-512(12)

PolicyHistory:

Adopted on: 1/8/07

Revised on: 11/12/07, 1/16/09, 1/11/10, 4/12/10, 6/12/17

TROY SCHOOL DISTRICT #287

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Extracurricular Chemical Use Policy

3390

[RESERVED]

TROY SCHOOL DISTRICT #287

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Extracurricular Activities Drug-Testing Program

3400

[RESERVED]

TROY SCHOOL DISTRICT #287

3000 - STUDENTS

School Sponsored Student Activities

3410

[RESERVED]

TROY SCHOOL DISTRICT #287

3000 - STUDENTS

Student Fund Raising Activities

3420

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 Principal, providing that the instructional program is not adversely affected.

Students and district employees may voluntarily participate in philanthropic fund drives, local or national, but compulsory participation will be prohibited.

LegalReference

I.C. 33-506

PolicyHistory:

Adopted on: 1/8/07

Revised on: 1/16/09

TROY SCHOOL DISTRICT #287

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Distribution of Fund Drive Literature Through Students

3430

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.

Cross Reference: 4320 Contact with students

PolicyHistory:

Adopted on: 1/16/09

Revised on:

STUDENTS

3440

Student Fees, Fines, and Charges/Return of Property

The District shall charge no fee for any course for which academic credit is awarded.

A student may be charged a reasonable fee for any non-credit course or non-curricular activity such as an extracurricular activity, student activity, or membership in a voluntary club or association. The Board may waive the fee in cases of financial hardship.

Additional fees may be charged for “enhanced programming and materials” which are voluntary enrichments to the curriculum beyond what is necessary to meet the learning expectations for a particular grade or course (i.e. students may wish to use a superior product or consumable than that provided by the school, in which case they may be asked to pay the additional cost of the upgrade).

A student shall be responsible for the cost of replacing materials or property lost or damaged due to negligence. If school property in a student’s possession is lost, broken, or otherwise damaged, the student may be charged the lesser of the fair market value of the item at the time or the cost of repair.

The District may require, as condition of graduation or issuance of a diploma or certificate that all lawful indebtedness incurred by a student be satisfied and/or that all books or other instructional materials, uniforms, athletic equipment, advances on loans or other personal property of the District be returned.

Legal Reference: I.C. § 33-603

School Property - Payment of Fees or Returning of Property

Policy History:

Adopted on: 1/8/07

Revised on: 1/16/09, 4/11/2022

Reviewed on: 3/14/2022

TROY SCHOOL DISTRICT #287

3000 - STUDENTS

Student Vehicle Parking

3450

[RESERVED]

3000 - STUDENTS

School-Related Foreign Travel by Students

3460

School-related foreign trips are allowed by the Troy School District when the experiences are an integral part of the school curriculum and contribute to the District's desired educational goals. Such trips are intended to allow students experiences that provide them with insight, information or knowledge that cannot be adequately developed through regular classroom experience.

When contemplating approval of a trip, the Superintendent shall take into account any foreign travel warnings or cautions of the U.S. Department of State. The Superintendent shall seek advice concerning foreign travel from the District's legal counsel and insurance carrier.

School-related foreign travel supplements regular instructional programs and affords students opportunities for enrichment. However, participation in school-related foreign travel is a privilege, not a right. As representatives of their school and District, students participating in such activities are expected to meet high standards of behavior.

TripPlanSubmission/Proposal

Requests for trips must be submitted to the Superintendent or designee for recommendation to the Board of Trustees no later than eight (8) weeks in advance of the trip. Each trip's authorization shall be based on the written rationale of the travel's educational value as well as the safety and welfare of the students involved.

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 Superintendent shall develop procedures for trips, including the approval process, procedures to be used in case of accident or illness and student conduct violations.

The Superintendent may enforce restrictions regarding the date, length of time and the chaperone/student ratio as a condition of recommendation to the Board.

Chaperones

Trip chaperones must include at least one certificated staff member from the school sponsoring the trip, and depending on the number of students involved, additional certificated 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.

StudentConduct

Students participating in the trip will be subject to all codes of conduct in District and school policy. Violations will result in appropriate disciplinary action.

TROY SCHOOL DISTRICT #287

3000 - STUDENTS

School-Related Foreign Travel By Students (continued)

3460

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.

Cancellation of Trips

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 summary and evaluation of the trip to the Superintendent and Building Principal. The Board may request a summary and evaluation be presented to the Board.

Policy History:

Adopted on: 1/16/09

Revised on:

3000 - STUDENTS

Student Health/Physical Screenings/Examinations

3500

The Board may arrange each year for health services to be provided to all students. Such services may include, but are not be 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.

In general, the District will not conduct physical examinations 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.

3000 - STUDENTS

Student Health/Physical Screenings/Examinations (continued)

3500

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.

Legal References:	20 U.S.C. § 1232h(b)	Protection of Pupil Rights - Limits on Survey, Analysis, or Evaluations
	I.C. § 18-8701, <i>et seq.</i>	No Public Funds for Abortion Act
	IDAPA 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on: 9/13/2021

Revised on:

Reviewed on: 8/9/2021

3000 - STUDENTS

Concussion Guidelines

3505

Many students within Troy School District, No. 287 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.

Athletes will not be allowed to participate in school athletic leagues or sports until the above requirements are met.

3000 - STUDENTS

Concussion Guidelines (continued)

3505

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

3000 - STUDENTS

Concussion Guidelines (continued)

3505

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>

PolicyHistory: Adopted
on: 9/10/2012
Revised on: 9/10/2012

3000 - STUDENTS

Administering Medicines to Student

3510

Any school employee authorized in writing by the school Principal:

1. May assist in the *self-administration* of any drug that may lawfully be sold over the counter without a prescription to a pupil in compliance with the written instructions, if the pupil's parent or guardian consents in writing.
2. May assist in the *self-administration* of a prescription drug to a pupil in compliance with the written instructions of a practitioner, if the pupil's parent or guardian consents in writing.

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. 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 Board or Board designee shall inform the parents or 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 or 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 or 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.

As used in this section:

1. "Medication" means a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, 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.
3. A student who is permitted to self-administer asthma medication pursuant to this section shall be permitted to possess and use a prescribed inhaler at all times.

Administering Medication

The Board will permit the administration of medication to students in schools in its jurisdiction. Pursuant to the written authorization of a physician or dentist, as well as the written authorization of a parent or guardian, the school nurse (who has successfully completed specific training in administration of medication) may administer medication to any student in the school or may delegate this task pursuant to Idaho law.

3000 - STUDENTS

Administering Medicines to Students (continued)

3510

Emergency Administration of Medication

In case of an anaphylactic reaction or the risk of such reaction, a school nurse or delegate may administer emergency oral and/or injectable 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 (I.C. 54-1401 et seq.) who has completed training in administration of medication, may give emergency medication to students orally or by injection. 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-Administration of Medication

Students who are able to self-administer specific medication may do so provided:

1. A physician or dentist provides a written order for self-administration of said medication.
2. There is written authorization for self-administration of medication from the student's parent or guardian.
3. The Principal and appropriate teachers are informed that the student is self-administering prescribed medication.

Any school employee authorized in writing by the 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 and assisting the student in drinking fluid to assist in the swallowing of oral medications;
6. assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

Self-Administration of Asthma Medication

Pursuant to Idaho Code covering the self-administration of Asthma medication, if a parent or legal guardian chooses to have his/her child self-medicate:

1. The parents or guardians of the pupil shall provide to the School Board or designee written authorization for the self-administration of medication.

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Administering Medicines to Students (continued)

3510

2. The parents or guardians of the pupil shall provide to the School Board or designee written certification from the physician of the pupil that the pupil has asthma or another potentially life-threatening respiratory illness and is capable of, and has been instructed in, the proper method of self-administration of medication. Such 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; and
 - E. the possible side-effects of the medicine.
3. Actions to take in the event of an emergency, including if the medication does not improve the child's breathing.
 - A. Contact information for the physician and parent/guardian
 - B. List of the child's asthma triggers

Diabetes

If a student requires blood glucose testing or insulin injections during the school day, the following policy applies.

Elementary, Middle or Junior High School Students

Students will complete blood glucose testing and insulin injections in the health room, under the supervision of a school nurse or designee, unless there is a documented reason to not do so. Students and staff are required to use universal precautions for the disposal of waste.

Parents are responsible for notifying the school administrator of the student's diabetes management plan and signing medical releases as necessary. The school nurse will be consulted in regards to implementing the student's diabetes management plan and monitoring reactions.

If the parent or guardian of an elementary, middle, or junior high student requests that the student practice his/her diabetes management plan outside of the health room, the school administrator and school nurse will review the request and grant or deny it based on relevant considerations, including, but not limited to, the age and maturity of the child, the ability to self-administer, understanding and practice of universal precautions, and adherence to diabetes management plan.

If an elementary, middle, or junior high student is allowed to self-administer, the parent or guardian, student, and the school nurse must complete and sign a plan for independent diabetes management, documenting how the nurse, student, and parent will continue to work together.

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Administering Medicines to Students (continued)

3510

High School Students

Students may self-administer blood glucose testing and insulin injections. In practicing self-administration, students are required to practice universal precautions for the disposal of waste.

Handling and Storage of Medications

All medications, excluding those approved for keeping by students for self medication, 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 insure that it is properly labeled with dates, name of student, medication name, dosage and 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.
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 compartment, secured and locked at all times.

No more than a forty-five (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 or destroy (with permission of the parent or guardian) any unused, discontinued or obsolete medication. Medicine which is not repossessed by the parent or guardian within a seven (7) day period of notification by school authorities will be destroyed by the school nurse in the presence of a witness. Any accidental pricks or punctures must be reported and appropriate medical response accessed.

Legal Reference:

33-506(1)

33-512(4)

I.C. 33-520 Policy Governing Medical Inhalers or Epinephrine Auto-Injectors

I.C. 54-1401 Purpose- License required-Representation to the public

Policy History:

Adopted on: 1/8/07

Revised on: 1/16/09

3000 - STUDENTS

Contagious or Infectious Diseases

3520

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 shall 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.

Pediculosis(HeadLice)

Pediculosis is the infestation of the hair, skin or pubic area with adult lice, larvae or nits (eggs).

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Contagious or Infectious Diseases (continued)

3520

The psychological, social and economical impact of head lice infestations can create a problem in the community. Every attempt shall be made to educate students and parents on the prevention and eradication of head lice before and after an infestation is detected.

To avoid embarrassment and to contain the infestation, whole classrooms shall be checked for head lice upon the report of possible infestation by a classroom teacher. The Principal, his/her designee, school nurse or another qualified professional will examine the children in question and their classmates. Siblings of students found with lice and their classmates shall also be checked if there is the suspicion that infestation may exist. Due to the possible and very probable epidemic infestation of head lice in the school environment, anyone exhibiting head lice shall be isolated immediately.

Any students found to have head lice shall be removed from the classroom with their belongings. The parent/guardian and/or listed emergency contact shall be contacted so they can pick up the student and begin treatment immediately. A student suspected of infestation shall not ride the bus. The student shall be held in the front office or the nurse's office until the parent/guardian arrives in order to avoid further infestation.

Parents/guardians should be provided with printed educational information on head lice treatment. The educational material should include details explaining the problem, lists the procedures for treatment and requirements for reentering school.

The student may return to school after being successfully treated so that no live lice or eggs are detected by the school nurse or a designated school official. The student's parent/guardian must accompany the student upon returning to school and remain present during the recheck. With the presence of nits or lice at the time of recheck, the student shall continue to be excluded from school.

In the interest of the health and welfare of students enrolled in the District, no students shall be permitted to attend classes if they are infested with head lice or the eggs of head lice. All other children in the classroom where lice or nits have been reported will be checked and given a letter to take home explaining the situation and the need for parents to inspect their children carefully. Any child who is suspected of having lice will be treated with the utmost discretion.

LegalReference:

I.C. § 33-512 Governance of Schools
IDAPA 16.02.10.025.032 c.iv

PolicyHistory:

Adopted on: 1/8/07
Revised on: 1/16/09

3000 - STUDENTS**Immunization Requirements****3525**

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

Summary of Seventh Grade Immunization Requirements		
Immunization Requirement	Child admitted to 7th grade prior to the 2011-2012 school year	Child admitted to the 7th grade during the 2011-2012 school year and each year thereafter
Diphtheria, Tetanus, Pertussis	0 doses	1 dose
Meningococcal	0 doses	1 dose

Summary of Twelfth Grade Immunization Requirements		
Immunization Requirement	Child admitted to 12th grade during 2020-2021 school year and each year thereafter, if student received their first dose of Meningococcal vaccine at 16 years of age or older, or if student has never received a dose.	Child admitted to the 12th grade during 2020-2021 school year and each year thereafter, if student received their first dose of Meningococcal vaccine before the age of 16
Meningococcal	1 dose	2 doses

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Immunization Requirements (continued)

3525

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.

Communication of Immunization Requirements and Exemptions

In accordance with Idaho law, all communication to parents/guardians regarding immunization requirements

3000 - STUDENTS

Immunization Requirements (continued)

3525

shall also describe the exemptions and make reference to 39-4802, Idaho Code. For purposes of this section, 'communication' includes letters, phone calls, registration packets, etc.

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	Immunization Exemptions
	I.D.A.P.A. 16.02.15	Immunization Requirements for Idaho School Children

PolicyHistory:

Adopted on: 4/13/09, 10/18/2021

Revised on: 12/16/11, 8/13/18, 9/13/21

STUDENTS

3530

Suicide

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 Board directs the Superintendent or his or her designee to draft and implement procedures relating to:

1. Suicide prevention;
2. Suicide intervention; and
3. Suicide postvention.

"Postvention" shall mean counseling or other social care given to students after another student's suicide or attempted suicide.

These procedures may include, but are not limited to, the following measures:

1. Prevention:
 - A. Offering and providing help and assistance, including early identification;
 - B. Support and/or counseling by school support personnel for low-risk students;
 - C. Referral to appropriate sources outside the school for high and moderate-risk students;
 - D. The designation of a District-level suicide prevention coordinator(s) by the Superintendent to be responsible for planning and coordinating the implementation of procedures addressing suicide.
 - E. Encouraging staff to report to the coordinator students they believe may be at elevated risk of suicide.
 - F. Education of students on suicide prevention through age-appropriate curriculum.
 - G. Small group suicide prevention programming.
 - H. Offering resources to parents/guardians on suicide prevention.
2. Intervention:
 - A. Contacting the parents/guardians of students identified as at imminent risk of suicide.
 - B. Contacting emergency services to assist a student who is at imminent risk of suicide.
 - C. Providing first aid until emergency personnel arrive, as appropriate.
 - D. Moving other students away from the immediate area of any suicide attempt on District property or at a District event.
3. Postvention:

- A. After care support by the school for faculty, staff, and students after a sudden death has occurred.
- B. The development of a plan for responding to a death by suicide that has a significant impact on the school community.
- C. Notification of the suicide prevention coordinator, if applicable.
- D. The creation of a crisis team to respond to deaths by suicide that have a significant impact on the school community.
- E. Contacting the State Department of Education to report any student deaths by suicide and to seek postvention assistance and/or resources.
- F. Offering mental health services to students likely to be strongly affected by a recent death.
- G. Appointing a spokesperson to handle inquiries related to issues involving suicide in the District.

District personnel shall attend to the rights of the student and his or her family.

The District shall comply with all requirements of State law and administrative rules for training by personnel on suicide prevention and awareness. This includes providing annual professional development to staff involved in preventing, intervening, and responding to suicide on:

- 1. School philosophy regarding school climate and the promotion of protective factors;
- 2. Data on suicide for the region or state, or both;
- 3. Risk and protective factors for students;
- 4. Suicide myths and facts;
- 5. How to develop community partnerships related to suicide prevention;
- 6. How to utilize safe and appropriate language and messaging when addressing students;
- 7. Warning signs of suicide ideation for students;
- 8. Local and school-based protocols for aiding a suicidal individual;
- 9. Local protocols for seeking help for self and students;
- 10. Identification of appropriate mental health services and community resources for referring students and their families;
- 11. Information about state statutes on responsibility, liability, and duty to warn;
- 12. Confidentiality issues;
- 13. The need to ask others directly if they are suicidal; and
- 14. Evidence-based protocol for responding to a student or staff suicide.

Legal References:	I.C. § 33-136 I.C. § 33-512B I.D.A.P.A. 08.02.02.112 I.D.A.P.A. 08.02.03.160	Suicide Prevention in Schools District Trustees - Suicidal Tendencies — Duty to Warn Suicide Prevention in Schools Safe Environment and Discipline
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Policy History:

Adopted on: 1/8/07

Revised on: 1/16/09, 12/10/18, 4/11/2022

Reviewed: 3/14/2022

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Emergency Treatment

3540

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.

Precautions Against Contact With Bodily Fluids

All District employees and volunteers will take all reasonable precautions to avoid direct contact with blood, blood products, or other infectious bodily fluids of any person.

Whenever district employees or volunteers are required to assist ill or injured persons, the following procedures must be followed to minimize direct contact with blood or bodily fluids:

1. Appropriate barrier precautions shall be used when contact with blood or other bodily fluids is anticipated. Gloves shall worn whenever blood and bodily fluids, mucous membranes, or non-intact skin must be touched. Gloves shall also be worn when handling items or surfaces soiled with blood or bodily fluids. Gloves are for a single use and then shall be discarded consistent with universal precautions.
2. Hand and other skin surfaces shall be washed with soap and water immediately and thoroughly whenever contaminated with blood or other bodily fluids.
3. Extra precautions will be taken to prevent injuries caused by needles or other sharp instruments or devices and for disposal of such items.
4. Soiled clothing, uniforms, and linen shall be handled as little as possible so as to prevent microbial contamination of air and other persons. Contaminated clothing and cloth materials shall be washed separately using hot water and detergent. Dry cleaning shall also inactivate known pathogens.

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Emergency Treatment (continued)

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5. Surfaces that are contaminated with blood shall be decontaminated with appropriate products made for this purpose. Care should be taken to avoid contaminating the solution or the container of the solution. Sufficient contact time (three (3) to five (5) minutes) should be allowed to ensure surfaces are adequately disinfected.

DoNotResuscitateOrders

This District's medical personnel or health care providers will honor a Do Not Resuscitate (DNR) order or identification presented by or on behalf of a student who has a terminal condition, unless an exception applies.

In the event a DNR order or identification for a student enrolled in this District is presented to District personnel by the student or his or her parent/guardian, a copy of the order, and/or a notation that the student has DNR identification, shall be placed in the student's educational record. Nursing staff shall also be notified and provided a copy of such order or notation. The individual presenting the DNR order or identification shall be informed of this policy.

In the event emergency medical services personnel are called by this District to assist a student, District personnel knowledgeable of a DNR order or identification shall make a reasonable effort to inform the medical services personnel of the DNR order or identification. Emergency medical services personnel have statutory authority to follow a DNR order or identification. Medical personnel or health care providers employed or contracted by the District or contracted to provide medical services, if on site at the time of a medical emergency, shall comply with the DNR order or identification and provide comfort care, unless an exception applies.

A DNR order may be disregarded by medical personnel or health care providers in the following situations, pursuant to Idaho Code Section 56-1027: 1) if the health care provider believes in good faith that the order has been revoked; 2) to avoid verbal or physical confrontation; or 3) if ordered to do so by the attending physician.

Definitions

"Comfortcare" means treatment given in an attempt to protect and enhance quality of life without artificially prolonging that life.

"DoNotResuscitateorder" or **"DNRorder"** means a documented directive from a licensed physician that emergency life-sustaining procedures should not be administered to a particular person.

"DNRidentification" means a bracelet or necklace issued to an individual consistent with a valid DNR order which is in place. Typically, such bracelets or necklaces will also contain the words "comfort ONE."

"Emergencymedicalservicespersonnel" means the personnel of a service engaged in providing initial emergency medical assistance, including, but not limited to, first responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

"Life-sustainingprocedure" means cardiopulmonary resuscitation (CPR) or a component of CPR.

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Emergency Treatment(continued)

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“Medicalpersonnelorhealthcareprovider” means any person licensed, certified, or otherwise authorized by law to administer health care in the ordinary course of business or practice of a profession, including emergency and other medical personnel.

“Terminalcondition” means an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a relatively short time.

LegalReference:

I.C. 33-512(4)

I.C. 56-1020 through 56-1035

Czaplicki v. Gooding Joint School District, 116 Idaho 326 (1989)

Doe v. Durtschi, 110 Idaho 466 (1986)

Idaho State Department of Education HIV/AIDS Policy Guidelines

PolicyHistory:

Adopted on: 1/8/07

Revised on: 1/16/09

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Student Interviews, Interrogations or Arrests

3545

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, if available.

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 prescribed 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.

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Student Interviews, Interrogations or Arrests (continued)

3545

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 Superintendent 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

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Student Interviews, Interrogations or Arrests (continued)

3545

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 Superintendent 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 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

LegalReference:

I.C. 6-904(1) Exceptions to Governmental Liability
I.C. 16-1605 Reporting of abuse, abandonment or neglect
I.C. 1606 Immunity
I.C. 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

PolicyHistory:

Adopted on: 1/16/09

Revised on:

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Removal of Student During School Supervision

3550

The Board recognizes its responsibility for the proper care of students during school hours and school activities. Students shall not be removed from school grounds, any school building or school function during school hours or school activities 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 or school activities.

PolicyHistory:

Adopted on: 1/16/09

Revised on:

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Video Surveillance

3560

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 weighted 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 &/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.

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Video Surveillance (continued)

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Cross-Reference: 3570 Student Records

LegalReference: I.C.

33-512

Booksv.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)

PolicyHistory:

Adopted on: 1/16/09

Revised on:

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Student Records

3570

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.

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:

- birth certificate
- proof of residency
- unique student identifier
- 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
- verified reports or information from non-educational persons
- verified information of clear relevance to the student's education
- log pertaining to release of student's record
- disciplinary information

Information in student files shall be maintained for a period of five (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 Superintendent's designee 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.

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Student Records (continued)

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The unique student identifier is a number issued and assigned by the State Department of Education to each student currently enrolled or who will be enrolled. The unique student identifier shall follow the student from each school district or LEA or upon return to a school district or LEA after an absence no matter the length of absence.

PermanentStudentRecords

The District shall perpetually maintain a permanent record for each student, including the student's name, address, phone number, grade(s), class(es) attended, immunization records, test scores, attendance record, and grade level(s) and year(s) completed. The permanent record may be in any format and medium determined feasible by the Board. The District shall make a reasonable effort to safeguard the permanent records.

The records shall be maintained under the legal name of the student and, in addition to school information, will include such information as birth date, residency, parent's name, etc., as may be deemed necessary and advisable.

SpecialEducationRecords

The district shall retain special education records, such as eligibility documentation and IEPs, for a period of at least five (5) years after the student disenrolls from the district. The purpose of retaining such records is to provide documentation for fiscal accountability and program compliance with the General Education Provisions Act and IDEA 2004 requirements. After five (5) years have passed, and before destroying the records, the parent or adult student may request that the records not be destroyed and be sent to the parent or adult student.

NoticeofIntenttoDestroySpecialEducationRecords

The district will provide notice to parents and/or adult students that the district intends to destroy, no earlier than forty-five (45) days from the date of the notice, special education records that have been retained longer than five (5) years after the student disenrolled from the district. Such notice shall be sent by U.S. First Class Mail, postage prepaid, to the last known address, if any, of the parent or adult student. Alternatively, the district may publish notice of the intent to destroy special education records for all students disenrolling in a specific year on one (1) occasion in a newspaper of general circulation within the district.

The notice shall specify the procedure for objecting to the destruction of the educational records and requesting that the records be sent to the parent or adult student. The notice shall also inform parents and/or adult students that such educational records may be needed for application for Social Security or other benefits.

Records will be provided to parents of adult students only if the parent has verification of the right to access such information.

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Student Records (continued)

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Request to Purge Special Education Records

The adult student or parent may request that any personally-identifiable information, other than that retained in the permanent record, be destroyed. The district will comply with such request if the records are older than five (5) years and are no longer needed to provide special education to the student.

Destruction of Educational Records

Written records of individual students are confidential and must be shredded or burned under supervision of the staff member responsible for maintenance of the records if the records are not released to the parent or adult student. The records manager shall maintain a log that documents the date of destruction or release of records.

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 policy.
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 or parental rights have been terminated by court order or parental agreement:

- 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, enters military service, or becomes legally emancipated all rights and privileges accorded to the parent become exclusively those of the student. The parents of dependent students, as defined by the I.R.S. (i.e. student termed dependent for income tax purposes) may have access to student educational records if the parents establish, via either a copy of the applicable tax forms and/or a Parental Affidavit for Educational Records attesting to the student's dependent status. 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

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Student Records (continued)

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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 or 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 or appropriate subpoena. In most instances, the parent/qualified student shall be given prompt written notice of such order/subpoena, a general statement of the documents which will be released, and the proposed date of release of the documentation requested. However, there are very limited circumstances under the USA Patriot Act where schools are required to disclose information without notice to the parent or student to the Attorney General of the United States upon an ex parte order in connection with the investigation or prosecution of terrorism crimes or other such specified situations when the court order prohibits disclosure (i.e. Federal Grand Jury Subpoena or Law Enforcement Subpoena wherein such order indicates disclosure is not permitted).
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 except as specified in item 5. 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.

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Student Records (continued)

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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. Any release that is made must be narrowly tailored considering the immediacy, magnitude, and specificity of the information concerning the emergency and the information should only be released to those persons whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals (i.e. law enforcement, public health officials, trained medical personnel). The exception is temporarily limited to the period of the emergency and does not allow for a blanket release of personally identifiable information from a student's records. 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 which the release was made, and the purpose of the release and the same information shall be recorded in the student's record log.
11. 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).
12. 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.
13. A log 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 log 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 such person. The log of release shall include: a.
Information released or made accessible.
 - a. The name and signature of the records custodian.
 - b. The name and position of the person obtaining the release or access.
 - c. The date of the release or grant of access.
 - d. 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

TROY SCHOOL DISTRICT #287

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Student Records (continued)

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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.

MilitaryRecruiters/InstitutionsofHigherEducation

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 for grades, and 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.

TROY SCHOOL DISTRICT #287

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Student Records (continued)

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Cross-Reference: 8600 Records Management

LegalReference:

20 U.S.C. 1232g; 34 C.F.R. 99 Family Education Rights and Privacy Act
Individuals with Disabilities Education Act
20 USC 1412(2)(D) and USC 1417
34 CFR Section 300.560 through Section 300.576
The Family Educational Rights and Privacy Act of 1974
Elementary and Secondary Education Act, Section 9528 (2001)
Protection of Pupil Rights Amendment, 20 USC 1232h, 34 CFR Part 98, as amended by the No
Child Left Behind Act of 2001 (2002)
No Child Left Behind Act of 2001, P.L. 107-334
I.C. 32-717A Parents' Access to Records and Information
I.C. 33-209 Transfer of Student Records -- Duties
I.C. 33-506
I.C. 33-1614
Idaho Special Education Manual 2007, Chapter 11

PolicyHistory:

Adopted on: 1/8/07
Revised on: 1/16/09, 3/12/12

Defined Terms

Administrative Security consists of policies, procedures, and personnel controls including security policies, training, and audits, technical training, supervision, separation of duties, rotation of duties, recruiting and termination procedures, user access control, background checks, performance evaluations, and disaster recovery, contingency, and emergency plans. These measures ensure that authorized users know and understand how to properly use the system in order to maintain security of data.

Aggregate Data is collected or reported at a group, cohort or institutional level and does not contain PII.

Data Breach is the unauthorized acquisition of PII.

Logical Security consists of software safeguards for an organization's systems, including user identification and password access, authenticating, access rights and authority levels. These measures ensure that only authorized users are able to perform actions or access information in a network or a workstation.

Personally Identifiable Information (PII) includes: a student's name; the name of a student's family; the student's address; the students' social security number; a student education unique identification number or biometric record; or other indirect identifiers such as a student's date of birth, place of birth or mother's maiden name; and other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances, to identify the student.

Physical Security describes security measures designed to deny unauthorized access to facilities or equipment.

Student Data means data collected at the student level and included in a student's educational records.

Unauthorized Data Disclosure is the intentional or unintentional release of PII to an unauthorized person or untrusted environment.

Collection

School districts and public charter schools shall follow applicable state and federal laws related to student privacy in the collection of student data.

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Student Data Privacy and Security (continued)

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Access

Unless prohibited by law or court order, school districts and public charter schools shall provide parents, legal guardians, or eligible students, as applicable, the ability to review their child's educational records.

The Superintendent, administrator, or designee, is responsible for granting, removing, and reviewing user access to student data. An annual review of existing access shall be performed. Access to PII maintained by the school district or public charter school shall be restricted to: (1) the authorized staff of the school district or public charter school who require access to perform their assigned duties; and (2) authorized employees of the State Board of Education and the State Department of Education who require access to perform their assigned duties; and (3) vendors who require access to perform their assigned duties.

Security

School districts and public charter schools shall have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure.

School districts and public charter schools shall immediately notify the Executive Director of the Idaho State Board of Education and the State Superintendent of Public Instruction in the case of a confirmed Data Breach or confirmed Unauthorized Data Disclosure.

School districts and public charter schools shall notify in a timely manner affected individuals, students, and families if there is a confirmed Data Breach or confirmed Unauthorized Data Disclosure.

Use

Publicly released reports shall not include PII and shall use Aggregate Data in such a manner that re-identification of individual students is not possible.

School district or public charter school contracts with outside vendors involving student data, which govern databases, online services, assessments, special education or instructional supports, shall include the following provisions which are intended to safeguard student privacy and the security of the data:

- o Requirement that the vendor agree to comply with all applicable state and federal law;
- o Requirement that the vendor have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure;
- o Requirement that the vendor restrict access to PII to the authorized staff of the vendor who require such access to perform their assigned duties;
- o Prohibition against the vendor's secondary use of PII including sales, marketing or advertising;
- o Requirement for data destruction and an associated timeframe; and
- o Penalties for non-compliance with the above provisions.

School districts and public charter schools shall clearly define what data is determined to be directory information.

If a school district or public charter school chooses to publish directory information which includes PII, parents must be notified annually in writing and given an opportunity to opt out of the directory. If a parent does not opt out, the release of the information as part of the directory is not a Data Breach or Unauthorized Data Disclosure.

Student Data Privacy and Security (continued)

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Resources

FERPA: <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap31-subchapIII-part4-sec1232g.pdf>

Electronic Code of Federal Regulations pertaining to FERPA: 34 CFR Part 99 <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=11975031b82001bed902b3e73f33e604&rgn=div5&view=text&no=34:1.1.1.1.33&idno=34>

U.S. Department of Education, Family Policy Compliance Office
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>
<http://legislature.idaho.gov/legislation/2014/S1372E1.pdf>

Idaho Student Data Accessibility, Transparency and Accountability Act of 2014,
Idaho Code Title 33, Section 133

Policy History:

Adopted on:

Revised on: 4/15/2019

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Relations with Non-custodial Parents

3575

The Troy School District, 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.

LegalReference:

Federal Family Educational Rights and Privacy Act of 1974,
20 USC 1232g - parent and student privacy and other rights with respect to educational records
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
I.C. 33-506
I.C. 33-512
I.C. 32-717A
Idaho Attorney General Opinion No. 93-2

PolicyHistory:

Adopted on: 1/8/07
Revised on: 1/16/09

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Records of Missing Children

3610

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.

LegalReference:

I.C. 18-4511 School Duties—Records of Missing Child—Identification Upon Enrollment—
Transfer of Student Records

PolicyHistory

Approved on: 1/16/09

Revised on:

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Transfer of Student Records

3620

ReceivingSchool

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.

ForwardingSchool

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 Student Records
 3610 Records of Missing Children

LegalReference:

IDEA Amendments of 1997, 20 USC Chapter 33, Section 1416(k)(5)(B)
I.C. 33-209
I.C. 33-603
I.C. 18-4507, et seq.
I.C. 18-4511 School Duties—Records of Missing Child—Identification Upon
 Enrollment—Transfer of Student Records
I.C. 33-209 Transfer of school records - Duties

PolicyHistory:

Adopted on: 1/8/07
Revised on: 1/16/09

TROY SCHOOL DISTRICT #287

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Student Handbooks

3700

All student handbooks are approved policy of the Board and are identified under the above policy number. The complete student handbook for each school is on file at the District administration office and at the respective schools.

Students who violate the provisions of the applicable student handbook will be disciplined in accordance with the district policies.

LegalReference:

I.C. 33-512(6)

PolicyHistory:

Adopted on: 1/8/07

Revised on: