

**3000 SERIES  
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## Swan Valley School District #92

### STUDENTS

3000

#### Entrance, Placement and Transfer

##### Entrance, Date and Age

No pupil may be enrolled in the kindergarten or first grade whose fifth or sixth birthday 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 forth above shall be allowed to enter the first grade.

##### Initial Enrollment

A birth certificate and an immunization record are required for admission to the District.

If a birth certificate is not provided upon enrollment of a student for the first time in elementary or secondary school, the District shall notify the person enrolling the student in writing that he 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.

##### Placement

The goal of the District shall be to place students at levels and in settings that will enhance the probability of student success. Developmental testing, together with other relevant criteria, including, but not limited to, health, maturity, emotional stability, and developmental disabilities, may be considered in the placement of all students. Final disposition of all placement decisions rests with the principal, subject to review by the Superintendent and the Board.

## 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 (2) weeks.

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

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

## High School Enrollment

The District enrolls students in grades K-8 and provides the transportation for attendance at Swan Valley Elementary School for these grades. After graduation from the 8<sup>th</sup> grade, the District will then provide transportation for grades 9-12 at Ririe High School. If a parent/guardian chooses to enroll their student at a school outside of Swan Valley Elementary District #92 prior to the 9<sup>th</sup> grade, the parent/guardian then assumes the responsibility for transportation and tuition costs for their student to attend at a school district other than Swan Valley Elementary School District #92. If a parent/guardian chooses to enroll their student at a school for grades 9-12 other than Ririe High School, the parent/guardian assumes responsibility for transportation for that student.

## Cross Reference:

|      |                                |
|------|--------------------------------|
| 3060 | Education of Homeless Children |
| 4160 | Parents Right-to-Know Notices  |

## Legal Reference:

|  |  |
|--|--|
| Art. IX, § 9, Idaho Code Compulsory Attendance at School |  |
| I.C. § 18-4511   | School Duties – Records of Missing Children – Identification Upon Enrollment – Transfer of Student Records |
| I.C. § 33-201  | School age   |
| I.C. § 33-209  | Transfer of Student Records - Duties   |
| I.C. § 39-4801   | Immunization required  |
| I.C. § 39-4802   | Exemptions   |
| 42 USC § 11432   | Education of Homeless Children and Youths  |

Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

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## Swan Valley School District #92

### STUDENTS

3020

#### Enrollment and Attendance Records

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

#### Legal Reference:

I.C. § 33-1001 Definitions

I.C. § 33-1002E Pupils Attending School in Another State

IDAPA 08.02.01.250.03 Day in Session When Counting Pupils in Attendance

IDAPA 08.02.01.250.04 Day of Attendance – Kindergarten

IDAPA 08.02.01.250.05 Twelve (1-12) Day of Attendance (ADA) – Grades One Through

#### Policy History:

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## **Swan Valley School District #92**

### **STUDENTS**

**3020P**

#### Enrollment and Attendance Record

##### Average Daily Attendance

A day of attendance is one in which a pupil is physically present for a full day (at least four (4) hours for grades 1 through 8 (1-8) and at least two and one-half (2 ½) hours for kindergarten) under the guidance and direction of a teacher or other authorized school personnel while school is in session or is a homebound student under the instruction of a teacher employed by the District.

Average Daily Attendance (ADA) is the aggregate number of days enrolled students are present divided by the number of days of school in the reporting period. A student attending school in another state that borders the student's resident district, shall be counted for purposes of ADA.

Students for whom no Idaho school district is a home district shall not be counted for purposes of ADA. Funding for districts is based on ADA and must be accurate.

##### Attendance Accounting

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

##### Procedure History:

Adopted on October 16, 2003

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Part-Time Attendance / Dual Enrollment

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

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

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

Admittance

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

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

Extracurricular Activities

The following rules apply for a non-public school student to be eligible to participate in nonacademic school activities, such as extracurricular activities, for which public school students must demonstrate academic proficiency or eligibility:

1. Eligibility standards must be met the same as other regular full-time students;
2. The non-public school student must, on any State Board of Education recognized achievement test, portfolio, or other mechanism, demonstrate composite grade-level academic proficiency;
3. The non-public school student must achieve a minimum score on the achievement test(s) required annually by the State Board of Education for purposes of determining eligibility for the following school year. The minimum composite test score of the student must fall within the average range or higher as established by

the test service utilized. The minimum score on each assessment is the fifth (5th) 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. A fee may be assessed to cover extra administration costs.
5. A non-public school student will be subject to the same requirements as public school students regarding school attendance on the date of an activity. If the non-public school student is not scheduled to attend academic courses in the District on activity days, the non-public school student's primary legal guardian provide assurance to the District that such student has met the attendance requirements in the non-public school academic setting.

#### Average Daily Attendance

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

#### 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.

Students with disabilities residing in the District who are attending private or home schools will be accepted in accordance with state and federal statutes.

#### Transportation

All non-public school students will not be eligible for District transportation services.

#### Graduation

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

IDEA/ADA/Section 504 Students

Parents who wish dual enrollment students to be enrolled in special programs must comply with the requirements of the Individuals with 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            | Dual enrollment          |
| I.C. § 33-1001, et. Seq. | Average Daily Attendance |
| IDAPA 08.02.03.111.13    | Dual Enrollment          |

Policy History:

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## Swan Valley School District #92

### STUDENTS

3040

#### Compulsory Attendance

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

-Idaho Code § 33-202

#### Attendance

Parent/Guardians are required to have children ages seven (7) through sixteen (16) enrolled in and attending a public, private, or parochial school. This school must meet the certification and standard requirements of the State of Idaho, per Idaho Code 33-202 through 205.

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

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

#### Legal Reference:

Art. IX, § 9, Idaho Constitution – Compulsory Attendance at School

I.C. §33-201                School age

I.C. § 33-202             School attendance compulsory

I.C. § 33-207             Proceedings Against Parents or Guardians

#### Policy History:

Adopted on: October 16, 2003

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Attendance Policy

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.

90% Attendance

The intent of the Board of Trustees is 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 contributes 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 10% of the days per semester. The administration shall adjudicate absences where the total number of days is brought below nine days through doctor's excuses and legitimate illness.

The ONLY absences that WILL NOT be used in calculating the attendance record are:

1. Those that occur due to school-sponsored activities, since these are considered an equivalent educational experience. These exemptions will apply to students participating in sports events, cheerleading, music related events, FFA trips, academic field trips, and others deemed co-curricular;
2. Bereavement in the immediate family (grandmother, grandfather, father, mother, sister, brother). Any extended bereavement may be reviewed by the Board;
3. Subpoenas to appear in court or court-ordered, out-of-District placements for special services; and

4. Illness or hospitalization verified by a doctor's statement.

Absences which will be counted in the 90% limit will include such areas as: family trips; work days; vacations; visiting friends or relatives; suspension in and out of school; watching tournaments when not an actual participant; hair, medical, dental, or photography appointments; skiing; hunting; court appearances; attending concerts; shopping; or any others not mentioned which are unacceptable to the Board.

Truancy

Attendance at school is more than a legal obligation. It is a privilege. Every child of compulsory school age must be in attendance unless otherwise exempted as provided in Idaho Code §§ 33- 204, 205 or as determined by school authorities.

The absence of a student from class or any portion of a class for any reason other than illness, emergency, or activities which have prior approval of the administration is to be considered an unexcused absence and therefore, an act of truancy.

When a student is absent for any reason except for a school-sponsored or an administration- approved absence, an adequate acceptable excuse must be provided within two school days following return to school; otherwise, the absence is classified as unexcused. Parents/guardians, doctors, or other responsible persons should provide excuses for all students.

90% Attendance Appeal Process

If a student has lost credit due to excessive absences and the parent/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 Board of Trustees will consider the following:

1. Attendance for the preceding semester and/or year;
2. Grade(s) earned in the class where credit was lost and other grades;
3. Make-up work completed and the student's attitude toward school; and
4. Extenuating circumstances. The Board decision and acceptance or rejection of extenuating circumstances is final.

Legal Reference:

Art. IX, § 9, Idaho Constitution – Compulsory Attendance at School

I.C. § 33-202                      School Attendance Compulsory

I.C. § 33-204                      Exemption for Cause

I.C. § 33-205                      Denial of School Attendance

I.C. § 33-207                      Proceedings Against Parents or Guardians

Policy History:

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## Swan Valley School District #92

### STUDENTS

3060

#### Education of Homeless Children

It is the policy of the District to ensure that:

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

The Board of Trustees directs all District schools to admit children who are homeless regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment. The Board shall not enter into an out-of-District attendance and tuition agreement with another district for a homeless child.

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

#### Definitions

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

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

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

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
4. Migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses 1 through 3 above; and

5. An unaccompanied student 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.

### In General

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

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

### Placement Choice

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

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.

## School Stability

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

1. Presume that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent/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.

### Immediate Enrollment:

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.
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.

## Privacy

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

## Contact Information

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

### Comparable Services

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

### District Liaison

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

1. All homeless students 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:
  - A. Are enrolled in school;
  - B. Have opportunities to meet the same challenging state academic standards as the State establishes for other students; and
  - C. Are informed of their status as independent students under 20 USC § 1087vv(d), and that such students may obtain assistance from the District Liaison to obtain verification of such status for purposes of the Free Application for Federal Student Aid.

### Local and State Coordination

The District's liaison(s) for homeless students shall, as a part of their duties, coordinate and collaborate with the Idaho State Office of the Coordinator for Education of Homeless Children and Youths, as well as with community and school personnel who are responsible for the provision of education and related services to homeless students. 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).

### Homeless Status

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

### Title 1, Part A

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

provided by participating schools. Funding may also be set aside to provide targeted assistance to homeless students who attend participating schools.

Cross Reference:

4120 Uniform Grievance Procedure  
4160 Parents Right-to-Know Notices

Legal Reference:

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

Policy History:

Adopted On: August 11, 2008  
Revised on: June 8, 2021  
Reviewed on: June 8, 2021

Nonresident Student Attendance Policy

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;
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 Options Program

Whenever the parent/guardian or guardian of a student determines it is in the best interest of the student to attend a school other than the student's resident school, the parent/guardian must apply annually for admission to the non-resident school on a form provided by the state department of education. The application, together with the student's cumulative record, shall be submitted to the receiving district no later than February 1 for enrollment during the following school year. The February 1 deadline may be modified by mutual agreement of the resident and non-resident school. Notice of the application must be given to the student's residence district.

The nonresident school will have sixty (60) days in which to consider the application. 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/from the school or to a bus stop within the non-resident district.

Eligibility rules for participating in extra-curricular activities shall apply to non-resident students. Any suspended/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.

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 nonresident 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: one building/100
3. Cause the total enrollment in the District to exceed 100;
4. Cause the total enrollment in a particular class to exceed 20;
5. Cause the teacher-student ratio to exceed 1 to 20;
6. Cause the total enrollment in a specialized program to exceed the limits below: 15
7. 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 academics, 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 (1) 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/expelled from any other school district.

### 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.

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. | Transfer of pupils          |
| I.C. § 33-205          | Denial of school attendance |

### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

**Sexual Harassment, Discrimination and Retaliation Policy**

Policy Purpose

The purpose of this policy is to promote working and learning environments that are free from sex and gender-based harassment, discrimination, and retaliation, and to affirm Swan Valley 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 Swan Valley School District's community, including students, employees, and other members of the public including guests, visitors, volunteers, and invitees.

Policy Statement

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

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

Swan Valley School District  
3389 Swan Valley Hwy  
PO Box 220  
Irwin, ID 83428  
208-483-2405

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

Swan Valley 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.

### 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 Swan Valley School District Title IX Coordinator using the contact information below:

Swan Valley School District Superintendent  
3389 Swan Valley Hwy  
PO Box 220  
Irwin, ID 83449  
208-483-2405  
sd92.k12.id.us

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. Such a report may be made at any time, including during non-business hours, by using the telephone number, Superintendent's email address, or by mail to the office address listed for the Title IX Coordinator.
2. Report by phone at 208-483-2405.

When notice is received regarding conduct that may constitute Title IX sexual harassment, Swan Valley School District shall provide information about supportive measures and how to file a formal complaint, as described in 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 themselves as the alleged victim and the one sending the email, to file a formal complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the alleged victim to ensure that it is filed correctly.

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

### Grievance Processes

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

1. For formal complaints regarding conduct that may constitute Title IX sexual harassment involving students or employees, the District will implement procedures detailed in Procedure 3085P.
2. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where students are the accused party, and that do not constitute Title IX sexual harassment, the District will implement procedures described in Student Handbook or Uniform Grievance Procedure.
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 Uniform Grievance Procedure or Certificated/Non-certificated Staff Grievance Procedures.

### Cross References:

|       |   |
|-------|---|
| 3570  | 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  |
| 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

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: June 8, 2021

Revised on:

Reviewed on:

## **Swan Valley School District #92**

### **STUDENTS**

**3085P**

#### Title IX Sexual Harassment Grievance Process, Requirments, and Definitions

##### Scope of Procedure

This Title IX Grievance Process applies to all members of Swan Valley 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

Swan Valley School District #92 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 (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/or 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/or 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 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 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 countercharge 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.
- 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.

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

The Coordinator shall designate a single Decision-Maker 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 (2) 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 (2) 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. Notification that the parties may have the assistance of an advisor of their choosing at the meeting.
- G. A copy of all the materials provided to the Decision-Maker(s) about the matter.
- H. An invitation for the parties to review and submit a written response to the final investigation report within five (5) school days of the date of the notice.
- I. 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 five (5) school days of the date of the notice.
- J. 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.
- K. 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 five (5) school days prior to the meeting/final determination.
- L. 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.

- 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:

- 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 five (5) school days.

**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 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 - 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.
- 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.
- C. 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.

## **7. Appeals**

Any party may file a request for appeal in writing with the Coordinator within five (5) school days of the delivery of the notice of a final decision.

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

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.
- 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 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 thirty (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.

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 harassment as defined herein, the decision-maker shall apply the 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 five (5) 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; and
- 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 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.

“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 comply 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;
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:

Promulgated on: June 8, 2021

Revised on:

Reviewed on:

## Swan Valley School District #92

### STUDENTS

3085F1

#### Notice of Investigation & Allegation Template

*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: **[LINK]**. 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 clear and convincing evidence proves that a violation of policy has occurred. The burden is on the District to gather evidence, investigate the allegations, summarize all relevant evidence in a final investigation report, and make a final determination of responsibility (subject to appeal). No determination of responsibility will be made until the conclusion of the process and after the parties have been given an opportunity to inspect, review, and respond to all directly related and/or relevant evidence obtained by the District.

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

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

1. The District's applicable procedures can be found online at [sd92.k12.id.us](http://sd92.k12.id.us). If you need a hardcopy or accessible copy of these procedures, you should direct a request to the Superintendent 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 **[PERSON]** at **[CONTACT INFORMATION]**.
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. **[OPTIONAL: If you would prefer that the school/district appoint a school/district-trained advisor for you, please let me know as soon as possible.]** Upon request, a pre-interview meeting between you, your advisor, and the investigator(s) to explain the District process and answer any questions may be arranged by contacting the investigator.

## Retaliation

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

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

If you experience any retaliation, please contact me immediately.

## False Statements and/or False Information

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

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

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

## Confidentiality

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

## Campus Resources

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

## **[OPTIONAL: Counselor**

## **{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 **[OFFICE]** at **[PHONE NUMBER]** 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 \_\_\_\_\_

## Swan Valley School District #92

### STUDENTS

3200

#### Student Rights and Responsibilities

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

These rights and responsibilities may be described at greater length in student handbooks. All student handbooks are approved policy of the Board. 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.

#### Cross Reference:

3370 Search and Seizure

3330 Student Discipline

#### Legal Reference:

I.C. § 33-205 Denial of school attendance

I.C. § 33-512 Governance of Schools

*Tinker v. Des Moines Ind. Sch. Dist.*, 89 S.Ct. 733 (1969)

*Bethel School District v. Fraser*, 478 U.S. 675 (1986)

*Morse v. Frederick*, 551 U.S. 393 (2007)

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

Student Publications

Student publications produced as part of the school's curriculum or with the support of student body funds are intended to serve both as vehicles for instruction and student communications. They are operated and substantively financed by the student body and the District.

Material appearing in such publications should reflect all areas of student interest, including topics about which there may be controversy and dissent. Controversial issues may be presented provided they are treated in depth and represent a variety of viewpoints. Such materials may not be libelous, obscene or profane nor may they cause a substantial disruption of the school, invade the privacy rights of others, demean any race, religion, gender, or ethnic group, or advocate the violation of the law. They may not advertise tobacco, liquor, illicit drugs or drug paraphernalia.

The Superintendent shall develop guidelines to implement these standards and shall establish procedures for the prompt review of any materials that appear not to comply with the standards.

All publications must be reviewed and approved by the Superintendent prior to distribution. The Superintendent has the authority to determine the appropriateness of all material and may exclude material for publication.

Legal Reference:

*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988).

Policy History:

Adopted on: October 16, 2003

Reviewed on: November 8, 2011

Revised on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3250

#### Distribution and Posting of Materials

The distribution of materials from outside the school system uses a considerable amount of valuable educational time. This time is taken away from students, teachers, and the clerical staff. It is the District's policy to limit the distribution of materials to parent/guardian 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.

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

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

1. Maintain a centrally located bulletin board for the posting of bulletins.
2. 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.

#### Policy History:

Adopted on: October 16, 2003

Reviewed on: November 8, 2011

Revised on: June 8, 2021

**STUDENTS**

**3255**

Student Dress

It is a privilege and an honor to attend school and for this reason students are expected to dress for the occasion.

Students are reminded that their appearance significantly affects the way others respond to them. Matters of dress remain the primary responsibility of students, in consultation with their parent/guardians or legal guardians. Nevertheless, certain minimum standards shall be observed by all students.

As a general rule for all students, clothing should be clean and in good repair. Vision should be unobstructed either by hair or articles of attire. Students should not wear extremely tight-fitting clothing, fishnet shirts, side-less or backless tops or shirts, t-tops, tank tops, tops with 'spaghetti' straps, 'belly blouses', leotards, short-shorts, or clothing upon which is printed inappropriate language or pictures (including words or pictures advocating drug, alcohol, tobacco use, gangs, violence, sexually explicit, lewd, indecent, or illegal acts.). Shoes must be worn at all times. Head coverings inside the classroom are considered a distraction to the educational process and are unacceptable attire.

The Board of Trustees urges parents and students to exercise sound judgment, based upon the standard of appropriateness for the school setting. For example, clothing exposing bare midriffs and short shorts and skirts will not be allowed. The Superintendent or his or her designee is hereby authorized to promulgate regulations consistent with the provisions of this policy. Parent/guardians will be phoned to bring other clothing to school if attire is deemed to be inappropriate.

During inclement weather, students must wear appropriate clothing. This may include, but is not limited to: boots, hats, gloves, coats, and/or jackets. Please label all items with student's names.

Temporary Exceptions

In order to allow appropriate attire for a particular educational or school activity, the Superintendent or his or her 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.

Accommodations

The District will seek to accommodate cultural, religious, and ethnic differences in dress and grooming, provided such dress or grooming does not materially or substantially

disrupt the educational process of the school or create a health or safety hazard for students, staff, or others.

The administration shall establish procedures for the monitoring of student dress in school or while engaging in extracurricular activities. Specifics regarding this policy may be found in the student handbook.

Policy History:

Adopted on: September 8, 2008

Reviewed on: November 8, 2011

Revised on: June 8, 2021

**STUDENTS**

**3270**

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

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

In order for the District to be able to continue to make its computer network and Internet access available, all users, including students must take responsibility for appropriate and lawful use of this access. Students utilizing school-provided Internet access are responsible for good behavior on-line. 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 members may, consistent with the District's educational goals, use the Internet throughout the curriculum.

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

Acceptable Uses

1. **Educational Purposes Only.** All use of the District's electronic network must be (1) in support of education and/or research, and in furtherance of the District's stated educational goals; or (2) for a legitimate school business purpose. Use is a

privilege, not a right. Students and staff members 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 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.

2. **Unacceptable Uses of Network.** The following are considered unacceptable uses and constitute a violation of this policy. Additional unacceptable uses can occur other than those specifically listed or enumerated herein:
- A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by the District's student discipline policy; viewing, transmitting or downloading pornographic materials or materials that encourage others to violate the law; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.
  - B. Uses that cause harm to others or damage to their property, including but not limited to engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet;
  - C. Uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information.
  - D. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying defined as using a computer, computer system, or computer network to convey a message in any format, including audio or video, text, graphics photographic, or any combination thereof, that is intended to harm another individual.
  - E. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet.
  - F. Uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.
  - G. The promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations, ballot issues, or proselytizing in a way that presents such opinions as the view of the District.
  - H. Sending, receiving, viewing, or downloading obscene materials, materials harmful to minors, or materials that depict the sexual exploitation of minors.
  - I. Disclosing identifying personal information or arranging to meet persons met on the internet or by electronic communications; sharing one's password with others or allowing them to use one's account.

- J. Downloading, installing, or copying software or other files without authorization of the Superintendent or the Superintendent's designee.
- K. Posting or sending messages anonymously or using a name other than one's own.
- L. Attempting to bypass internal or external security systems or controls using District equipment. Students and staff may only access the Internet using the District network.
- M. Plagiarism of material accessed online. Teachers will instruct students in appropriate research and citation practices.
- N. Using the network while access privileges are revoked.

### Internet Safety

Each District computer with Internet access shall have a filtering device that blocks entry to visual depictions that are (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.

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

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

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

And, taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

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

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

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

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

### Internet Filtering

Filtering should only be viewed as one of a number of techniques used to manage student's access to the Internet and encourage acceptable usage. It should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors.

Anything that falls under at least one of the categories below shall be blocked and filtered. This list will be updated/modified as required.

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

12. Weapons: Sites which promote illegal weapons, sites which promote the use of illegal weapons;
13. Self-Harm: Sites containing content on self-harm including cutting, and sites that encourage anorexia, bulimia, etc.; and
14. Judgment Calls: Whether a page is likely to have more questionable material in the future (e.g., sites under construction whose names indicate questionable material)

Filtering should be used in conjunction with:

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

Review of filtering technology and software shall be done on a periodic basis and is the responsibility of the Superintendent. It shall be the responsibility of the Superintendent or designee to address and assure that the filtering system meets the standards of Idaho Code 18-1514 and any other applicable provisions of Chapter 15, Title 18, Idaho Code.

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

#### Confidentiality of Student Information

Personally identifiable information concerning students may not be disclosed or used in any way on the Internet without the permission of a parent/guardian or, if the student is 18 or over, the permission of the student himself/herself. Users should never give out private or confidential information about themselves or others on the Internet, particularly credit card numbers and social security numbers. A supervising teacher or administrator may authorize the release of directory information, as defined by law, for internal administrative purposes or approved educational projects and activities.

#### Student Use of Social Media

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

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

### Internet Access Conduct Agreements

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

### Warranties/Indemnification

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

### Violations

If any user violates this policy, the student's access will be denied, if not already provided, or withdrawn and he/she may be subject to additional disciplinary action. The system administrator and/or the building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with his/her/their 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.

### Internet Safety

The System Administrator and/or the building principal shall ensure instruction on Internet safety is occurring district wide.

### Submission to State Department of Education

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

Cross Reference:

2335 Digital Citizenship and Safety Education  
3330 Student Discipline

Legal Reference:

I.C. § 33-132 Local School Boards Internet Use Policy Required  
I.C. § 33-137 Digital and Online Library Resources for K-12 Students  
I.C. § 18-1514(6) Children and Vulnerable Adults - Obscene Materials – Definitions  
20 U.S.C. § 9134(f) State Plans – Internet Safety  
20 U.S.C. § 7131 Internet Safety

Policy History:

Adopted on: October 16, 2003  
Reviewed: February 20, 2018  
Revised on: June 8, 2021

Acceptable Use of Electronic Networks

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

Terms and Conditions

1. Acceptable Use – Access to the District's electronic networks must be:
  - A. For the purpose of education or research and consistent with the educational objectives of the District; or
  - B. For legitimate business use.
2. Privileges – The use of the District's electronic networks is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The system administrator (and/or building principal) will make all decisions regarding whether or not a user has violated these procedures, and may deny, revoke, or suspend access at any time. His or her decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
  - A. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any U.S. or state law;
  - B. Accessing information pertaining to manufacture of weapons;
  - C. Uses that cause harm to others or damage property;
  - D. Unauthorized downloading of software, regardless of whether it is copyrighted or de-virused;
  - E. Downloading copyrighted material for other than personal use;
  - F. Using the network for private financial or commercial gain;
  - G. Wastefully using resources, such as file space;
  - H. Hacking or gaining unauthorized access to files, resources, or entities;
  - I. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
  - J. Using another user's account or password;
  - K. Posting material authored or created by another, without his/her consent;
  - L. Posting anonymous messages;
  - M. Using the network for commercial or private advertising;

- N. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
  - O. Using the network while access privileges are suspended or revoked.
  - P. Any other unacceptable uses as outlined in District Policy 3612
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
    - A. Be polite. Do not become abusive in messages to others.
    - B. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
    - C. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
    - D. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
    - E. Do not use the network in any way that would disrupt its use by other users.
    - F. Consider all communications and information accessible via the network to be private property.
  5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.
  6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
  7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual's account without written permission from that individual. 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.
  8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses.
  9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.
  10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.

- A. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
- B. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.
- C. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
- D. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
- E. Student work may only be published if there is written permission from both the parent/guardian and the student.
- F. Violation of the copyright web publishing rules may result in denial of access to the network.

#### 11. Use of Electronic Mail.

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

### Internet Safety

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

### Student Use of Social Media

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 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.

### Procedure History:

Adopted on: October 16, 2003

Reviewed on: February 20, 2018

Revised on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3270F

#### INTERNET ACCESS CONDUCT AGREEMENT

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

I have read, understand, and agree to abide by the terms of the Swan Valley School District #92 policy regarding District-provided Access to Electronic Information, Services, and Networks (Policy No. 3270). Should I commit any violation or in any way misuse my access to the District's computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

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

User's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

**Parent/Legal Guardian.** (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.)

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

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

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

Home Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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

This Agreement is valid for the \_\_\_\_\_ school year only.

District Provided Mobile Computing Devices

The Swan Valley School District is committed to providing a safe, rigorous, and engaging learning environment that prepares all students to be career and college ready. Accessing and using technological resources is one of the cornerstones of a 21<sup>st</sup> century education. This document describes the rules for acceptable use of school-issued mobile computing devices. Using these resources responsibly will promote educational excellence by facilitating resource sharing, fostering creativity, and promoting communication in a safe, secure environment for all users.

Distributing Mobile Computing Devices

Before they are issued a device, each student must submit a Student Mobile Computing Device Agreement and a copy of the Internet Access Conduct Agreement. Each form must be signed by the student and by their parent or guardian.

At the end of the school year, the school will collect all devices from students. At the school's discretion, students may be issued devices to support summer programs.

The Superintendent shall establish procedures for the maintenance of records regarding the devices, including tracking device inventory, and which device is issued to which student.

Care and Safety

Students are responsible for the general care of the device they have been issued by the District and are expected to observe the following precautions:

1. No food or drink is allowed next to a device while it is in use;
2. Insert and remove cords, cables, and removable storage devices carefully;
3. Shut down the device when not in use to conserve battery life,
4. Stickers, drawings, or permanent markers may not be used on the device;
5. Do not vandalize the device or any other school property;
6. The device must never be left in any unsupervised area,
7. Do not place anything near the device that could put pressure on the screen;
8. Clean the screen with a soft, dry cloth or anti-static cloth;
9. The device should not be stored anyplace that is subject to extreme temperatures;

The Superintendent will designate an individual or office at the school level where devices must be taken if they break or fail to work properly.

### Use at School

The devices are intended for use at school each day. Students are responsible for their device. Power cords must stay in the classroom at all times, and the device must be returned for recharging at the end of each school day. Repeat failures to comply with these requirements will result in disciplinary action.

Students without a device will use a computer in the classroom or a device from the lending pool depending upon availability and the administrator's discretion. This includes students whose devices are undergoing repair.

Sound must be muted or headsets must be used at all times unless the teacher directs otherwise.

Students may use printers in classrooms, the library, and computer labs with teachers' permission during class or breaks. All printing should be limited to educational purposes.

Students may not add options or upgrades to the device, change the operating system, or add unauthorized software or safety controls.

Should students or parents/guardians place personalized items on the device in violation of this policy such items may be accessed or viewed by District staff at any time, for any reason, including randomly selected device reviews. No content placed on District provided devices is privileged or confidential.

### Managing Files

Once details are known about the availability of file space that is shared or is backed up automatically, the Superintendent will set a procedure for where students and teachers should save important documents.

Students should also back up their work frequently using removable file storage or by e-mailing important document to themselves. It is the student's responsibility to ensure that work is not lost due to mechanical failure or accidental deletion. Device malfunctions are not an acceptable excuse for not submitting work.

### Software

The software originally installed by the District must remain on the device in usable condition and be easily accessible at all times.

From time to time the school may add or update software applications. The licenses for such software sometimes require that the software be deleted from devices at the completion of a course. Periodic checks of devices will be made to ensure that students have deleted software that is no longer required in class and that the school has not exceeded its licenses.

All devices will be equipped with anti-virus protection software, which will be upgraded regularly

It is the responsibility of individual students to be aware of additional software programs and files loaded onto their device, which are required for classes or school activities.

Students wishing to add additional software onto a device must first obtain the permission of the teacher or Superintendent. Any additional software must be appropriate for the school environment and comply with the Internet Access Conduct Agreement. Violent games and computer images containing obscene or pornographic material are banned. Each student is responsible for ensuring that only licensed software is loaded onto his or her device.

### Inspection and Filtering

Filtering software will be used to prevent access to material considered inappropriate or harmful to minors.

Students may be selected at random or for cause to provide their device for inspection. If technical difficulties occur or unauthorized software or any other violation of District policy is discovered, all files and the hard drive may be reformatted. Only authorized software will be installed. The school does not accept responsibility for the loss of any software or other materials deleted due to a re-format and re-image.

Electronic mail, network usage, and all stored files shall not be considered confidential and may be monitored at any time by designated District staff to ensure appropriate use. The District will cooperate fully with local, State, or federal officials in any investigation concerning or relating to violations of law.

### Remote Access of Devices

Devices may be equipped with the ability to be accessed remotely in the case of technical problems requiring remote assistance, missing or stolen devices, or other for any other appropriate District purpose. A student does not need to be asked for permission prior to remote software maintenance.

### Acceptable Use

Access to the devices is a privilege and not a right. Each student and/or parent will be required to follow the Internet Access Conduct Agreement and the Mobile Computing Device Acceptable Use Policy. Violation of these policies, whether by the student or another party, while the device is in student custody may result in disciplinary action for the student, possible revocation of device privileges, and/or contacting law enforcement authorities.

### Protecting and Storing Devices

Students are expected to password protect their devices and shall keep their password confidential.

When students are not using their devices, the devices should be stored in their lockers. Students will return the devices for storage and recharging each day at the end of the school day.

Under no circumstances should devices be left in unsupervised areas. Unsupervised areas include the school grounds, the cafeteria, computer lab, locker rooms, library, unlocked classrooms, dressing rooms, and hallways. Unsupervised devices will be confiscated by staff and taken to the building principal's office. Disciplinary action may be taken for leaving a device in an unsupervised location.

### Repair of Devices

Students are to report all device problems to their teacher or Superintendent.

The Superintendent will issue a document clarifying student or parent responsibility for lost and damaged devices when the details of the District's insurance policy are known.

### Cross Reference:

3270F            Internet Access Conduct Agreement  
3270P            Acceptable Use of Electronic Networks

### Legal Reference:

Pub. L. 106-554      Children's Internet Protection Act (CIPA)  
47 U.S.C. § 254(h)    Telecommunications services for Certain Providers  
47 U.S.C. § 254(l)    Internet Safety Policy Requirement for Schools and Libraries

### Policy History:

Adopted on: June 17, 2019  
Revised on: June 8, 2021  
Reviewed on: June 8, 2021

**MOBILE COMPUTING DEVICE AGREEMENT**

This Agreement is valid for the \_\_\_\_\_ school year only.

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

I have read, understand, and agree to abide by the terms of the Swan Valley School District's policies regarding District-provided mobile computing devices (Policy No. 3275). Should any violation or misuse of the device occur while it is in my custody, I understand and agree that I may lose access to the device and will forfeit any fees paid for use of the device, regardless of whether the misuse was committed by me or another person.

I accept full responsibility for the safe and secure handling of the device for this school year. I accept full responsibility for the proper use and safeguarding of the device under all applicable policies. I understand that it is my responsibility to immediately report any damage, theft, or problems with the device to a teacher or administrator.

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

User's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Status: \_\_\_\_ I am 18 or older \_\_\_\_ I am under 18

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

**Parent or Legal Guardian:** If the applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.

As the parent/guardian of the above student, I understand my child's responsibility in the use and care of the device and my financial responsibility in the event my student loses the device or is found to be the cause of deliberate or negligent damage to it. I understand that if he or she is found to be responsible for deliberate or negligent damage or for the loss of the device, I will be financially responsible for reasonable repair or replacement cost.

I have read the District Policy No. 3275 and explained it to my child. I understand that if any violation or misuse of the device occurs while it is in my child's custody, his or her access privileges to the internet or use of a mobile computing device can be suspended or terminated, that he or she will forfeit any fees paid for use of the device, and that he or she may face other disciplinary measures, regardless of whether the misuse was committed by him or her or by another person.

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

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

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

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

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

## Swan Valley School District #92

### STUDENTS

3280

#### Equal Education, Nondiscrimination and Sex Equity

Equal educational opportunities shall be available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious beliefs, physical and mental handicap or disability, economic or social conditions, or actual or potential marital or parent/guardian status or status as a homeless child.

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

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

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

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

#### Legal Reference:

|   |  |
|---|--|
| I.C. § 67-5909  | Acts Prohibited  |
| 20 U.S.C. § 1681-1682                                     | Title IX of the Educational Amendments of 1972   |
| 29 U.S.C. § 794   | Section 504 of the Rehabilitation Act of 1973 –<br>Nondiscrimination under Federal Grants and Programs |
| 42 U.S.C. § 6101, <i>et seq.</i>                          | Age Discrimination in Federally Assisted Programs  |
| 42 U.S.C. § 12101, <i>et seq.</i> & 12131, <i>et seq.</i> | The Americans with Disabilities Act  |

#### Policy History:

Adopted on: October 16, 2003

Reviewed on: November 8, 2011

Revised on: June 8, 2021

Relationship Abuse and Sexual Assault Prevention and Response

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.

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, *et seq.* Child Protective Act

IDAPA 08.02.03.160 Safe Environment and Discipline

Policy History:

Adopted on: June 8, 2021

Revised on:

Reviewed on:

Sexual Harassment/Intimidation of Students

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/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, per Policy 3085 and Procedure 3085P. 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.

Any individual seeking further information should contact the Superintendent for the name of the current Title IX Coordinator for the District. The Superintendent shall insure 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 which does not fall within the scope of allegations addressed by Procedure 3085P shall follow the Uniform Grievance Procedure.

Cross Reference:

|       |   |
|-------|---|
| 4120  | Uniform Grievance Procedure   |
| 3085  | Sexual Harassment, Discrimination and Retaliation Policy                      |
| 3085P | Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions. |

Legal References:

|                           |  |
|---------------------------|--|
| 20 U.S.C. § 1681, et seq. | Title IX of the Educational Amendments of 1972   |
| 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: October 16, 2003  
Reviewed on: November 8, 2011  
Revised on: June 8, 2021

**Swan Valley School District #92**

**STUDENTS**

**3290F**

Harassment Reporting Form for Students

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

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

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

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

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

Describe the incident(s).

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

Date(s), time(s), and place(s) the incident(s) occurred.

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

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

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

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

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

If so, name the witnesses.

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

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

If yes, what action did you take?

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

Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents

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

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

Signature of parent//legal guardian \_\_\_\_\_

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

The Board 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.

This includes actions on school grounds, school property, school buses, at school bus stops, at school sponsored events and activities, and through the use of electronic technology or electronic communication equipment on school computers, networks, forums, or mailing lists and actions at locations outside of those listed above that can be reasonably expected to materially and substantially interfere with or disrupt the educational environment of the school or impinge on the rights of other students at school.

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

Discipline

Students whose behavior is found to be in violation of this policy will be subject to discipline, 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.

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

Procedures

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.

Reporting

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

The Board shall review this policy annually.

Cross Reference:

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

Legal References:

|                           |  |
|---------------------------|--|
| I.C. § 18-917             | Hazing   |
| I.C. § 18-917A            | A Student Harassment – Intimidation – Bullying   |
| I.C. § 33-205             | Denial of School Attendance  |
| I.C. § 33-512             | Governance of Schools  |
| I.C. § 33-1631            | Requirements for Harassment, Intimidation, and Bullying Information and Professional Development                 |
| I.C. § 67-5909            | Acts Prohibited  |
| 20 U.S.C. § 1681, et seq. | Title IX of the Educational Amendments   |
| 34 CFR Part 106           | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance |
| I.D.A.P.A. 80.02.03.160   | Safe Environment and Discipline  |

Policy History:

Adopted on: January 12, 2011  
Reviewed on: November 8, 2011  
Revised on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3295P

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

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

#### Definitions

1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at inter-district and intradistrict athletic competitions or other school events.
2. "District" includes district facilities, district premises and non-district property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district or where the employee is engaged in district business.
3. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment, i.e., forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.
4. "Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, electronic or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, [sexual orientation, physical characteristic, cultural background, socioeconomic status or geographic location].
5. "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:

A. Physically harming a student or damaging a student's property;

- B. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
  - C. Creating a hostile educational environment.
6. "Cyber bullying" includes but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs through the District's computer network and the Internet, whether accessed on campus or off campus, during or after schools hours. In the situation that cyber bullying originated from a non-school computer, but brought to the attention of school officials, any disciplinary actions shall be based on whether the conduct is determined to be severely disruptive of the educational process. In addition, such conduct must also be in violation of a school policy or state law. Administration shall in their discretion contact local law enforcement.
7. "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.

#### Retaliation/False Charges

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

#### Confidentiality

It is recognized that harassment is often very distressing for the victim and those who suffer harassment may be reluctant to make their concerns known. All reasonable steps will be taken to ensure that all inquiries and/or complaints are dealt with in confidence.

#### Policy Distribution

Information about this policy must be distributed to the school community. Faculty and staff will be reminded annually about the policy. Information about the policy will be included in student orientation material and in the student handbook.

#### Complaint Procedures

The superintendent is responsible for investigations concerning hazing, harassment, intimidation, bullying or cyber-bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

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

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

Step I: Any hazing, harassment, intimidation, bullying, cyber bullying or menacing information (complaints, rumors, etc.) shall be presented to the building principal or superintendent. Complaints against the building principal shall be filed with the superintendent. Information may be presented anonymously. Complaints against the superintendent shall be filed with the Board chairman. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step II: The district official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within [five] working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All official(s) conducting the investigation shall notify the complainant and parents as appropriate, [in writing,] when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined. Due to the requirements of the Family Educational Rights and Privacy Act, it will often not be possible to provide complainants and parents with detailed information on disciplinary actions taken against another student.

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

Step III: If the complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within [10] working days after receipt of the Step II decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within [10] working days.

Step IV: If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within [10] working days after receipt of the Step III decision. The Board shall, within [20] working days,

conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within [10] working days following completion of the hearing.

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

Direct complaints related to employment may be filed with the Idaho Department of Commerce & Labor, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

#### Documentation and Reporting

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

#### Policy History

Adopted On: January 12, 2011

Reviewed on: November 8, 2011

Revised On: June 8, 2021

**Swan Valley School District #92**

**STUDENTS**

**3295F**

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

**HARASSMENT COMPLAINT FORM**

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

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

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

Who was responsible for the 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    (circle one)

If so, name the individual(s) and explain their roles.

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

Did anyone witness the incident(s)?    yes    no    (circle one)

If so, name the witnesses.

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Is there any evidence of the harassment (i.e. letters, photos)    yes    no    (circle one)

If so, please describe.

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Did you take any action in response to the incident?    yes    no    (circle one)

If yes, what action did you take?

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Were there any prior incidents?    yes    no    (circle one)

If so, describe any prior incidents

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

Signature of complainant

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Signatures of parents/legal guardian

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## Swan Valley School District #92

### STUDENTS

3300

#### Drug Free School Zone

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

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

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. Tobacco products;
5. Any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
6. “Look-alikes”;
7. Anabolic steroids;
8. Any other illegal substances so designated and prohibited by law.

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

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

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

Cross Reference:  
3330

Student Discipline.

Legal Reference:

Pub. L. 101-226

The Anti -Drug Abuse Act of 1986, Title IV, Subtitle B: The  
Drug-Free Schools and Communities Act of 1986

IDAPA 08.02.03.160

Safe Environment and Discipline

Policy History:

Adopted on: October 16, 2003

Reviewed on: November 8, 2011

Revised on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3305

#### Prohibition of Tobacco Possession and Use

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

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

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

#### Definition

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

#### Cross Reference:

3300 Drug Free School Zone  
3330 Student Discipline

#### Legal Reference:

I.C. § 39-5703 Possession, Distribution, or Use by a Minor  
IDAPA 08.02.03.160 Safe Environment and Discipline

#### Policy History:

Adopted on: June 17, 2019  
Revised on: June 8, 2021  
Reviewed on: June 8, 2021

**STUDENTS**

**3310**

Gangs and Gang Activity

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

Definitions

“Gang” shall refer to any group of three or more persons, whether formal or informal, that has a common name or common identifying sign or symbol, and 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.

It also includes gangs as defined in Idaho Code.

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.

Cross Reference:

3255            Student Dress

Legal Reference:

IDAPA 08.02.03.160 Safe Environment and Discipline

Pub. L. 100-690        The Anti Drug Abuse Act of 1988 (as amended)

I.C. 33-210            Attendance at Schools – Students Using or Under the Influence of  
Alcohol or Controlled Substances

Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

Substance and Alcohol Abuse

The Board recognizes that use of alcohol and drugs is a serious problem and that the presence of drugs in school is detrimental to the educational environment and harmful to the health, safety and welfare of students and staff. It is the desire of the District to help those in need of alcohol and drug intervention and at the same time to protect others that are affected by the presence of alcohol and drugs and to enforce the policies of the District relating to use, possession or being under the influence of alcohol or controlled substances, as that term is defined in statute (I.C. § 37-2732C).

It is the philosophy of the District that the District will help those who desire to help themselves. The District's desire is to create an environment where students feel safe from the many harmful influences that are prevalent in our society. For those students that come forward and voluntarily disclose using and/or being under the influence of alcohol and/or drugs while on school property or at a school function, prior to the District having reasonable suspicion, the District will provide counseling to any such student and make recommendations for referral to appropriate agencies for screening and assessment. The parent/legal guardian of the student will be immediately notified and the District will cooperate with and work with the parent/guardian 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 a controlled substance, 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/legal guardian and notifying local law enforcement, suspension and/or expulsion.

The following shall be used as a guide in determining what procedures may be followed when this occurs, however, the specific procedure may, in large part, depend upon the circumstances in each case:

1. Upon reasonable suspicion, the student will be asked if he/she has used and/or is under the influence of alcohol and/or drugs;

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

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

Cross Reference:

|      |  |
|------|--|
| 3330 | Student Discipline                       |
| 3340 | Corrective Actions and Punishment        |
| 3360 | Discipline of Students with Disabilities |
| 3370 | Searches and Seizures                    |

Legal Reference:

|                    |  |
|--------------------|--|
| I.C. § 33-210      | Students using or under the influence of controlled substances |
| Pub. L. 100-690    | The Anti-Drug Abuse Act of 1998 (as amended)                   |
| IDAPA 08.02.03.160 | Safe Environment and Discipline                                |

Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

Student Discipline

Disciplinary action may be taken against any student guilty of gross 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. Using, possessing, controlling, or transferring a weapon in violation of the "Possession of Weapons in a School Building" section of this policy;
10. Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon;
11. Disobeying directives from staff members or school officials and/or rules and regulations governing student conduct;
12. Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct;
13. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property;
14. Engaging in any activity that constitutes an interference with school purposes or an educational function or any disruptive activity;
15. Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants;
16. Hazing – For purposes of this policy, the term "hazing" shall have the meaning set forth in Idaho Code;
17. Initiations;
18. 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;
19. 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 school purposes of an educational function.

### Disciplinary Measures

Disciplinary measures include, but are not limited to:

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

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

### Alternative Disciplinary Measure

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

Alternative discipline includes, but is not limited to:

1. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
2. Mediation when there is mutual conflict between peers, rather than one-way negative behavior;
3. Counseling;
4. Anger management;
5. Health counseling or intervention;
6. Mental health counseling;

7. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution, and restorative conferencing;
8. Diversion or use of juvenile specialty courts;
9. Behavioral management plan;
10. Corrective instruction or other relevant learning or service experience;
11. Community service; and
12. In-school detention or suspension which may take place during lunchtime, after school, or on weekends.

### Consequences for Harassment, Intimidation, and Bullying

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

### Disciplining Students on Individual Education or Section 504 Plans

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

### Gun-Free Schools

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered, or looks like, a firearm, shall be expelled for a definite period of time of at least one (1) 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

It is unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were 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;
2. "Firearm" means any firearm as defined in United States Code.

Any person, who possesses, carries or stores a weapon in a school building or on school property, except as provided below, shall be referred to law enforcement for immediate prosecution, as well as face disciplinary action by the District.

The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry or store a weapon in a school building shall present this request to the Board in a regular meeting. It is solely within the Board's discretion whether to allow a person to possess, carry or store a weapon in a school building.

This section of this policy does not apply to:

1. Law enforcement personnel;
2. Any adult over eighteen (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 vehicle in an unobtrusive, non-threatening 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 school 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/her charge, is authorized to impose any disciplinary measure, other than suspension, or 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.

In the event the Building Administrator is out of the office, a staff member is authorized to suspend or conduct in-school suspension once they have communicated with the Building Administrator.

### Nondiscrimination

The District will ensure that student discipline is enforced in a nondiscriminatory manner to avoid subjecting similarly situated students to different treatment without a legitimate reason for doing so, or when such a reason is merely a pretext for discrimination. Such discrimination, which the District will endeavor to avoid, includes the following:

1. Adopting discipline rules which treat students differently based on race, color, national origin, ancestry, sex, gender identity, sexual orientation, ethnicity, age, language barrier, religious beliefs, physical or mental handicap or disability, economic or social conditions, or actual or potential marital or parental status, or status as a homeless child;
2. Adopting any rule with the intention of targeting students based on the personal characteristics listed above, rather than for a legitimate purpose, regardless of whether the phrasing of the rule appears neutral with regard to students' personal characteristics;
3. Enforcing an apparently neutral rule more harshly on the basis of a student's personal characteristics; or
4. Discipline of any student when it is motivated by intentional discrimination.

### Notification

A summarized version of this policy shall be provided in writing at the beginning of each school year to the school personnel, parents, and students in the District. Information provided to students shall be provided in a manner appropriate to the student's age, grade, and level of academic achievement.

### Cross Reference:

|      |   |
|------|---|
| 3295 | Hazing, Harassment, Intimidation, Bullying,<br>Cyber Bullying |
| 3340 | Corrective Actions and Punishment                             |
| 4320 | Disruption of School Operations                               |

### Legal Reference:

|                 |   |
|-----------------|---|
| I.C. § 33-205   | Denial of school attendance   |
| I.C. § 18-917   | Hazing  |
| I.C. § 18-917A  | Student Harassment – Intimidation - Bullying  |
| I.C. § 18-3302D | Possession weapons or firearms on school property   |
| I.C. § 18-3302I | Threatening Violence on School Grounds  |
| I.C. § 33-1224  | Powers and duties of teachers   |
| I.C. § 33-1630  | Requirements for Harassment, Intimidation, and Bullying<br>Information and Professional Development |
| 18 U.S.C. § 930 | Possession of Firearms and Dangerous Weapons in Federal   |

|                           |                                 |
|---------------------------|---------------------------------|
| 18 U.S.C. § 921           | Facilities                      |
| 20 U.S.C. § 7961          | Definitions                     |
| 20 U.S.C. § 8921, et seq. | Gun Free requirements           |
| 29 U.S.C. § 701           | Gun Free Schools Act            |
| IDAPA 08.02.03.109.05     | Rehabilitation Act of 1973      |
| IDAPA 08.02.03.160        | Special Education               |
|                           | Safe Environment and Discipline |

Other Reference:

Office of Civil Rights Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline

Policy History:

Adopted on: October 16, 2003

Revised on: August 10, 2021

Reviewed on: June 8, 2021

STUDENTS

3335

Academic Honesty

All schoolwork submitted for the purpose of meeting course requirements must represent the efforts of the individual student. Any form of academic dishonesty is prohibited. Academic dishonesty includes, but is not limited to plagiarism, cheating, forgery, copying, or stealing another person's work, allowing another person to copy one's own work, doing another person's class work, creating more than one copy of one's work for distribution, intentionally accessing another's material for the purpose of using it as one's own, downloading information from other sources and presenting it as one's own, unauthorized copying of software, unauthorized use of hard copy or software to develop one's own software. Faculty and building administrators will be responsible for monitoring the above actions.

Where appropriate, parents shall be contacted as soon as practicable to report any alleged academic dishonesty on the part of students. Teachers are granted authority, with the direction and advice of their principals, to exercise their good judgment in applying a range of academic consequences for violations of this policy. Student and parent appeals of any consequences resulting from violations of this policy should be addressed to building administrator(s). All teachers, beginning especially at the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in our schools. A copy of the Academic Honesty Policy shall be included in student handbooks and **shall be distributed to parents via district publications at least annually.**

Cheating

Cheating includes, but is not limited to, the following:

1. Copying or attempting to copy another student's homework, quiz, test, essay, or lab report;
2. Cheating on tests through such means as cheat sheets, use of unauthorized electronic devices, and discussion of test information with other students;
3. Obtaining test questions and/or copies of tests outside the classroom test setting;
4. Lending and/or copying from another student's work (homework, tests, projects, assignments);
5. Altering or interfering with grading (forging signatures, changing or inserting answers on work after grading);
6. Allowing another student to copy answers during a test situation;
7. Collaborating with other students on an assignment in direct violation of a teacher's

- instructions;
8. Using books and electronic information in generating an assignment in direct violation of teacher's instructions;
  9. Accessing, taking, and benefiting from copies of tests and quizzes previously used or to be used by teachers unless provided as study guides by the teacher; and
  10. Submitting work previously presented in this course or in another course.

### Plagiarism

Plagiarism is defined as and includes, but is not limited to, the following:

1. Copying material from the source, including internet sources, without citing the source, or citing the source but omitting quotation marks;
2. Paraphrasing the source without proper citation;
3. Copying stories, in whole or part, which appear in books, magazines, television, or film;
4. Copying directly, without making any changes, alterations, or adaptations from a drawing, painting, illustration, photographic image, or graphic symbol without citing the source;
5. Submitting papers written in whole or part by someone else, including internet sources;
6. Submitting papers on which the student has received substantial assistance from peers and/or adults that dramatically changes the character of the work so that it is no longer the student's own; and
7. Submitting a paper purchased from a research or term paper service, including, but not limited to internet sources.

### Policy History:

Adopted on: June 8, 2021

Revised on:

Reviewed on:

Corrective Actions and Punishment

All students shall submit to the reasonable rules of the District. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension, or expulsion.

For the purposes of the District's policies relating to corrective action or punishment:

1. "Temporary Suspension" is the exclusion from school or individual classes for a specific period of up to five (5) school days. Administrators may temporarily suspend.
2. "Extended Temporary Suspension" is the exclusion from school or individual classes for an additional ten (10) school days. Only the Superintendent or the Board can extend an initial temporary suspension.
3. "Prolonged Temporary Suspension" is the exclusion from school or individual classes for an additional five (5) school days. Only the Board can extend a temporary suspension for an additional five (5) days and only upon a finding that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare or safety.
4. "Expulsion" is the exclusion from school. Only the Board has the authority to expel or deny enrollment to any pupil who is an habitual truant, who is corrigible, whose conduct is such as to be continuously disruptive of school discipline or of the instructional effectiveness of the school, or whose presence is detrimental to the health and safety of other pupils or who has been expelled from another school district in the State of Idaho or any other state.
5. "Discipline" constitutes all other forms of corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period and exclusion from any other type of activity conducted by or for the District. Discipline shall not adversely affect specific academic grade, subject, or graduation requirements, as long as all required work is performed.

Except in extreme cases, students will not be expelled unless other forms of corrective action or punishment have failed, or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed. Suspensions or expulsions shall be used only for instances of serious student misconduct.

Students with disabilities may also be suspended under these same rules if the suspension will not constitute a change in placement. If a student with a disabling condition accrues ten (10) or more days suspension per incident, the Child Study Team who has knowledge of the student's disabling condition will determine if there is causal relationship between the disabling condition and the student's misconduct. If such a relationship exists, the student's educational placement may not be changed without parent/guardian approval or a court order, pending a due process hearing under IDEA.

Likewise, before a recommendation on the expulsion of a disabled student is submitted to the Board, the Child Study Team must meet to determine if there is a causal relationship between the disabling condition and the student's misconduct. The Board shall consult legal counsel before expelling any disabled student.

When a disabled student is acting in such a way that he/she poses a danger to himself/herself or to another student or property, or substantially disrupts his/her educational program or that of other students, an emergency suspension may take place. Emergency suspensions may not last longer than ten (10) school days. The principal shall convene the Team for reviewing the student's record before the student is readmitted to school and no later than the tenth (10th) day of suspension.

Once a student is expelled in compliance with District policy, the expulsion shall be brought to the attention of appropriate local or state authorities, in order that such authorities may address the student's needs.

No student shall be expelled, suspended, or disciplined in any manner for any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

Cross Reference:

|      |  |
|------|--|
| 3330 | Student Discipline                       |
| 3360 | Discipline of Students with Disabilities |

Legal Reference:

|                         |  |
|-------------------------|--|
| 20 U.S.C. 1400, et seq. | Individuals with Disabilities Education Act (IDEA)   |
| I.C. § 33-205           | Denial of school attendance  |
| I.C. § 33-512           | Governance of schools  |
| I.C. § 33-1631          | Requirements for Harassment, Intimidation, and Bullying Information and Professional Development |

Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

Corrective Actions and Punishment

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 (1) 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/guardian or 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 or 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/guardian or legal guardian, a review of the suspension shall be conducted by the Superintendent. At the review, the student and parent or 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 the work missed.
6. The suspension of a student may be extended by the Superintendent and/or the Board in accordance with State law. Written notice of the extension of a suspended student will be provided to the student's parent/guardian.

Expulsion

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

1. The student and parent/guardian shall be provided written notice of the Board hearing to consider the recommendation for expulsion, by registered or certified mail at least five (5) 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/guardian or legal guardian by submitting a request showing good cause to the Superintendent at least two (2) 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.

### Procedures for Suspension and Expulsion of Students with Disabilities

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 (10) 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 (10) 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 forty-five (45) days in accordance with the IDEA.

### Procedure History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## **Swan Valley School District #92**

### **STUDENTS**

**3350**

#### Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students. Students may be required to attend Saturday detention for up to four 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. Parent/guardians must be notified prior to a student serving an after- school detention.

Students detained for corrective action or punishment shall be under the supervision of the staff member or designee.

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3360

#### Discipline of Students with Disabilities

#### **Code of Conduct Violations by Students with Disabilities, Resulting In Disciplinary Consequences of Ten School Days or Less**

ISBA recommends use of the guidelines developed by the Idaho Department of Education in its *Idaho Special Education Manual*. As of the development of this amended policy, the most recent version of this manual is 2018. 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/site/special\\_edu/manual\\_page.htm](http://www.sde.idaho.gov/site/special_edu/manual_page.htm)

#### Policy History:

Adopted on: June 17, 2019

Revised on: June 8, 2021

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3370

#### Searches and Seizure

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

#### School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as lockers, desks, and parking lots), as well as personal effects left there by the student, without notice or consent of the student. This applies to student vehicles parked on school property.

The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons or other illegal or dangerous substances or material, including searches conducted through the use of specially trained dogs.

#### Students

School authorities may search the student and/or the student's personal effects in the student's possession when there is reasonable 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.

#### Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

Searches and Seizure

The following rules shall apply to any searches and the seizure of any property by school personnel:

1. The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.
2. If the authorized administrator has reasonable suspicion to believe that any locker, car or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.
3. The authorized administrator may perform random searches of any locker, car or container of any kind on school premises without notice or consent.
4. If the authorized administrator has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.
5. No student shall hinder, obstruct or prevent any search authorized by this procedure.
6. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.
7. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.
8. In any situation where the administrator is in doubt as to the propriety of proceeding with any search or seizure, the administrator is authorized to report to and comply with the directions of any public law enforcement agency.

Procedure History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

Extracurricular and Co-Curricular Participation Policy

Extracurricular or co-curricular activities are supplements to the regular instructional programs and afford students opportunities for enrichment. However, participation in extracurricular and co-curricular activities is a privilege, not a right, as pursuant to Idaho Code. As representatives of their school and District, students participating in such activities are expected to meet high standards of behavior.

Eligibility Requirements for Extracurricular and Co-Curricular Participation

To take part in any extracurricular or co-curricular activity, students must maintain a 2.0 GPA. If they do not have a 2.0, they shall be placed on probation for two weeks and can bring up their work and receive a written slip from the teacher or teachers of their passing work. If, after the probationary period, they do not have a GPA of at least 2.0, they shall not be allowed to take part in any extracurricular or co-curricular activity until they have a GPA of at least 2.0.

Extracurricular or Co-curricular activity Suspension

The Board believes that the safety and welfare of other students may be adversely affected when students who are involved in extracurricular or co-curricular activities commit major infractions or repeated minor infractions at school or during school activities, and/or are involved in criminal conduct or drug use in any location.

The district reserves the right to suspend students from extracurricular or co-curricular activities who commit major infractions or repeated minor infractions at school or during school activities, and/or are involved in criminal conduct or drug use in any location.

Student travel to or from Extracurricular or Co-curricular Activities

Unless other travel arrangements are authorized, students will board the bus at the school designated as point of origin for the trip and will return to the point of origin in the bus. There will be no stops along the designated route to pick up or discharge students.

The only variation allowed in this regulation is the release of students to parents in a face-to-face situation at the close of the activity before buses begin the return trip. Such release will require a signed, dated note from the parent.

Legal Reference:

I.C. § 33-512(12)

Governance of Schools

Policy History:

Adopted on: June 17, 2019

Revised on: June 8, 2021

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3390

#### Extra- and Co-Curricular Chemical Use Policy

Extracurricular and Co-curricular activities are subject to the supervision and regulation of the District. Participation in extracurricular or co-curricular activities is considered a privilege; not a right.

Students participating in extra- and co-curricular activities shall not use, have in possession, sell, or distribute alcohol, tobacco, or illegal drugs, or abuse prescription or non-prescription drugs during their extracurricular seasons. These rules are in effect twenty-four (24) hours a day. If a student is charged with possession, or is seen using tobacco, alcohol, or illicit drugs, the student will forfeit the privilege of participating in accordance with the activities and student handbooks.

#### Policy Coverage

This policy applies to middle school students who are involved in the extracurricular and co-curricular activities program.

#### Policy Duration

This policy is in effect each school year from the date of the first practice for fall activities until the last day of school or activities, whichever is later. Violations are cumulative, through the student's period of attendance in grades 7-8. The Administration shall publish the participation rules annually in the activities and student handbooks.

#### Student and Parent/Legal Guardian Due Process

If a determination is made that a student has violated this policy, the student and parent/guardian shall be notified of the violation by telephone where possible, and also by mail. Also at this time, the student and parent/guardian shall be notified of the type of discipline that will be administered.

#### Appeal Process

Any parent/guardian and student who is aggrieved by the imposition of discipline shall have the right to an informal conference with the principal, for the purpose of resolving the grievance. At such a conference, the student and the parent/guardian shall be subject to questioning by the principal, and shall be entitled to question staff involved in the matter being grieved.

#### Legal Reference:

I.C. § 33-512

Governance of schools

Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3410

#### School Sponsored Student Activities

##### Student Organizations:

1. All student organizations must be approved by the administration. Secret or clandestine organizations or groups will not be permitted.
2. Bylaws and rules of student organizations must not be contrary to board policy or to administrative rules and regulations.
3. Procedures in student organizations must follow generally accepted democratic practices in the acceptance of members and nomination and election of officers.

##### Social Events

1. Social events and other activities must have prior approval of the administration.
2. Social events must be held in school facilities unless approved by the Board.
3. Social events must be chaperoned at all times.
4. Middle school social events shall be limited to middle school students, unless prior permission is received from the principal.

##### Extracurricular Activities

1. Academic and behavior eligibility rules are established by District policy.
2. Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.
3. In establishing an interscholastic program, the Board directs the administration to:
  - A. Open all sports to all students enrolled in the District with an equal opportunity for participation.
  - B. Recommend sports activities based on interest inventories completed by the students.

##### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## **Swan Valley School District #92**

### **STUDENTS**

**3420**

#### Student Fund Raising Activities

The Board acknowledges that the solicitations of funds from students, staff and citizens must be limited since students are a captive audience and since solicitation can disrupt the program of the schools. Solicitation and collection of money by students for any purpose, including the collection of money by students in exchange for tickets, papers, magazine subscriptions, or for any other goods or services for the benefit of an approved school organization, may be permitted by the Superintendent providing that the instructional program is not adversely affected.

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3430

#### Distribution of Fund Drive Literature Through Students

Although many community drives are organized for raising funds for worthy nonprofit causes, it is the policy of the District to refrain from having the students, as student body members, used for such collection or dissemination purposes.

Exceptions to this policy will be considered when recognized student or school- affiliated organizations of the District request permission to participate in such activity.

#### Cross Reference:

4310            Contact with students

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### 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 not reasonably related to a recognized academic and educational goal of the District or any course or activity held outside normal school functions. The Board may waive the fee in cases of financial hardship.

The Board delegates authority to the Superintendent to establish appropriate fees and procedures governing the collection of fees and to make annual reports to the Board regarding fee schedules.

A student shall be responsible for the cost of replacing materials or property that is 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 a condition of graduation, issuance of a diploma or certificate, issuance of a transcript, that all indebtedness incurred by a student be satisfied, or that all books or other instructional material, uniforms, athletic equipment, advances on loans or other personal property of the District be returned.

#### Legal Reference:

I.C. § 33-603                      Payment of fees or returning of property

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3500

#### Student Health

The Board may arrange each year for health services to be provided to all students. Such services may include, but 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. Consulting services of a qualified specialist for staff, students, and parent/guardians;
3. Vision and hearing screening;
4. Scoliosis screening; and
5. Immunizations 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. Parents or guardians will be given the opportunity to opt out of the above-described non-emergency examination or 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.

The District shall exclude from school any student with a contagious or infectious disease who is diagnosed or suspected of having a contagious or infectious disease or those students who are not immune from and have been exposed to a contagious or infectious disease.

#### Legal Reference:

20 U.S.C. 1232h(b)

Protection of Pupil Rights

IDAPA 08.02.03.160

Safe Environment and Discipline

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3505

#### Concussion Protocol

Many students within the Swan Valley School District, No. 92 participate in extra-curricular activities of a nature whereby physical injury may result. Though the District takes care to ensure all extracurricular 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 prepare a procedure for addressing 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 middle school, junior high school, or high school student participates as a athlete or youth athlete. For the purposes of this policy, athlete or youth athlete means an individual who is 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, as discussed above:

1. Each student desiring to participate in such school athletic league or sport, and the student's parents/guardians, shall be provided notice of 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/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 steps are accomplished.

Coaches, referees, game officials, game judges, and athletic trainers shall review any concussion guidelines or information available from the State Department of Education and the Idaho High School Activities Association and information upon employment and biannually thereafter.

## 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 student:

1. Appears dazed or stunned;
2. Is confused about assignment or position;
3. Forgets an instruction;
4. Is unsure of game, score, or opponent;
5. Moves clumsily;
6. Answers questions slowly;
7. Loses consciousness (even briefly);
8. Shows mood, behavior, or personality changes;
9. Can't recall events prior to the hit or fall; or
10. Can't recall events after the 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:

1. Headache or "pressure" in head;
2. Nausea or vomiting;
3. Balance problems or dizziness;
4. Double or blurry vision;
5. Sensitivity to light;
6. Sensitivity to noise;
7. Feeling sluggish, hazy, foggy, or groggy;
8. Concentration or memory problems;
9. Confusion; or
10. 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:

1. Cause of the injury and force of the hit or blow to the head or body;
2. Was there any loss of consciousness (passed out/knocked out) and if so, for how long;
3. Was there any memory loss immediately following the injury;
4. Were there any seizures immediately following the injury; and
5. The number of previous concussions (if any)

School principals shall ensure that a health record is maintained in for each student.

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

Other Reference:

<http://www.idhsaa.org/medicine/concussion.aspx>

<http://www.cdc.gov/headsup/index.html>

[http://www.cdc.gov/headsup/basics/concussion\\_symptoms.html](http://www.cdc.gov/headsup/basics/concussion_symptoms.html)

Policy History:

Adopted on: June 17, 2019

Revised on: June 8, 2021

Reviewed on: June 8, 2021

**Swan Valley School District #92**

**STUDENTS**

**3505F1**

Acknowledgement of Receipt of Concussion Guidelines

**Parent's/Guardian's Signature**

I, (print name)\_\_\_\_\_, acknowledge that I am the parent or guardian of the student (below); that I have received from the District information related to student athlete concussions, including information from the State Department of Education, the Idaho High School Activities Association, and District Policy 3505; and have had the opportunity to review and have reviewed such information. I understand that participation in school athletics leagues or sports is dangerous, and hereby agree to waive all liability against Swan Valley School District, No. 92, its employees, agents, and Trustees, related to any injury or damages that student may experience or incur as a result of participation in such school athletics leagues or sports.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Student's Signature**

I, (print name)\_\_\_\_\_, acknowledge that I am a student of Swan Valley School District, No. 92, or otherwise am allowed to participate in school athletics leagues or sports; that I have received from the District information related to student athlete concussions, including information from the State Department of Education, the Idaho High School Activities Association, and District Policy 3505; and have had the opportunity to review and have reviewed such information. I understand that participation in school athletics leagues or sports is dangerous, and accept the risk of the potential consequences of such dangers.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE: Both signature lines must be filled in and this form must be provided to the District prior to the student athlete participating in any school athletic leagues or sports.**

**Swan Valley School District #92**

**STUDENTS**

**3505F2**

Authorization to Return to Play or Participate in Student Sports I hereby state that I am a:

\_\_\_ Physician licensed pursuant to chapter 18, title 54, Idaho Code.

\_\_\_ Physician's assistant licensed pursuant to chapter 18, title 54, Idaho Code.

\_\_\_ Advanced practice nurse licensed under section 54-1409, Idaho Code.

\_\_\_ A licensed health care professional trained in the evaluation and management of concussions who is supervised by a directing physician licensed under chapter 18, title 54, Idaho Code. My directing physician is \_\_\_\_\_, his or her license number is \_\_\_\_\_, and address is:

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

I further state that I have met with \_\_\_\_\_ (hereinafter referred to as "student athlete") to evaluate student athlete for a concussion. I have discussed with student athlete the potential ramifications of continuing to play sports after having received a concussion or exhibiting concussion like symptoms. I am satisfied that student athlete can return to play and/or participate in school athletic leagues or sports without significant likelihood of danger or injury, and I therefore authorize student athlete to return to play and/or participation in school athletic leagues or sports.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
License No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Directing Physician  
(if signed by a Licensed Health Care Professional)

\_\_\_\_\_  
Date

Student Medicines

Assistance in Self-Administration of Medicines to Students

Any school employee authorized in writing by the school administrator or 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/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 licensed health care practitioner, if the pupil's parent/guardian consents in writing.

Administering Medicines to Students

No employee except a qualified health care professional may administer a drug or prescription drug to a pupil under this policy except in an emergency situation.

The Board will permit the administration of medication to students in schools in its jurisdiction. Pursuant to the written authorization of the student's licensed health care practitioner, as well as the written authorization of a parent/guardian, the school nurse/designee (who has received direction as to the administration of medication by the student's licensed health care practitioner) may administer medication to any student in the school.

Where administration of medication is a routine activity for a particular student, the subject shall be addressed in a student's health care plan, Section 504 Plan or IEP, as applicable.

Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a school employee and should not be practiced by any school personnel.

The absence of a school nurse for the administration of medication shall be addressed on a case by-case basis considering proper compliance with Idaho law and the medical needs of the student.

Emergency Administration of Medicines

In case of an anaphylactic reaction or the risk of such reaction, a school nurse or designee 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 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-Monitoring and Treatment of Diabetes

A student with diabetes, upon written request of the student's parent/guardian and written authorization from the student's treating physician, shall be permitted by the Board to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the student's diabetes in the classroom and in any area of the school or school grounds, and to possess on the student's person at all times all necessary supplies and equipment to perform these monitoring and treatment functions.

### Self-Administration of Asthma Medication, Insulin/Diabetic Treatment, or Epinephrine Auto-Injectors

Pursuant to Idaho Code covering the self-administration of asthma medication, the following shall apply to epinephrine auto-injectors, insulin, or blood glucose monitoring supplies if a parent/legal guardian chooses to have his or her child self-medicate:

1. The parents/guardians of the pupil shall provide to the Board or designee written authorization for the self-administration of medication.
2. The parents/guardians of the pupil shall provide to the Board or designee written certification from the physician of the pupil that the pupil has a severe allergic reaction (anaphylaxis), asthma, another potentially life-threatening respiratory illness, or diabetes and is capable of, and has been instructed in, the proper method of self-administration of medication. In cases where the pupil has severe or life-threatening allergies, Policy 3515 Food Allergy Management, and any related procedures shall be followed. For students with a severe allergic reaction, asthma, another potentially life-threatening respiratory illness, or diabetes the student's physician or health care provider-supplied information shall contain:
  - A. The name and purpose of the medicine;
  - B. The prescribed dosage;
  - C. The time(s) at which or the special circumstances under which medication should be administered;
  - D. The length of time for which medication is prescribed;
  - E. The possible side-effects of the medicine;

- F. Actions to take in the event of an emergency, including if the medication does not improve the child's breathing or allergic reaction;
  - G. Contact information for the physician and parent/guardian; and
  - H. If applicable, a list of the child's asthma triggers or allergies.
3. The school's administration and appropriate teachers and school personnel are informed that the student is self-administering prescribed medication. Such notification shall be done in a manner so as to best preserve the privacy of the student and the student's medical condition to the extent appropriate.

For students with severe or life-threatening allergies this information may be provided in the student's Emergency Care Plan.

#### Additional Requirements for Self-Administration of Medicines

The Board or Board designee will inform the parents/guardians of the pupil in writing that the District and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil, absent any negligence by the District, its employees, or its agents, or as a result of providing all relevant information provided pursuant to subdivisions of this subsection with the school nurse, absent any negligence by the District, its employees, or its agents, or in the absence of such nurse, to the school administrator.

The parents/guardians of the pupil shall sign a statement acknowledging that the District shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents/guardians shall indemnify and hold harmless the District and its employees or agents against any claims arising out of the self-administration of medication by the pupil.

Students who are authorized to carry their own epinephrine auto-injectors or supplies or equipment necessary for diabetes monitoring and/or treatment of diabetes may be retested periodically to ensure they are still capable of correctly self-administering the medication.

As used in this section:

1. "Medication" means an epinephrine auto-injector, a metered dose inhaler, or a dry powder inhaler or insulin, insulin delivery system and/or supplies or equipment necessary for diabetes monitoring and/or treatment prescribed by a physician and having an individual label;
2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician; and
3. A student who is permitted to self-administer medication pursuant to this section shall be permitted to possess and use the prescribed medication at all times.

Any school employee authorized in writing by the school administrator or principal may assist with self-administration of medications provided that only the following acts are used:

1. Verbal suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
2. Handing a prefilled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy to the student;
3. Opening the lid of the above container for the student;
4. Guiding the hand of the student to self-administer the medication;
5. Holding a container of fluid and assisting the student in drinking fluid to assist in the swallowing of oral medications; and/or
6. Assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

### Handling and Storage of Medicines

All medications, including those approved for keeping by students for self-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 ensure that it is properly labeled with dates, name of student, medication name, dosage, and physician's name;
2. If administration is necessary, the school nurse or designee must develop a medication administration plan for the student before any medication is given by school personnel;
3. Record on the Student's Individual Medication Record the date the medication is delivered and the amount of medication received;
4. Store medication requiring refrigeration at 36F - 46F; and
5. Store prescribed medicinal preparations in a securely locked storage compartment excluding those medications approved for self-administration. Controlled substances will be contained in a separate compartment, secured, and locked at all times. Students shall be permitted to possess and use a prescribed inhaler or epinephrine auto-injector at all times.

No more than a 45 school day supply of a medication for a student will be stored at the school. All medications, prescription and nonprescription, will be stored in their original containers.

Access to all stored medication will be limited to persons authorized to administer medications or assist in the self-administration of medications. Each school will maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

### Disposal of Medication

School personnel must either return to the parent/guardian or destroy (with permission of the parent/guardian) any unused, discontinued, or obsolete medication. Medicine which is not repossessed by the parent/guardian within a seven day period of notification by school authorities will be destroyed by the school nurse or designee in the presence of a witness

Legal Reference:

|                |  |
|----------------|--|
| I.C. § 33-520  | Policy Governing Medical Inhalers, Epinephrine<br>AutoInjectors, Insulin and Blood Glucose Monitoring Supplies |
| I.C. § 54-1401 | Purpose- License Required-Representation to the Public   |

Policy History:

Adopted On: January 11, 2017

Revised on: June 17, 2019

Reviewed on: June 8, 2021

**Swan Valley School District #92**

**STUDENTS**

**3510 F1**

**Authorization for Self-Administered Medication**

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_ DOB: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Telephone: (Home): \_\_\_\_\_ (Work): \_\_\_\_\_

I give my permission for my child to self-administer the medication described below. I shall indemnify and hold harmless the District and its employees or agents for legal fees, costs, and any potential damages concerning self-administration of this medication arising out of any claims brought by the above-named child or anyone else.

\_\_\_\_\_

Parent/Guardian's Signature

Date

.....

**THE FOLLOWING IS TO BE COMPLETED BY THE PHYSICIAN:**

I am recommending that the above-named student be allowed to self-administer the following medication.

Name and Purpose of Medication: \_\_\_\_\_

Identification of Chronic Medical Problem: \_\_\_\_\_

\_\_\_\_\_

Prescribed Dosage to be Taken: \_\_\_\_\_

Length of Time Medication Must be Taken: \_\_\_\_\_

Possible Side Effects and/or Special Precautions to be Taken: \_\_\_\_\_

\_\_\_\_\_

**Conditions Under Which Self-Medication Will Take Place:**

\_\_\_\_ Independently (*Child must have had training and be proficient in self administering medication.*)

Trainer's Name: \_\_\_\_\_

Date of Training: \_\_\_\_\_

\_\_\_\_ **Under the supervision of a school official**

Medication should be:

\_\_\_\_ Stored in the Front Office

\_\_\_\_ In the possession of the student

\_\_\_\_\_  
Type or Print Physician's Name

\_\_\_\_\_  
Physician's Signature

\_\_\_\_\_  
Date

**Swan Valley School District #92**

**STUDENTS**

**3510 F2**

**Indemnification/Hold Harmless Agreement  
For Self Administration of Medication**

Student Name: \_\_\_\_\_

The parent(s)/guardians(s) agree to indemnify, defend, and hold the School District harmless from any and all claims, actions, costs, expenses, damages, and liabilities, including attorney's fees, arising out of, connected with, or resulting from the self-administration of medication by the pupil. The parent(s)/guardians(s) agree(s) that the School District, Board of Education, Board of Education employees and its agents shall incur no liability as a result of any injury arising out of or connected with the self-administration of medication by the pupil. Specifically, the parent(s)/guardian(s) agree that they will not institute either on their own behalf or on behalf of the pupil, any claim or action against the Board of Education, Board of Education employees and its agents arising out of or connected with self-administration of medication by the pupil.

This agreement shall take effect on the date listed below and shall stay in effect for as long as the pupil is provided permission to self-administer medication. This agreement must be signed and in full effect prior to the granting of permission to self-administer medication.

\_\_\_\_\_  
Parent/Guardian's Name (Please Print)

\_\_\_\_\_  
Parent/Guardian's Signature

\_\_\_\_\_  
Parent/Guardian's Name (Please Print)

\_\_\_\_\_  
Parent/Guardian's Signature

\_\_\_\_\_  
Principal's Signature

\_\_\_\_\_  
Date of Agreement

Food Allergy Management

Food-allergic reactions can develop into severe or life-threatening reactions and, even with proper treatment, can be fatal. A student's ability to learn may be drastically altered by their fears of a reaction. The Board will endeavor to provide a safe and healthy environment for students with severe and life-threatening food allergies and to address food allergy management in District schools in order to:

1. Reduce the likelihood of severe or potentially life-threatening allergic reactions;
2. Ensure a rapid and effective response in the case of a severe or potentially life-threatening allergic reaction; and
3. To provide students, through necessary accommodations, the opportunity to participate fully in all school programs and activities, including classroom parties and field trips.

Food allergy management will focus on prevention, education, awareness, communication, and emergency response.

District and school administrators, will endeavor to be knowledgeable about and follow all applicable federal laws, including the Americans with Disabilities Act, Section 504, Individuals with Disabilities Education Act, and the Family Educational Rights and Privacy Act, as well as all State laws and District policies and guidelines that may apply to students with allergies. Administrators or their designees may make all of the appropriate allergy forms available to parents, explain the procedures for completing and returning them, and ensure that all forms and health records submitted by parents and physicians are reviewed by the appropriate personnel. Administrators and school nurses may also meet with parents and listen to their needs and concerns.

When a student has been identified as having food allergies verified by a physician, nurse practitioner, or physician assistant, individual written management plans may be used to determine accommodations to be made on a daily basis to prevent and prepare for an allergic reaction. An emergency care plan may be used to provide direction in the event of a life-threatening allergic reaction at school or at a school event. Key staff members may be trained to use emergency medications and may be notified of the location of those medications at school and at any special function.

The Superintendent or designee, in coordination with the school nurse, school nutrition services staff, and other pertinent staff, may develop administrative regulations to implement this policy, including regulations pertaining to all classrooms and instructional areas, school cafeterias, outdoor activity areas, school buses, field trips, and school activities held before or after the school day.

Administrative regulations may address the following components:

1. Identification of students with food allergies and provision of school health services;
2. Development and implementation of individual written management plans;
3. Medication protocols, including methods of storage, access, and administration;
4. Development of a comprehensive and coordinated approach to creating a healthy school environment;
5. Ensuring that the needs of children with documented allergies are taken into consideration in planning for District programs;
6. Communication and confidentiality;
7. Emergency response;
8. Professional development and training for school personnel;
9. Awareness education for students and parents/guardians;
10. Training for District staff and volunteers; and
11. Policy monitoring and evaluation.

Allergy-related policies, protocols, and plans may be updated annually or after any serious allergic reaction occurs at school or at a school-sponsored activity.

The Superintendent or designee may annually notify students, parents/guardians, staff, and the public about the District's food allergy management policy by publishing such in handbooks and newsletters, on the District's website, through posted notices, or other efficient methods.

Students with allergies will be treated in a way that encourages the student to report possible exposure to allergens and any symptoms of an allergic reaction and to progress toward self-care with his or her food allergy management skills. Allergy-related bullying will not be tolerated.

The parent/guardian is expected to provide an adequate supply of the medication to be dispensed, and to retrieve any unused medication at the end of the school year or at the withdrawal of the student. Medication that is not retrieved by the parent/guardian by the student's last day of attendance during the school year will be disposed of by the District. This disposal will be verified by two people.

Cross Reference:

|        |   |
|--------|---|
| 2400   | Special Education   |
| 2410   | Section 504 of the Rehabilitation Act of 1973                                 |
| 3510   | Administering Medicines to Students   |
| 3510F1 | Authorization for Self-Administered Asthma/Emergency Medication               |
| 3510F2 | Indemnification/Hold Harmless Agreement for Self-Administration of Medication |

Policy History:

Adopted On: January 11, 2017

Revised on: June 17, 2019

Reviewed on: June 8, 2021

Contagious or Infectious Diseases

The District is required to provide educational services to all school age children who reside within its boundaries. Attendance at school may be denied to any child diagnosed as having a contagious or infectious disease that could make the child's attendance harmful to the welfare of other students. In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the school have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

The Board recognizes that communicable diseases that may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. The District shall rely on the advice of the public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

Management of common communicable diseases will be in accordance with Idaho Department of Health and Welfare guidelines and communicable diseases control rules. A student who exhibits symptoms of a communicable disease that is readily transmitted in the school setting may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the school nurse or other responsible person designated by the Board and may be sent home as soon as the parent/guardian 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.

Parent/guardians 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 (Head Lice)

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

The psychological, social and economical impact of head lice infestations can create a problem in the community. Every attempt will be made to educate students and parent/guardians 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 will be checked for head lice upon the report of possible infestation by a classroom teacher. The principal, his/her designee, or another qualified professional will examine the child in question and their classmates. Siblings of students found with lice and their classmates will 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 will be isolated immediately.

Any student found to have head lice will be removed from the classroom with their belongings. The parent/guardian and/or listed emergency contact will be contacted so they can pick up the student and begin treatment immediately. A student suspected of infestation will not ride the bus. The student will be held in the front 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 re-entering school.

The student may return to school after being successfully treated so that no live lice or eggs are detected by 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 re-check, the student will continue to be excluded from school.

In the interest of the health and welfare of students enrolled in the District, no student will 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 parent/guardians to inspect their children carefully. Any child who is suspected of having lice will be treated with the utmost discretion.

Legal Reference:

I.C. §33-512                      Governance of Schools

Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3525

#### Immunization Requirements

The District is required to provide educational services to all school age children who reside within its boundaries. Attendance at school may be denied to any child who does not provide an immunization record to the school regarding the child's immunity to certain childhood diseases. Immunity requirements are met if the child has received or is in the process of receiving immunization as specified by the Board of Health and Welfare or has previously contracted the disease. The parent or legal guardian of the child must comply with the immunization requirements at the time of admission and before attendance for the child.

| <b>Summary of Immunization Requirements</b> |   |   |  |
|---|---|---|--|
| <b>Immunization Requirement</b>             | <b>Child born after September 1, 2005</b> | <b>Child born after September 1, 1999 through September 1, 2005</b> | <b>Child born on or before September 1, 1999</b> |
| Measles, Mumps, and Rubella (MMR)           | 2 doses                                   | 2 doses   | 1 dose   |
| Diphtheria, Tetanus, Pertussis              | 5 doses                                   | 5 doses   | 4 doses  |
| Polio                                       | 4 doses                                   | 3 doses   | 3 doses  |
| Hepatitis B                                 | 3 doses                                   | 3 doses   | 3 doses  |
| Hepatitis A                                 | 2 doses                                   | 0 doses   | 0 doses  |
| Varicella                                   | 2 doses                                   | 0 doses   | 0 doses  |

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

#### Immunization Certification

The immunization record must be signed by a physician, physician's representative, or another licensed health care professional including an osteopath, nurse practitioner, physician's assistant, licensed professional nurse, registered nurse, and pharmacist stating the type, number, and dates of the immunizations received.

### Intended Immunization Schedule

The schedule of intended immunizations statement must be provided by the parent or legal guardian of a child who is in the process of receiving or has been scheduled to receive the required immunizations. A form is provided by the Department of Health and Welfare or a similar one may be used provided it includes the following information:

1. Name and date of birth of child;
2. School and grade child is enrolling in and attending;
3. Types, numbers, and dates of immunizations to be administered;
4. Signature of the parent, custodian, or legal guardian; and
5. Signature of a licensed health care professional providing care to the child.

Children admitted to school and failing to continue the schedule of intended immunizations will be excluded from school until documentation of administration of the required immunizations is provided by the child's parent, custodian, or legal guardian.

### Exemptions

1. Any child who submits a certificate signed by a physician licensed by the State Board of Medicine stating the physical condition of the child is such that all or any of the required immunization would endanger the life or health of the child is exempt from the immunization requirements;
2. Any minor child whose parent or guardian submits a signed statement to school officials stating their objections on religious or other grounds is exempt from the immunization requirements. The parent or guardian can use a form provided by the District or submit a written, signed statement that the District will attach to the form; and
3. A child who has laboratory proof of immunity to any of the childhood diseases listed above will not be required to be immunized for that disease; and
4. A child who has had varicella (chickenpox) diagnosed by a licensed physician upon personal examination will not be required to be immunized for the disease provided they submit a signed statement from the diagnosing physician.

A child exempted under one of the above requirements may be excluded by the District in the event of a disease outbreak.

### Reporting

The District shall submit a report of each school's immunization status to the State Department of Education on or before the first day of November of each year. The report shall include:

1. Inclusive dates of the reporting period;
2. Name and address of the school, District, and county;
3. Grade being reported and total number of children enrolled in the grade;

4. Name and title of the person completing the report form;
5. Number of children who meet all of the required immunizations listed in the tables above;
6. Number of children who do not meet all of the required immunizations listed in the tables above, but are in the process of receiving the required immunizations; and
7. Number of children who claimed exemption to the required immunizations listed in the tables above.

Legal Reference:

|                |   |
|----------------|---|
| I.C. § 39-4801 | Immunization Required                               |
| I.C. § 39-4802 | Exemptions  |
| IDAPA 16.02.15 | Immunization Requirements for Idaho School Children |

Policy History:

Adopted on: June 17, 2019

Revised on: June 8, 2021

Reviewed on: June 8, 2021

Suicide

The District:

1. Recognizes that physical, behavioral and emotional health is an integral component of a student's educational outcomes,
2. Has a responsibility to take a proactive approach in preventing deaths by suicide, and
3. Acknowledges the school's role in providing an environment, which is sensitive to individual and societal factors that place youth at greater risk for suicide and one, which helps to foster positive youth development.

Definitions:

1. At risk: a student who is defined as high risk for suicide is one who has made a suicide attempt, has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset or deterioration of a mental health condition. The student may have thought about suicide including potential means of death and may have a plan. In addition, the student may exhibit feelings of isolation, hopelessness, helplessness, and the inability to tolerate any more pain. This situation would necessitate a referral, as documented in the following procedures.
2. Crisis team: a multidisciplinary team of primarily administrative, mental health, safety professionals, and support staff whose primary focus is to address crisis preparedness, intervention/response and recovery. Crisis team members often include someone from the administrative leadership, school psychologist, school counselors, social workers, resource police officer, and others including support staff and/or teachers. These professionals have been specifically trained in crisis preparedness through recovery and take the leadership role in developing crisis plans, ensuring school staff can effectively execute various crisis protocols, and may provide mental health services for effective crisis interventions and recovery supports.
3. Mental health: a state of mental, emotional and cognitive health that can impact perceptions, choices and actions that affect wellness and functioning. Mental health problems include mental health conditions such as depression, anxiety disorders, PTSD, and substance use disorders. Mental health can be impacted by the physical health, genes, the home and social environment, and early childhood adversity or trauma.
4. Postvention: suicide postvention is a crisis intervention strategy designed to reduce the risk of suicide and suicide contagion, provide the support needed to help survivors cope with a suicide death, address the social stigma associated with suicide, and disseminate factual information after the suicide death of a member of the school community.
5. Risk assessment: an evaluation of a student who may be at risk for suicide, conducted by the appropriate school staff (e.g., school psychologist, school

counselor, or school social worker). This assessment is designed to elicit information regarding the student's intent to die by suicide, previous history of suicide attempts, presence of a suicide plan and its level of lethality and availability, presence of support systems, and level of hopelessness and helplessness, mental status, and other relevant risk factors.

6. Risk factors for suicide: characteristics or conditions that increase the chance that a person may try to take his or her life. Suicide risk tends to be highest when someone has several risk factors at the same time. Risk factors may encompass biological, psychological, and or social factors in the individual, family, and environment. Risk is highest when several risk factors are present and when the individual has access to lethal means.
7. Self-harm: behavior that is self-directed and deliberately results in injury or the potential for injury to oneself. Self-harm can be categorized as either non-suicidal or suicidal. Although self-harm often lacks suicidal intent, youth who engage in self-harm are more likely to attempt suicide.
8. Suicide: death caused by self-directed injurious behavior with any intent to die as a result of the behavior. Note: The coroner's or medical examiner's office must first confirm that the death was a suicide before any school official may state this as the cause of death.
9. Suicide attempt: a self-injurious behavior for which there is evidence that the person had at least some intent to kill himself or herself. A suicide attempt may result in death, injuries, or no injuries. A mixture of ambivalent feelings such as wish to die and desire to live is a common experience with most suicide attempts. Therefore, ambivalence is not a sign of a less serious or less dangerous suicide attempt.
10. Suicidal behavior: suicide attempts, intentional injury to self-associated with at least some level of intent, developing a plan or strategy for suicide, gathering the means for a suicide plan, or any other overt action or thought indicating intent to end one's life.
11. Suicide contagion: the process by which suicidal behavior or a suicide influences an increase in the suicidal behaviors of others. Guilt, identification, and modeling are each thought to play a role in contagion. Although rare, suicide contagion can result in a cluster of suicides.
12. Suicidal ideation: thinking about, considering, or planning for self-injurious behavior which may result in death. A desire to be dead without a plan or intent to end one's life is still considered suicidal ideation and should be taken seriously.

#### Scope:

This policy covers actions that take place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and at school sponsored out-of-school events where school staff are present.

#### Prevention

1. Offering and providing help and assistance, including early identification;
2. Support and/or counseling by school support personnel for low-risk students;

3. Referral to appropriate sources outside the school for high and moderate-risk students;
4. The designation of a suicide prevention coordinator to be responsible for planning and coordinating the implementation of procedures addressing suicide.
5. Encouraging staff to report to the coordinator students they believe may be at elevated risk of suicide.
6. Education of students on suicide prevention through age-appropriate curriculum.
7. Small group suicide prevention programming.
8. Additional training on suicide prevention for all staff for whom such training is deemed necessary.
9. Offering resources to parents/guardians on suicide prevention.

**Intervention:**

1. Contacting the parents/guardians of students identified as at imminent risk of suicide.
2. Contacting emergency services to assist a student who is at imminent risk of suicide.
3. Providing first aid until emergency personnel arrive, as appropriate.
4. Moving other students away from the immediate area of any suicide attempt on District property or at a District event.

**Postvention:**

1. After care support by the school for faculty, staff, and students after a sudden death has occurred.
2. The development of a plan for responding to a death by suicide that has a significant impact on the school community.
3. Notification of the suicide prevention coordinator, if applicable.
4. The creation of a crisis team to respond to deaths by suicide that have a significant impact on the school community.
5. Contacting the State Department of Education to report any student deaths by suicide and to seek postvention assistance and/or resources.
6. Offering mental health services to students likely to be strongly affected by a recent death.
7. 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.

**Legal Reference:**

|                        |                                     |
|------------------------|-------------------------------------|
| I.C. § 33-136          | Suicide Prevention in Schools       |
| I.C. § 33-512B         | Suicidal tendencies – Duty to warn. |
| I.D.A.P.A 08.02.03.160 | Safe Environment and Discipline     |

Policy History:

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Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3540

#### Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment in case of sudden illness or injury to a student, but that further medical attention is the responsibility of the parent or guardian.

Each parent or guardian must provide an emergency telephone number where the parent or designee of the parent can be reached.

When a student is injured, staff shall provide immediate care and attention until relieved by a superior, a nurse, or a doctor. The principal or designated staff member should immediately contact the parent so that the parent can arrange for care or treatment of the injured student.

If a child develops symptoms of illness while at school, the responsible school officials shall do the following:

1. Isolate the child immediately from other children in a room or area segregated for that purpose;
2. Inform the parent or guardian as soon as possible about the illness and request that he or she pick up the child; and
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 or she may elect to continue the treatment or make other arrangements.

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3550

#### Removal of Student During School Hours

The Board recognizes its responsibility for the proper care of students during school hours. Students shall not be removed from school grounds, any school building or school function during school hours except by a person duly authorized in accordance with District procedures.

Before a student is removed or excused, the person seeking to remove the student must present, to the satisfaction of the principal, evidence of his/her proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone unless the school administrator approves the request. The Superintendent is directed to establish procedures for the removal of a student during school hours.

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3550P

#### Removal of Student During School Day

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policy 4410.
2. Any other agencies must have a written administrative or court order directing the District to give custody to them. Proper identification is required before the student shall be released.
3. A student shall be released to the custodial parent/guardian. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parent/guardians have the burden of furnishing schools with accurate, up-to-date information.
4. The school should always check with the custodial parent/guardian before releasing the student to a non-custodial parent/guardian.
5. Prior written authorization from the custodial parent/guardian is required before releasing a student into someone else's custody, unless an emergency situation justifies a waiver.
6. Police should be called if a visitor becomes disruptive or abusive.

#### Cross Reference:

4410                      Relations with the Law Enforcement and Child Protective Agencies

#### Procedure History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3560

#### Video Surveillance

The Board authorizes the use of video cameras on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property, and to safeguard District facilities and equipment.

The District shall notify staff and students through student/parent/guardian and staff handbooks that video surveillance may occur on District property.

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.

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 used in locations as deemed appropriate by the Superintendent, and shall not be installed in areas with reasonable expectation of privacy.

Audio shall not be part of the video recordings made, reviewed, or stored by the District.

#### Cross-Reference:

3570 Student Records

#### Legal Reference:

|                             |   |
|-----------------------------|---|
| 20 U.S.C. § 1232g, et. seq. | Family Educational Rights and Privacy Act (FERPA) |
| 34 C.F.R. Part 99           | implementing FERPA                                |
| I.C. § 33-512               | Governance of Schools                             |
| I.C. § 18-6701 et. seq.     | Communications Security                           |

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3570

#### Student Records

School student records are confidential, and information from them shall not be released other than as provided by law. State and Federal laws grant students and parent/guardians 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 parent/guardians shall have the right to object to the release of information regarding their child.

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 parent/guardians of it, as well as their rights regarding student school records.

#### Cross Reference:

|      |                                   |
|------|-----------------------------------|
| 3575 | Student Data Privacy and Security |
| 4260 | Records Available to the Public   |

#### Legal Reference:

|                                    |   |
|------------------------------------|---|
| 20 U.S.C. § 1232g, <i>et. seq.</i> | Family Education Rights and Privacy Act             |
| 34 C.F.R. 99                       | Family Education Rights and Privacy Act             |
| I.C. § 33-133                      | Student Data – Use and Limitations                  |
| I.C. § 33-209                      | Transfer of Student Records – Duties                |
| I.C. § 32-717A                     | Parent/guardians’ Access to Records and Information |

#### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3570F

#### Student Records

#### Notification to Parent/guardians and Students of Rights Concerning a Student's School Records

*This notification may be distributed by any means likely to reach the parent/guardian(s).*

The District will maintain a file for each student that shall contain the information, including but not limited to the following:

1. Unique student identifier;
2. Basic identifying information;
3. Academic transcripts;
4. Attendance record;
5. Immunization records;
6. Intelligence and aptitude scores;
7. Psychological reports;
8. Achievement test results;
9. Participation in extracurricular activities;
10. Honors and awards;
11. Teacher anecdotal records;
12. Special education files;
13. Verified reports or information from non-educational persons;
14. Verified information of clear relevance to the student's education;
15. Information pertaining to release of this record; and
16. Disciplinary information

#### Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parent/guardians and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's education records. They are:

- 1. The right to inspect and copy the student's education records within a reasonable time of the day the District receives a request for access.**

Students less than eighteen (18) years of age have the right to inspect and copy their permanent record. Parent/guardians or students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent/guardian(s) or eligible student of the time and place where the records may be inspected.

The District charges a nominal fee for copying, but no one will be denied their right to copies of their records for inability to pay this cost.

The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

**2. The right to request the amendment of the student's education records that the parent/guardian(s) or eligible student believes are inaccurate, misleading, irrelevant, or improper.**

Parent/guardians or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, irrelevant, or improper. They should write the school principal or records custodian, clearly identifying the part of the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parent/guardian(s) or eligible student, the District will notify the parent/guardian(s) or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/guardian(s) or eligible student when notified of the right to a hearing.

**3. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA or state law authorizes disclosure without consent.**

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the District may disclose education records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out- of-school suspensions, if the

challenge is made at the time the student's school records are forwarded to another school to which the student is transferring.

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

- 4. The right to a copy of any school student record proposed to be destroyed or deleted.**
- 5. The right to prohibit the release of directory information concerning the parent/guardian's child.**

Throughout the school year, the District may release directory information regarding students, limited to:

- A. Name;
- B. Address;
- C. Gender;
- D. Grade level;
- E. Birth date and place;
- F. Parent/guardians' names and addresses;
- G. Academic awards, degrees, and honors;
- H. Information in relation to school-sponsored activities, organizations, and athletics;
- I. Major field of study; and
- J. Period of attendance in school.

*Any parent/guardian(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building principal within thirty (30) days of the date of this notice. No directory information will be released within this time period, unless the parent/guardian(s) or eligible student is specifically informed otherwise.*

- 6. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is: Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

Student Data Privacy and Security

The efficient collection, analysis, and storage of student information is essential to improve the education of our students. As the use of student data has increased and technology has advanced, the need to exercise care in the handling of confidential student information has intensified. The privacy of students and the use of confidential student information is protected by federal and state laws, including the Family Educational Rights and Privacy Act (FERPA) and the Idaho Student Data Accessibility, Transparency, and Accountability Act of 2014 (Idaho Data Accountability Act).

Student information is compiled and used to evaluate and improve Idaho's educational system and improve transitions from high school to postsecondary education or the workforce. The Data Management Council (DMC) was established by the Idaho State Board of Education to make recommendations on the proper collection, protection, storage and use of confidential student information stored within the Statewide Longitudinal Data System (SLDS). The DMC includes representatives from K-12, higher education institutions and the Department of Labor.

This model policy is required by the Idaho Data Accountability Act. In order to ensure the proper protection of confidential student information, the District shall adopt, implement and electronically post this policy to its' website. It is intended to provide guidance regarding the collection, access, security, and use of education data to protect student privacy. This policy is consistent with the DMC's policies regarding the access, security, and use of data maintained within the SLDS. Violation of the Idaho Data Accountability Act may result in civil penalties.

**Definitions**

**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

The District shall follow applicable state and federal laws related to student privacy in the collection of student data.

### Access

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

The Superintendent 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 District shall be restricted to:

1. The authorized staff of the District 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

The District shall have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure. The District 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. The District shall also 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.

District 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:

1. Requirement that the vendor agree to comply with all applicable state and federal law;
2. 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;
3. Requirement that the vendor restrict access to PII to the authorized staff of the vendor who require such access to perform their assigned duties;
4. Prohibition against the vendor's secondary use of PII including sales, marketing or advertising;
5. Requirement for data destruction and an associated timeframe; and
6. Penalties for non-compliance with the above provisions.

The District shall clearly define what data is determined to be directory information.

If the District 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.

### Cross Reference:

3570 – 3570P      Student Records

### Legal Reference:

|                                   |  |
|-----------------------------------|--|
| 20 U.S.C. § 1232g, <i>et seq.</i> | Family Education Rights and Privacy Act                                |
| 34 C.F.R. 99                      | Family Education Rights and Privacy Act                                |
| I.C. § 33-133                     | Idaho Student Data Accessibility, Transparency, and Accountability Act |

Policy History:

Adopted on: February 12, 2015

Revised on: June 17, 2019

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3610

#### Records of Missing Children

Upon notification by the Idaho State Police of a missing or runaway child currently enrolled in the District, that student's records shall be flagged in such a manner that whenever a copy of or information regarding the record is requested, the school is alerted to the fact that the record is that of a missing or runaway child. If request is made for a flagged record, the record shall not be forwarded and the local law enforcement agency shall be notified of the request for the flagged record.

Any request concerning flagged records or knowledge as to the whereabouts of a missing or runaway child shall immediately be reported to the local law enforcement agency. Upon notification by the Idaho State Police of the return of the missing or runaway child, the school shall remove the flag from the student's record.

#### Legal Reference:

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

#### Policy History:

Adopted on: June 17, 2019

Revised on: June 8, 2021

Reviewed on: June 8, 2021

## Swan Valley School District #92

### STUDENTS

3620

#### Transfer of Student Records

##### Receiving School

Within 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 or her record and exercise due diligence in obtaining the copy of the record requested.

##### Forwarding School

A certified copy of the permanent, or cumulative, file of any student and the file containing special education records of any student shall be forwarded by mail, or electronically, to a local educational agency or accredited school in which the student seeks to or intends to enroll within ten (10) days after receipt of a written or electronic request. 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 |

##### Legal Reference:

|                |   |
|----------------|---|
| 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   |

##### Policy History:

Adopted on: October 16, 2003

Revised on: June 17, 2019

Reviewed on: June 8, 2021