

[REDACTED]

From: [REDACTED]
Sent: Wednesday, December 15, 2021 2:52 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Section 3000 Questions

Good afternoon,

The adoption of policy is the Board's decision.

I defer to the Boards' requests when it comes to editing the policies in all cases except those where the request directly contradicts firm advice from an attorney. In the rare cases in which a Board I'm working with concludes they want to make the change regardless, I let them know that I'm unable to do so, that it's the Board's prerogative to make further changes to the policy if they wish, but that I strongly recommend they consult an attorney.

In this case, any further changes will need to be made by the District themselves, so please do amend the model policy we provided to fit what your board adopted.

I hope this clarifies the rare cases in which I am unable to meet the Board's requests.

Warm regards,

[REDACTED]
Research & Policy Specialist
Idaho School Boards Association
Office | 208.854.1476 | Toll-Free | 866.799.4722 | Fax 208.854.1480
Email | [REDACTED]

From: [REDACTED]
Sent: Tuesday, December 14, 2021 7:33 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Section 3000 Questions

Hi [REDACTED],

[REDACTED] did a board training for us last night and we discussed this policy. [REDACTED] stated that the policy is the board's decision. ISBA's role is to present the legal ramifications of adopting the language but the board can adopt what they feel is right for the district. Our board refuses to remove parent rights for a minor so the policy needs to be finalized as it was adopted by the board. Do you want me to make those changes? Barbara

From: [REDACTED]
Sent: Friday, December 10, 2021 2:44 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Section 3000 Questions

Good afternoon,

I've made the edits you indicated in Section 3000 except for the edits to Section 3281 that:

- Remove the caveat that parents should be included in discussions of facility use only if the student consents; and
- State that the student's chosen name and pronouns will be used only if the parent consents.

Because these edits run counter to the advice of the attorney I consulted about this policy, I do not feel this language would meet ISBA's standard of providing policy that comports with law, administrative rules, and the advice of legal counsel and would not feel comfortable providing it. Policy is the Board's responsibility, and whether they adopt or edit the attached version of the policy is ultimately their decision. We once again advise that you consult with your legal counsel prior to adopting the policy with the language you wish to adopt.

Because there don't appear to be any further items to address in Section 3000, I've attached the final version of the section. Once I've finished reviewing the edits to Section 4000, I'll let you know if I have any questions about them.

Warm regards,

[REDACTED]
Research & Policy Specialist
Idaho School Boards Association
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Email | [REDACTED]

From: [REDACTED]
Sent: Monday, December 6, 2021 1:25 PM
To: [REDACTED]
Subject: RE: Section 3000 Questions

3281 needs to be printed as I sent it – the board is away that it is against the attorneys advice
3340P please add the spring update
3380 please add your language
3570F and 3570P add the summer updates and include the optional section for photos.

Thank you, [REDACTED]

From: [REDACTED]
Sent: Monday, December 6, 2021 12:00 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Section 3000 Questions

Good afternoon,

Thank you for sending direction on the remaining items in Section 3000. Here are my latest responses to the questions on Section 3000.

I'll review your edits to Section 4000 and let you know if I have any questions or concerns.

Warm regards,

3030: Updates were made to this item in the Spring 2021 Update. Should I make the edits shown in the attached? **I will present these updates as an amendment at the December meeting. Please show 3030 with the adoption date previously submitted, amended December 13, 2021 and 3031 adopted 12-13-21**
I've left the update in track changes format.

3281: You provided two drafts. Does the 3281 Gender Identity one reflect the current intended edits? **The board approved the one titled Payette's preliminary edits, sorry should not have sent both**

Some of these edits seem fine. In other cases, they contradict the advice provided by an attorney I asked about these issues. The attorney advises that Districts not disclose high school students' transgender status to their parents. She also recommends calling students by their preferred name and pronouns but addressing most other matters on a case-by-case basis.

I've attached a copy of the policy with the items that seem to pose issues noted with track changes.

3340P: Updates were made to this item in the Spring 2021 Update.
Should I make the edits shown in the attached? I don't see any highlighted changes
I mistyped the item number and probably sent the wrong item; I meant to ask about 3340P.

3380: The eligibility requirements were revised to state that a student must be enrolled full-time to participate in such activities. [I.C. 33-203](#) requires that dual enrollment students be allowed to participate on the same terms as other students.

you could modify this to be enrolled full time in a public or private school – please send recommended language so I can include it in the December 13th board meeting.

This seems like it could still pose concerns, since it doesn't include students being home schooled. What if we changed it to "...be enrolled full time or be a non-public school student participating as described in Policy 3031"?

3570F1: Updates were made to this item in the Summer 2021 Update. Should these be added as shown? If so, should the optional item on p.3 be kept?

3570P: Updates were made to this item in the Summer 2021 Update. Should these be added as shown? Should these be added as shown? If so, should the optional item be kept?

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