

***Shelley School District #60***  
***Board Policy***

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Shelley Joint School District No. 60

## **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 respectively does not occur on or before the first day of September of the school year in which the child registers to enter school. Any child of the age of five years who has completed a private or public out-of-state kindergarten for the required 450 hours but has not reached the age and date requirements set above shall be allowed to enter the first grade.

#### Initial Enrollment

Immunization records or an appropriate waiver and a certified copy of the student's birth certificate are required for admission to all District schools (subject to provisions of McKinney Homeless Assistance Act). Communication of the requirement for immunization records or exemptions shall comply with District Policy 3060.

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

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

#### Placement

The goal of the District shall be to place students at levels and in settings that will enhance the probability of student

success. Developmental testing together with other relevant criteria, including but not limited to health, maturity, emotional stability, and developmental disabilities, may be considered in the placement of all students. Final disposition of all placement decisions rests with the principal, subject to review by the Superintendent and the Board.

#### Advanced Enrollment For Military Dependents

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

#### Transfer

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

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

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

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

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

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

#### Transfer from Persistently Dangerous Schools

If any school within the District is found to be persistently dangerous in accordance with federal law, students attending the school shall be permitted to transfer to another traditional or charter school within the District which is not persistently dangerous. The transfer may be either permanent or temporary and lasting until the school of origin is no longer designated as persistently dangerous. Parents or guardians of students shall be notified that the school has been designated as persistently dangerous within ten days of being so designated. Within 20 days of receiving

such notification, students may be transferred to another school within the District.

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

Cross Reference: 3060 Education of Homeless Children 4160 Parents  
Right-to-Know Notices

Legal Reference: Art. IX, § 9, Idaho Constitution- Compulsory Attendance at School  
I.C. § 18-4511 School Duties—Records of Missing Child—Identification Upon  
Enrollment—Transfer of Student Records  
I.C. § 33-201 School Age  
I.C. § 33-209 Transfer of Student Records – Duties  
I.C. § 39-4801 Immunization required  
I.C. § 39-4802 Exemptions  
20 U.S.C. § 7912 Unsafe School Choice  
20 USC § 6313 Eligible School Attendance Areas  
42 USC § 11432 Education of Homeless Children and Youths

Policy History:

Adopted on: July 9, 2020

Revised on: May 19, 2022

Reviewed on:

**Shelley Joint School District No. 60**

**STUDENTS**

**3000F1**

Notification to Provide Birth Certificate

**[DISTRICT LETTERHEAD]**

Dear Parent or Guardian:

Any person enrolling a student in an Idaho public school must provide a certified copy of the student's birth certificate. This is required under Idaho Code 18-4511.

The Shelley District wishes to comply with the laws of the State of Idaho and with the policies adopted by the Board of Trustees. As such, we request that you provide the Principal's office with either:

1. A certified copy of the student's birth certificate; or
2. Another reliable proof of the student's identity and birth date as well as an affidavit explaining the inability to produce a copy of the birth certificate. Such reliable proof of student's identity and birth date may include passport, visa, or other governmental documentation.

These documents must be received by the principal no later than\_\_\_\_\_.

Please be notified that if such birth certificate is not provided, notice of failure to comply with Idaho Code 18-4511 must be reported to the proper law enforcement agencies.

We appreciate your help as we commit ourselves to working for the best education of your student.

Sincerely,

Principal

## Shelley Joint School District No. 60

### STUDENTS

3010

#### Open Enrollment

The School Board of Trustees recognizes that some of its patrons may want to enroll their children in a school that is located within a district other than where their primary residence is located, therefore, this policy is adopted to allow all in-District and out-of-District patrons to choose among this District's schools under specified conditions. In making a decision on a student's open enrollment application, the Board of Trustees shall consider the needs of the student requesting the transfer as well as the other students affected by the transfer. A student currently under suspension or expulsion in this District or another district is not eligible for open enrollment under this policy.

#### Transportation

Parents/guardians of a student accepted under this open enrollment policy will be responsible for transporting the accepted student. If bus space is available, then students accepted under the open enrollment policy may be transported from an appropriate, established bus stop within District boundaries.

#### Varsity Sports

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

#### Application/Approval Process

An [open enrollment application](#) must be submitted annually for admission to a specific school. Applications will be accepted from January 1 to February 1 of each year for enrollment in the subsequent school year.

The Superintendent shall establish a procedure for:

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

#### Re-enrollment

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

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

1. Resides in the District and seeks enrollment in another District school under the provisions of the Every Student Succeeds Act;
2. Was previously enrolled at the requested school during the prior year;
3. Has a brother or sister enrolled at the requested school;
4. Resides in the attendance area of another District school;
5. Has parents employed by the District; or
6. Has a unique situation or extraordinary circumstances.

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

#### Revocation of a Transfer

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

#### Student Rights and Responsibilities

All student's rights and responsibilities remain the same regardless of what school they attend within the District and regardless of where the student resides once accepted under the open enrollment policy. If a student who is a resident of another district applies to this District and is accepted under the terms of this policy and fails to attend, they shall be ineligible to apply again for open enrollment in this District.

#### Preventing or Recruiting Potential Open Enrollment Students

The District or its employees will not take any action to prohibit or prevent application by a student to attend school in another school district or to attend another school within the District. In no event is the District, or an employee of the District to recruit students outside of their attendance area. Violation of this policy may involve disciplinary action up to and including dismissal.

#### Evaluation of Policy

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

Cross Reference: 2240

Class Size

Legal Reference: I.C. §33-512

Governance of Schools

I.C. §33-1401

Definitions

I.C. §33-1402

Enrollment Options

I.C. §33-1404

Districts to Receive Pupils

I.C. §33-2001

Definitions

Policy History:

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**Shelley Joint School District No. 60**

**STUDENTS**

**3030**

Part-Time Attendance/Dual Enrollment

For purposes of this policy the term “non-public school student” is any student who is legitimately 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.

Dual enrollment students shall be subject to the same policies, procedures, and rules as other students, including, but not be limited to, those relating to attendance, grades, prerequisites, classroom conduct and discipline. A nonpublic student must meet all prerequisites for enrollment for a program or activity which is required of public school students.

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

Primary education provider is the person or entity providing the majority of the nonpublic student's educational instruction outside the public school programs or activities.

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



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

### Admittance

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

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

Such registration and admission procedures are required even if a student is requesting dual enrollment status only for participation in an interscholastic or nonacademic activity. Dual enrolled students may enter any program available to other students subject to the same responsibilities and standards of behavior and performance that apply to any student's participation.

### Extracurricular Activities

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 as with other regular full-time students;
2. The non-public school student must, on any State Board of Education recognized achievement test, portfolio, or other mechanism, demonstrate composite grade-level academic proficiency;
3. The non-public school student must achieve a minimum composite, core, or survey test score within the average or higher than average range as established by the test service utilized on any nationally-normed test. The minimum score on each assessment is the fifth stanine for the battery total score. The parents or guardian of a dual enrollment student are responsible for obtaining third party testing for their child at their expense in accordance with I.C. 33-203 and State Board of Education rules. Demonstrated proficiency shall be used to determine eligibility for the current and next school year, not to exceed a period of 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 education provider shall provide assurance to the District that such student has met the attendance requirements in the non-public school academic setting. The primary education provider shall also be responsible for the oversight of any other academic standards relating to participation in nonacademic activities.

### 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.

### Transportation

All non-public school students will be eligible for District transportation services. A public charter school student or nonpublic student, upon admission to a school in this District, may ride a school bus on regularly scheduled routes, including activity bus routes, and use regularly established bus stops or stops which would require no deviation from the regularly established bus route. No alteration of routes will be made to specially accommodate a dual enrollment student. If a dual enrollment student attends only part time, the District may furnish transportation at the regularly scheduled time closest to the time period for which a student is enrolled (i.e., morning busing for a.m. classes or afternoon busing for p.m. classes). The District will not provide such transportation if there is no available space, if the furnishing of such transportation would cause a deviation or alteration of the regularly established bus routes or stops, or if the furnishing of such transportation would require the purchase of additional or substitute equipment. In the event that regularly enrolled students opt to use district transportation, they will be given priority over dual enrolled students for available seating.

### Graduation

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

### Mixed Curriculum

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

### IDEA/ADA/Section 504 Students

Parents who wish dual enrollment students to be enrolled in special programs must comply with the requirements of the Individuals with Disability Act (IDEA) and the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973 (Section 504). 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.

Cross Reference: 3525 Immunization Requirements

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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Reviewed on:

Shelley Joint School District No. 60

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

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

### Truancy

The Board acknowledges that truancy from school and classes causes disruption to the learning environment and prevents appropriate supervision of truant students.

Truancies are unexcused absences by any student who is absent from school or class without proper authorization. An absence is judged to be a truancy by a principal or designee.

When a student is truant, the student's parents/guardian will be notified of the truancy by the appropriate school personnel. After the notice, other disciplinary action may be taken if deemed necessary. For a third or subsequent truancy, a student may be suspended from school.

Students who are repeatedly truant will meet with the school principal or representative and may be referred to the District's alternative school.

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:

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Revised on:  
Reviewed on:

## **Shelley Joint School District No. 60**

### **STUDENTS**

**3050**

#### Attendance Policy

To receive the maximum educational opportunity requires that students be in attendance interacting with fellow students, teachers, paraprofessionals, and other school personnel, therefore it is the policy of the Shelley Joint School District No 60 to comply with the law to have students in attendance at school.

Students are expected to attend all assigned classes each day. Teachers shall keep a record of absence and tardiness. Before the end of the school day, each school shall attempt to contact every parent or legal guardian whose child is absent from school but who has not reported the child as absent for the school day, to determine whether the parent or legal guardian is aware of the child's absence from school.

According to Idaho State law, 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 who are not in compliance with this state requirement except when credit is granted through the attendance appeal process outlined in this policy .

If a student is confined to home or hospital for an extended period, the school shall arrange for the accomplishment of assignments at the place of confinement whenever practicable. If the student is unable to do his/her schoolwork, or if there are major requirements of a particular course that cannot be accomplished outside of class, the student may be required to take an incomplete or withdraw from the class without penalty.

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 IHSAA-sponsored events; music related events; FFA and BPA trips; academic field trips; and others deemed co-curricular;
2. Bereavement in the immediate family (grandmother, grandfather, father, mother, sister, brother).
3. Absence resulting from disciplinary actions or short-term suspension.
4. Subpoenas to appear in court or court-ordered and out-of-District placements for special services.
5. One college visitation may be approved by the principal each year.

## Implementation Guidelines

1. The following definitions apply:
  - a. Present – Physically being in the classroom throughout the time the class is being held.
  - b. Absence – Not physically being present in class, or missing more than ten (10) minutes of class.
  - c. Tardy – Being out of the classroom or teacher assigned location when the tardy bell rings. Tardies will not be counted as an absence and will be handled under the school’s individual tardy policy.
  - d. Verified Absence – An absence will become a verified absence when a parent or legal guardian verifies the student’s absence. Verified Absences will still count towards attendance limits but will keep the student from receiving a truancy. The principal or representative may approve other absences as verified.
  - e. Truancy – An absence from school or class without proper authorization as judged by the principal or designee. Any student who is a truant will be subject to the discipline procedure outlined in the student handbook.
  - f. In School Suspension (ISS) – The principal or designee has placed a student in detention for disciplinary reasons.
  - g. Out of School Suspension (OSS) – The principal or designee has sent a student off campus for disciplinary reasons.
2. Compulsory attendance
  - a. Every child of compulsory school age (Idaho Code 33-202) must be in attendance unless otherwise exempted as provided in Idaho Code 33-204.
  - b. Each school shall keep accurate attendance records. Tardies may also be recorded.
  - c. The responsibility for attendance lies with the parent/guardian and the student. Students are expected to show responsible behavior in maintaining a good attendance record.
    - i. Students may be excused from school to attend classes for religious education. No record of attendance, no grade and no credit will be given. The school record will only show that for the given periods the student was released at the written request of the parent/guardian.
    - ii. All parents or legal guardians have the responsibility to clear an absence by contacting the school office prior to, or the day of, a student’s absence. Failure to clear an absence will result in it being considered a truancy.
    - iii. The school will attempt to contact parents or legal guardians of absent students who have not cleared with the school office in an effort to help ensure student safety.
3. Make up assignments
  - a. All students will have the opportunity to make up assignments that are missed while absent.
  - b. Alternative assignments will be made available and communicated to students in areas where assignments cannot be readily made up, such as Physical Education or lab classes, etc.
4. Excessive absences or truanancies
  - a. Each building principal will notify the parents or legal guardians when a student’s absences in any class are excessive.
    - i. The classroom teacher and/or attendance secretary will periodically review absences and provide notice to the building principal when the number of absences is becoming excessive or is significantly impairing the students comprehension of the course content in each grading period.
    - ii. When a student has repeated absences or truanancies, a conference shall be held among the parent, student and principal. At such a conference, the principal, student and parent shall consider adjusting the student’s program or transferring the student to another school.
    - iii. If the above action fails to correct the repeated absences or truancy problem, the student shall be

declared an habitual truant. The attendance administrator shall interview the student and his or her family and prescribe corrective action, which may include expulsion, and/or filing a complaint against the parent or legal guardian in a court of competent jurisdiction.

5. Attendance and course credit

- a. Except in extenuating cases, credit will not be given to any student (grades 7-12) in a subject when the student was not in attendance at least 90% of the time that subject was being taught during any semester.
  - i. All absences verified or unverified will be counted in determining the percentage of attendance except those outlined above.
  - ii. Extenuating cases may be determined through an appeal process with the appeal initiated by the student to the principal. Appeals will be handled through the building policy and procedures.
  - iii. Building level decisions may be appealed to the Superintendent following the procedures below.
- b. For students in grades K-6, a student may be denied promotion if the student was not in attendance at least 90% of the time the class and/or subject was being taught.
  - i. All absences verified or unverified will be counted in determining the percentage of attendance except those absences outlined above.
  - ii. Extenuating cases shall be reviewed by the building principal and classroom teacher to determine achievement level for purposes of promotion.
  - iii. Building level decisions may be appealed to the Superintendent following the procedures below.

90% Attendance Appeal Process

If a student has lost credit due to excessive absences and the parent or guardian feels there is an extenuating circumstance, he or she may appeal to the Superintendent. The appeal must be scheduled within 14 days of the end of a semester.

In reviewing written documentation during the appeal hearing, the Superintendent will consider the following:

1. Attendance for the preceding semester/trimester and/or year;
2. Grade(s) earned in the class(es) where credit was lost and other grades;
3. Made-up work completed;
4. Student's attitude toward school;
5. Extenuating circumstances.

The Superintendent's decision and acceptance or rejection of extenuating circumstances may be appealed to the Board of Trustees. The appeal must be scheduled on or before the regular June board meeting at the end of the school year in which the excessive absences occurred. The Board decision and acceptance or rejection of extenuating circumstances is final.

Policy History:

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Reviewed on:

Education of Homeless Children

It is the policy of the District to ensure that:

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

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

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

Definitions

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

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

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

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



4. Migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses 1 through 3 above; and
5. An unaccompanied student and homeless families with children and youth are also defined as homeless if they:
  - A. Have experienced a long term period without living independently in permanent housing;
  - B. Have experienced persistent instability as measured by frequent moves over such period, and
  - C. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

“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 from 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;
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 References:	4120	Uniform Grievance Procedure
	4160	Parents Right-to-Know Notices
Legal References:	20 U.S.C. §§ 1400 – 82	Individuals with Disabilities Education Act (IDEA) Improving Basic Programs Operated by Local Educational Agencies (Subchapter I, Part A, of the Elementary and Secondary Education Act)
	20 U.S.C. § 6311, <i>et seq.</i>	School Lunch Programs – Program
	42 U.S.C. § 1758	
	Pub. L. 110–134	Improving Head Start for School Readiness Act of 2007 McKinney-Vento Homeless Assistance Act of 1987
	42 U.S.C. § 11301, <i>et seq.</i>	

### Policy History:

Adopted on: July 9,  
2020

Revised on:

Reviewed on:

Nonresident Student Attendance Policy

As per Idaho Code 33-1402:

1. A student’s parent/guardian must apply for admission to Shelley School District by February 1 for enrollment during the following school year on an annual basis.
2. Shelley School District will notify applicants of their status by March 31.
3. Whenever any pupil enrolls in, and attends a school outside the district within which the parent or guardian resides, the parent or guardian shall be responsible for transporting the pupil to and from the school or to an appropriate bus stop within the receiving district.
4. A pupil under suspension or expulsion shall be ineligible for the provisions of this section.

Factors which may cause an [Open Enrollment Application](#) to be denied or pulled for the school year include:

1. A school, grade, or program lack available space or staff.
2. The student has been suspended or expelled from school.
3. The student has a history of documented disciplinary infractions within the past 3 years.
4. Information on the Open Enrollment Application has been misrepresented or was incomplete.
5. The current enrollment is at or above the following:

<b>Grade</b>	<b>Class/Teacher Load Size</b>
K	21
1-3	24
4-12	29
Special Education	An average of 6 students per classroom (Caseload of 20 students/ teacher)
Title I	20 per full-time paraprofessional teacher 10 per half-time paraprofessional teacher
English Learners	20 per full-time ELL teacher

Revocation of a Waiver

The District reserves the right to remove a transfer student at any time because of unacceptable behavior or because of false or misleading information on the [open enrollment application](#).

The Superintendent, principal, or designee shall inform the parent/guardian of behavior that jeopardizes the student’s status at the transfer school. If a student’s open enrollment is revoked, the parent/guardian may request an administrative review by the Superintendent. That decision may be appealed to the school board.

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

Transfer of Pupils  
Denial of School Attendance

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**Shelley Joint School District #60**

**TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCEDURE**

**3085**

Shelley Joint School District is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX, which prohibits discrimination on the basis of sex in education programs or activities and Title VII, which prohibits sex discrimination in employment. Sexual Harassment and Retaliation under this Policy will not be tolerated by Shelley Joint School District and are grounds for disciplinary action, up to and including, expulsion from Shelley Joint School District and/or termination of employment.

***Section 1: Introduction***

1. **Purpose.** Shelley Joint School District takes all reported sexual misconduct and Sexual Harassment seriously. Shelley Joint School District will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported sexual misconduct, harassment, and retaliation that does not meet the definitions and jurisdiction of this policy will be referred for review under the Student Code of Conduct or employee Personal Conduct Policy #5240.
2. **Applicability.** This policy applies to students and employees when all of the following criteria are true:
  - a. **Respondent:** when the Respondent is a student enrolled in Shelley Joint School District at the time of the alleged conduct or is an employee at Shelley Joint School District at the time of the alleged conduct,
  - b. **Complainant:** the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Shelley Joint School District's education program or school-sanctioned activity.
  - c. **Conduct:** when the alleged conduct includes Sexual Harassment under this Policy,



d. **Context:** where the alleged conduct occurs in Shelley Joint School District's education program or school-sanctioned activity,

3. **Title IX Coordinator and Key Title IX Officials:** The Title IX Coordinator is the Shelley Joint School District administrator who oversees Shelley Joint School District compliance with Title IX. The Title IX Coordinator is responsible for responding to all reports and Formal Complaints of Sexual Harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain Shelley Joint School District's policies and procedures, and provide education on relevant issues. The Superintendent may designate one or more Deputy Title IX Coordinators to help facilitate these responsibilities. Any parent, student, or staff member of Shelley Joint School District may contact the Title IX Coordinator with questions. Title IX Coordinator and Deputy Title IX Coordinator contact information is as follows:

**Title IX Coordinator:**

Chad Williams, Superintendent

Email: [TitleIX@shelleyschools.org](mailto:TitleIX@shelleyschools.org)

Phone: (208) 357-3411

**Deputy Title IX Coordinator:**

Mike Messick, Special Education Director

In addition to the Title IX Coordinator, the Superintendent / designee will appoint investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections 6 and 8 of this policy.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators will receive training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on Shelley Joint School District's website in accordance with Title IX requirements.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

4. **Notification:** Shelley Joint School District will use email and digital forms for purposes of communication and notification under this Policy.
5. **Dissemination of Policy:** This Policy will be made available to all Shelley Joint School District employees and students online at [www.shelleyschools.org](http://www.shelleyschools.org).
6. **Retaliation and False Statements Prohibited:** Neither Shelley Joint School District nor any 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 Policy 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 Policy.

- a. Alleged violations of retaliation will be referred to the student or employee Code of Conduct,
  - b. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.
  - c. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.
7. **Amnesty:** Shelley Joint School District strongly encourages students to report incidents violating the policy related to discrimination, harassment, sexual harassment, and related inappropriate conduct. Shelley Joint School District's primary concern is the safety of the members of the school district community, and it encourages behavior that demonstrates care and concern for members of the community. Accordingly, the school district reserves the right to provide a reprieve from disciplinary actions for Complainants and other individuals who exhibit responsible and proactive behavior in reporting Sexual Harassment, sexual misconduct, sexual violence, or other prohibited conduct or for students acting as a witness during the formal grievance procedures. Shelley Joint School District may provide referrals to counseling and may require educational options, rather than disciplinary Actions, in such cases.
8. **Other Shelley School District Policies:** in the event of a conflict, this Policy shall take precedence over other Shelley Joint School District policies and procedures concerning Sexual Harassment under Title IX.
9. **Modification and Review of this Policy:** Shelley Joint School District reserves the right to modify this Policy to take into account applicable legal requirements. Shelley Joint School District will regularly review this Policy to determine whether modifications should be made.
10. **Additional Code of Conduct or Shelley Joint School District Policy Violations:** Alleged violations of the student or employee Code of Conduct that arise from the same events as alleged Sexual Harassment under this policy will be investigated and resolved under the grievance process in this policy unless the Sexual Harassment has been dismissed under Section 5.2 of this policy.
11. **Role of Parent or Guardian:** Nothing in this Policy will prevent a parent or guardian of a minor student from exercising any legal right to act on behalf of a "Complainant," "Respondent," "party," or other individual, subject to this Policy including but not limited to filing a Formal Complaint.
12. **Role of Advisor:** Either party may be accompanied to any related meeting or proceeding by the advisor of their choice. The advisor may be an attorney, but this is not a requirement. However, neither party's advisor will be

permitted to question witnesses. Neither party's advisor may participate in interviews or meetings in which the represented party is not a participant.

## ***Section 2: Definitions***

### 1. Definitions of Prohibited Conduct Under this Policy

- a. **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:
  - i. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
  - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
  - iii. Sexual assault, dating violence, domestic violence or stalking as defined in this policy.
- b. **Sexual Assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including rape, fondling, incest, and statutory rape as defined in this Policy.
- c. **Rape** means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
- d. **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental Incapacity.
- e. **Incest** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- f. **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.
- g. **Dating Violence** means violence committed by a person
  - i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    1. The length of the relationship,
    2. The type of relationship,

3. The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- h. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by:
- i. a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common,
  - ii. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  - iii. a person similarly situated to a spouse of the victim under the domestic or family violence laws of Idaho, or
  - iv. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Idaho.
- i. **Stalking** means engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to—
- i. fear for his or her safety or the safety of others;
  - ii. or suffer Substantial Emotional Distress.

2. **Definitions Related to Sexual Harassment:** Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress

- a. **Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires an affirmative, conscious, and voluntary agreement to engage in sexual activity from each participant.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent.

Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision-maker will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- i. The Respondent's belief arose from the Respondent's own intoxication or recklessness;
  - ii. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively Consented; or
  - iii. The Respondent knew or a reasonable person should have known that the Complainant was unable to Consent because the Complainant was incapacitated, in that the Complainant was:
    1. asleep or unconscious
    2. unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
    3. unable to communicate due to a mental or physical condition.
- b. **Course of Conduct** means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- c. **Incapacitation** means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.
- A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.
- d. **Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim.
- e. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

### 3. Other Defined Terms

- a. **Actual Knowledge** means Notice of Sexual Harassment allegations to any employee of Shelley Joint School District (Officials with Authority), except that Actual Knowledge is not met when the only individual with Actual Knowledge is the Respondent.
- b. **Business Day** means any weekday not designated by Shelley Joint School District as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.
- c. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.
- d. **Disciplinary Actions** are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.
- e. **Education Program or School-sanctioned Activity** includes locations, events, or circumstances over which Shelley Joint School District exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on Shelley Joint School District property, during any Shelley Joint School District activity.
- f. **Formal Complaint** means a document filed by a Complainant (or parent or guardian of a minor student) or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Shelley Joint School District investigate the allegation of Sexual Harassment.
- g. **Official with Authority** means any employee of Shelley Joint School District.
- h. **Remedies** are measures designed to restore or preserve equal access to Shelley Joint School District’s Education Program or Activity. Remedies may include, but are not limited to, the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
- i. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.
- j. **Retaliation** means intimidation, threats, coercion, or discrimination, including 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, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

- k. **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 after the Title IX Coordinator has been provided a report of sexual harassment.

Such measures are designed to restore or preserve equal access to Shelley Joint School District's Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Shelley Joint School District's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, 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 property, and other similar measures.

### ***Section 3: Reporting Sexual Harassment and Preservation of Evidence***

#### **1. Reporting to Shelley Joint School District**

- a. **Reporting to Title IX Coordinator:** Reports of Sexual Harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time:
- i. Email: [TitleIX@shelleyschools.org](mailto:TitleIX@shelleyschools.org)
  - ii. Phone: 208-357-3411
  - iii. Online form: [Shelley Schools Anonymous Tips](#)
  - iv. Mail: 545 Seminary Avenue Shelley, ID 83274
  - v. In-person reports may be made to the Title IX Coordinator in person at Shelley School District Office. After Title IX Sexual Harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.
- b. **Reporting to Employees of Shelley Joint School District:** If employees of Shelley Joint School District are notified of Sexual Harassment, they shall promptly report such Sexual Harassment to the Title IX Coordinator who will take immediate action under this Policy.

2. **Reporting to Law Enforcement.** Reports may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from Shelley Joint School District investigations.

3. **Time Limits on Reporting.** There are no time limits on reporting Sexual Harassment to the Title IX Coordinator or Shelley Joint School District. If the Respondent is no longer subject to Shelley Joint School District's Education Program or Activity or significant time has passed, Shelley Joint School District will have limited ability to investigate, respond and/or provide disciplinary Remedies and Actions.

***Section 4: Initial Response to Reported Sexual Harassment:***

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Title IX Coordinator will:

- Provide the Complainant with notice of their option to have an advisor;
- Explain the process for filing a Formal Complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

***Section 5: Formal Complaint***

Shelley Joint School District will investigate all allegations of Sexual Harassment in a Formal Complaint.

1. **Filing a Formal Complaint:**

A Formal Complaint must:

- a. Contain an allegation of Sexual Harassment against a Respondent;
- b. Request that Shelley Joint School District investigate the allegation; and
- c. Be signed by the Complainant (or parent or guardian of the Complainant) or Title IX Coordinator.
- d. In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Title IX Coordinator will consider factors that include but are not limited to:
  - i. occurred while the Respondent was a Shelley Joint School District student or employee;
  - ii. Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;
  - iii. Whether the alleged Sexual Harassment was committed by multiple perpetrators;
  - iv. The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;
  - v. The ages and roles of the Complainant and the Respondent;



- vi. Shelley Joint School District can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);
- vii. Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

## 2. Dismissal of a Formal Complaint.

- a. **Required Dismissal:** The Title IX Coordinator must dismiss a Formal Complaint for purposes of Sexual Harassment if:
  - i. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;
  - ii. The conduct alleged did not occur in Shelley Joint School District's Education Program or Activity; or
  - iii. The Conduct alleged in the Formal Complaint did not occur against a person in the United States.
  - iv. Dismissal of a Formal Complaint does not preclude action under other provisions of the Shelley Joint School District's policies and procedures. If a Formal Complaint is dismissed for one of these reasons, the matter will be referred to the school principal or immediate supervisor to determine whether the matter will be pursued under the Shelley Joint School District Student Code of Conduct, Employee Personal Conduct Policy, or other relevant policies of the Board of Trustees.
- b. **Permissive Dismissal:** The Title IX Coordinator may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:
  - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,
  - ii. The Respondent is no longer enrolled or employed by Shelley Joint School District, or
  - iii. Specific circumstances prevent Shelley Joint School District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.
- c. **Appeal of Dismissal:** Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

- 3. **Consolidation of Formal Complaints:** The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

## ***Section 6: Grievance Process***

The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent and Disciplinary Actions are not imposed against a Respondent prior to the completion of the grievance process.

### **1. General Grievance Process Information:**

- a. **Burden of Proof and Burden of Gathering Evidence:** All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is the sole responsibility of designated Title IX investigators assigned to investigate the allegations by the Title IX Coordinator, and not the parties.
- b. **Presumption of Not Responsible:** The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.
- c. **Time Frames for Grievance Process:** Shelley Joint School District strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- d. **Medical Records:** Shelley Joint School District will not access, consider, disclose, or otherwise use party’s records that are that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Shelley Joint School District obtains that party’s voluntary, written permission to do so for the grievance process within the Policy.
- e. **Privileged Information:** Shelley Joint School District will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- f. **Range of Disciplinary Actions:** Actions that may be required if an individual is found responsible for violating this policy include:
- g. **Notice of Meetings, Interviews, and Hearings:** Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time (at least 24 hours ) to prepare to participate. This

notice will include the date, time, location, participants and purposes of the meeting, interview and/or hearing.

2. **Notice of Allegations:** Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:
  - a. Notice of the party's rights and options
  - b. Notice of Shelley Joint School District's grievance process
  - c. Notice of Shelley Joint School District's informal resolution process and options
  - d. Notice of the allegations of Sexual Harassment including:
    - e. The identities of the parties involved in the incident, if known, The conduct allegedly constituting Sexual Harassment, and The date and location of the incident, if known.
    - f. Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
    - g. Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence.
    - h. Notice of the Shelley Joint School District Code of Conduct provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
    - i. The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, Shelley Joint School District decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.
3. **Investigation of Formal Complaint.** Shelley Joint School District will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be an attorney. The advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent.
  - a. **Opportunity to Provide Information and Present Witnesses:** Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory and exculpatory evidence. The witnesses can include both fact witnesses and expert witnesses.
  - b. **Opportunity to Inspect and Review Evidence:** Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the

allegations raised in the Formal Complaint, including evidence upon which Shelley Joint School District does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review and submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

- c. **Investigative Report:** Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation. The investigator should strive to complete the Investigative Report within six (6) Business Days of the conclusion of the Opportunity to Inspect and Review Evidence.
- d. **Review of the Investigative Report:** The investigator will provide each party and the party's advisor (if any) an electronic copy of the investigative report for their review and written response. The determination of responsibility may not be made until parties have been given the opportunity to submit a response to the Investigative Report. The parties will be provided ten (10) Business Days to submit a response to the Investigative Report to the Title IX Coordinator. The parties will also be provided at least five (5) business days to review the Investigative Report before being asked to submit questions and answers pursuant to Section 7.
- e. **Investigation Timeframe:** The investigator should strive to conclude the investigation of a Formal Complaint and complete the Investigative Report within thirty (30) Business Days of the filing of a Formal Complaint. The parties will be provided updates on the progress of the investigation, as needed.

### ***Section 7: Question and Answer Period***

After the investigation, Shelley Joint School District will assign a decision-maker who will be responsible for making a determination of responsibility and assigning sanctions. No sooner than 5 Business Days after the Investigator has sent the Investigative Report as described in Section 6d, the Decision Maker will afford each party the opportunity to:

- submit written, relevant questions that a party wants asked of any party or witness;
- provide each party with the answers; and
- allow for additional, limited follow-up questions from each party.

#### **1. Question and Answer Time Period:**

- a. 3 days to submit questions in response
- b. 2 days for Decision Maker to send
- c. 3 days to submit answers

- d. 2 days to submit follow up questions
  - e. 3 days to submit follow up answers
  - f. 5 days for decision maker to review and submit decision
2. **Evidence and Questions Excluded:** The decision-maker will make determination regarding relevancy prior to sending questions to parties or witnesses. The following questions and evidence are considered not relevant:
- a. **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, 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 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.
  - b. **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
  - c. **Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

***Section 8: Determination Regarding Responsibility:***

After the question and answer period, the decision-maker will provide the Complainant and the Respondent with a written determination simultaneously. The determination regarding responsibility becomes final either on the date that Shelley Joint School District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written notice will include:

- Identification of the allegations potentially constituting Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary Actions that Shelley Joint School District imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Shelley Joint School District's education program or activity will be provided by Shelley Joint School District to the Complainant<sup>7</sup>; and

- The procedures and permissible bases for the Complainant and Respondent to appeal.

### ***Section 9: Appeals***

Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Coordinator.

1. **Bases for Appeal:** Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:
  - 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; or
  - c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
2. **Appeal Procedures:** If an appeal is submitted, Shelley Joint School District will
  - a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
  - b. Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator.
  - c. Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.
  - d. Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:
    - i. Affirm the decision-maker's determination regarding the Respondent's responsibility and affirm the disciplinary Actions and remedies, if applicable;
    - ii. Affirm the decision-maker's determination regarding the Respondent's responsibility and amend the disciplinary Actions and remedies, if applicable;
    - iii. Remand the process back to the question and answer stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;

- iv. Reverse the decision-maker's determination of the Respondent's responsibility and amend the disciplinary Actions and remedies, if applicable; or
    - v. Affirm or amend the Actions and/or remedies outlined in the determination issued under this Policy.
  - e. Provide the written decision simultaneously to both parties.
3. **Appeal Timeframe:** The appellate decision-maker will release the written decision within ten (10) Business Days of receiving the appeal.

### ***Section 10: Informal Resolution Process***

At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by Shelley Joint School District that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

1. **Informal Resolution Notice:** Prior to entering the informal resolution process, Shelley Joint School District will provide the parties a written notice disclosing:
  - a. The allegations;
  - b. The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;
  - c. Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-makers if the formal grievance process resumes.
2. **Informal Resolution Agreement:** Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.
3. **Informal Resolution Availability:** The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.
4. **Informal Resolution Timeframe:** Informal resolutions of a Formal Complaint will be concluded within twenty-five (25) business days of notice to Shelley Joint School District that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will

“pause” the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail, and the parties continue with the Grievance Process.

5. **Informal Resolution Documentation.** Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made and all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

### ***Section 11: Emergency Removal and Administrative Leave***

1. **Emergency Removal.** At any time after the Title IX Coordinator is on notice of Sexual Harassment, Shelley Joint School District may remove a Respondent on an emergency basis. Shelley Joint School District will only conduct an emergency removal after:
  - a. Undertaking and individualized safety and risk analysis,
  - b. Determining that an immediate threat the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and
  - c. Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, within two (2) Business Days following the removal.
2. **Administrative Leave:** Shelley Joint School District may place an employee Respondent on administrative leave while the grievance process in this Policy is pending.

### ***Section 12: Record Keeping***

Shelley Joint School District will maintain all of the documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all records are private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws, and included in the employee’s official employment record.

### ***Section 13: Additional Conduct Violations Related to This Policy***

Alleged violations of the terms in this section will be sent to the Title IX Coordinator for student Respondents or the Director of Human Resources for employee Respondents for investigation and adjudication under the Shelley Joint School District student or employee Code of Conduct.



- Retaliation:
- False Information
- Interference with Grievance Process
- No Contact Directive Violations

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

Policy History:

Adopted on: July 22, 2021

Revised on:

Reviewed on:

Shelley Joint School District No. 60

STUDENTS

3220

Student Use of Buildings: Equal Access

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

The following criteria must be met:

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

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

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

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

*Board of Education v. Mergens*, 110 S.Ct. 2356 (1990).

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**STUDENTS**

**3270**

District Provided Access to Electronic Information, Services, and Networks

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

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

Definitions

**District Network:** A service provided by Shelley Joint School District #60 that includes access to electronic resources from our District internet server, and Local Area Network resources.

**Vandalism:** Any attempt to harm or destroy data or another user, agency, or network connected to the Internet. Vandalism includes, but is not limited to, the uploading , downloading, or creation of computer viruses.

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

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

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

## Acceptable Uses

1. The District provides students with an electronic network to support education and research and for the conduct of school business. Student personal use of computers that is consistent with the District's educational mission may be permitted during class when authorized by a student's teacher or appropriate administrator. Personal use of District computers and networks outside of class is permissible, but must comply with District policy. Use is a privilege, not a right. Students have no expectation of privacy in any materials that are stored, transmitted, or received via the District's electronic network or District computers. The District reserves the right to access, monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and internet access and any and all information transmitted or received in connection with such usage, including email and instant messages.
2. **Unacceptable Uses of Network.** The following are considered examples of unacceptable uses and constitute a violation of this policy. Additional unacceptable uses can occur other than those specifically listed or enumerated herein:
  - A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale, use, or purchase any substance the possession or use of which is prohibited by the District's student discipline policy, local, State, or federal law; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate local, State, or federal law; information pertaining to the manufacture of weapons; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials;
  - B. Uses that cause harm to others or damage their property, person, or reputation, including but not limited to engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating; reading another person's communications; sharing another person's pictures, private information, or messages without their permission; or otherwise using his or her access to the network or the internet;
  - C. Uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information. Users will immediately notify the school's system administrator if they have identified a possible security problem. Users will not go looking for security problems, because this may be construed as an illegal attempt to gain access.
  - D. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying defined as using a computer, computer system, or computer network to convey a message in any format, including audio or video, text, graphics, photographic, or any combination thereof that is intended to harm another individual.
  - E. Uses that jeopardize the security of student access and of the computer network or other networks on the internet; uses that waste District resources including downloading very large files without permission from a teacher, unnecessary printing, and consuming excess file space on shared drives. If a student's files consume an excessive amount of file space, the student may be asked to delete some of their files or their files may be deleted by the District.
  - F. Uses that are commercial transactions, including commercial or private advertising. Students and other

users may not sell or buy anything over the internet. Students and others should not give personal information to others, including credit card numbers and social security numbers.

- G. The promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations, ballot issues, or proselytizing in a way that presents such opinions as the view of the District.
- H. Sending, receiving, viewing, or downloading obscene materials, materials harmful to minors, or materials that depict the sexual exploitation of minors.
- I. Disclosing identifying personal information or arranging to meet persons met on the internet or by electronic communications; sharing one's password with others or allowing them to use one's account.
- J. Downloading, installing, or copying software or other files without authorization of the Superintendent or the Superintendent's designee.
- K. Posting or sending messages anonymously or using a name other than one's own.
- L. Attempting to bypass internal or external security systems or controls using District equipment. Students and staff may only access the internet using the District network.
- M. Plagiarism of material accessed online. Teachers will instruct students in appropriate research and citation practices.
- N. Using the network while access privileges are revoked.
- O. Students are prohibited from joining chat rooms or using school equipment or school systems for any such activity, unless it is a teacher-sponsored activity.

### Internet Safety

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

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

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

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

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

1. The quality of any material or of any performance of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:
  - A. Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and
  - B. Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:
    - I. Intimate sexual acts, normal or perverted, actual or simulated; or
    - II. Masturbation, excretory functions, or lewd exhibits of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political, or scientific value for minors, according to prevailing standards in the adult community, with respect to what is suitable for minors.
2. The quality of any material or of any performance, or of any description or representation, in whatever form, which, as a whole, has the dominant effect of substantially arousing sexual desires in persons under the age of 18 years.

### Internet Filtering

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

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

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

Filtering should also be used in conjunction with:

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

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

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

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

#### Confidentiality of Student Information

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

#### Student Use of Social Media

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

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

### Internet Access Conduct Agreements

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

### Warranties/Indemnification

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

### Violations

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

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

### Internet Safety Coordinator

The Superintendent shall serve, or appoint someone to serve, as "Internet Safety Coordinator" with responsibility and authority for ensuring compliance with the requirements of federal law, State law, and this policy. The Internet Safety Coordinator shall develop and maintain administrative procedures to enforce the provisions of this policy and coordinate with the appropriate District personnel regarding the internet safety component of the District's curriculum. The Internet Safety Coordinator shall handle any complaints about the enforcement of this policy or refer them to other appropriate personnel depending on the nature of the complaint.

The Internet Safety Coordinator shall maintain documentation evidencing that instruction by school personnel on internet safety is occurring District wide.

### Public Notification

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

### 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. § 18-1514(6) Obscene Materials – Definitions  
20 U.S.C. § 9134(f) Children’s Internet Protection Act 20 U.S.C.  
§ 7131 Internet Safety

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**STUDENTS**

**3270P**

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 cancellation of those privileges. The building principal in conjunction with the system administrator will make all decisions regarding whether or not a user has violated these procedures, and may deny, revoke, or suspend access at any time. An appeal of such decisions may be made to the Superintendent within seven days. His or her decision is final.
3. Unacceptable Uses: The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are the following:
  - A. Using the network for any illegal activity, or to access websites encouraging illegal activity including violation of copyright or other contracts, or transmitting any material in violation of any U.S. or State law;
  - B. Accessing information pertaining to the 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;
  - F. Using the network for private financial or commercial activities;
  - G. Wastefully using resources, such as file space;
  - H. Hacking or gaining unauthorized access to files, resources, or entities; uploading a worm, virus, or other harmful form of programming;
  - 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 or some other user identifier that misleads message recipients into believing that someone other than you is communicating;
  - K. Posting material authored or created by another, without his or 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, bullying, or illegal material; and

- O. Using the network while access privileges are suspended or revoked;
  - P. Promotion of political, personal, or religious causes in a way that presents such opinions as the view of the District;
  - Q. Members may not use Internet games without permission of a teacher;
  - R. Disclosing identifying personal information or arranging to meet persons met on the internet or by electronic communications; and
  - S. Any other unacceptable uses as outlined in District Policy 3270.
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 staff.
  - D. Recognize that email is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
  - E. Do not use the network in any way that would disrupt its use by other users.
  - F. Consider all communications and information accessible via the network to be private property.
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, Internet Safety Coordinator, or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential and change your password frequently. Do not use another individual's account. Attempts to log on to the internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
8. Vandalism: Vandalism will result in the 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, 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 internet or on District websites or file servers, without explicit written permission.
- A. For each republication on a website or file server of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the website address of the original source.

- B. Students engaged in producing website pages must provide library media specialists with e-mail or hard copy permissions before the website pages are published. Printed evidence of the status of “public domain” documents must be provided.
- C. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the website displaying the material may not be considered a source of permission.
- D. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
- E. Student work may only be published if there is written permission from both the parent/guardian and the student.
- F. Violation of the copyright web publishing rules may result in denial of access to the network.

#### 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 in fulfilling their duties and responsibilities and as an education tool.
- B. Email could be subject to public records requests and disclosures depending upon the subject matter of the contents of the email.
- C. The District reserves the right to access and disclose the contents of any account on its system, without prior notice or permission from the account’s user. Unauthorized access by any student to an electronic mail account is strictly prohibited.
- D. Each person should use the same degree of care in drafting an electronic mail message that 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.
- E. 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.
- F. 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.
- G. 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.
2. Staff members shall supervise students while students are using District internet access at school, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are obscene, pornographic, or harmful or inappropriate for students as defined by the Children’s Internet Protection Act and as determined by the Superintendent or designee. Students must use the District’s filtered network for all online activities on school grounds or using District equipment.
4. The system administrator, Internet Safety Coordinator, and/or building principals shall monitor student Internet access.

### 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.

### Accounts

After a student leaves the District, his or her login and email account will be disabled. Accounts that are inactive for more than 30 days may be removed along with the member’s files without notice.

### Procedure History:

Promulgated on:

Revised on:

Reviewed on:

Equal Education, Nondiscrimination, and Sex Equity

Equal educational opportunities shall be available for all students without regard to race, color, national origin, ancestry, sex, gender identity, sexual orientation, ethnicity, age, language barrier, religious beliefs, physical and mental handicap or disability, economic or social conditions, or actual or potential marital or parental status or status as a homeless child. Equal educational opportunities shall be available for all students without regard to race, color, national origin, sex, religious beliefs, disability, citizenship, homelessness, or pregnancy. These characteristics are considered protected class characteristics which cannot be targeted for discrimination.

Guidelines

1. In compliance with federal regulations and the District's Title IX or Nondiscrimination Coordinator who is designated to receive inquiries, notification of this policy will be updated annually and made available on the District's web page for all students, parents, staff, community members, and unions or professional organizations with whom the District holds a collective bargaining agreement. It is the responsibility of all persons to read and become informed of the contents, requirements, and expectations of this policy. Hard copies will be made available upon request.
  - a. Notification will be provided in the Shelley Joint School District 60 *Code of Student Conduct* online handbook.
  - b. Notification will include the title and contact information for the Nondiscrimination Coordinator.
2. No student, based on protected class status, shall 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.
3. The District will not tolerate discrimination based on protected class status in the form of hostile or abusive treatment, derogatory remarks, or acts of violence against students, staff, or volunteers with disabilities because of the disability. Such behavior shall be considered to constitute discrimination in violation of State and federal law.
4. Inquiries regarding discrimination or intimidation should be directed to the District's Title IX or Nondiscrimination Coordinator.
5. An individual with a complaint alleging a violation of this policy shall follow 3295P Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing Procedure and complete and submit the 3295F Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing Complaint Form or the 4112 Uniform Grievance Policy and complete and submit the 4112F Uniform Grievance Concern Form.

Cross Reference: 3281 Gender Identity and Sexual Orientation  
3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing  
3295P Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing Procedure  
3295F Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing Complaint Form  
4112 Uniform Grievance  
4112F Uniform Grievance Concern Form

Legal Reference: I.C. § 67-5909 Acts Prohibited  
20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments  
29 U.S.C. § 794 Non Discrimination Under Federal Grants and Programs Act  
42 U.S.C. § 6103 Age Discrimination Act

42 U.S.C. § 12134 Americans with Disabilities Act

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

Gender Identity and Sexual Orientation

The Shelley Joint School Board of Trustees believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sexual orientation, gender identity, or gender expression. The Board also believes in ensuring that every student has equal access to all school programs and activities.

Guidelines

*Meeting with Parent(s)/Guardian(s)*

1. Generally, it will be the responsibility of a transgender student's parent/guardian to request a meeting with the administrator or staff to discuss appropriate accommodations to support and meet the needs of the student with respect to their gender identity, sexual orientation, or transgender status.
2. The building administrator may request a meeting with a transgender student and with the parent or guardian of the student in response to a student's change of gender or identity. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity.
3. Together, the family and administrator can identify appropriate steps, if any, to support the student.

*Official Student Records*

1. Requests to make changes to official student records required by law to include a student's legal name and/or gender will be handled on an individual basis pursuant to a meeting with the student and his/her parent(s) or guardian(s).
2. Official records may only be changed upon presentation of the following documentation;
  - a. Court order or birth certificate identifying a change of the student's legal name and/or gender.

*Restroom/Dressing Room Use*

1. Official student records will be used to determine restroom/dressing room use.
2. Physician's written statement verifying the student is taking a medically prescribed hormone treatment under a physician's care for the purposes of gender transition may be used temporarily to determine restroom/dressing room usage consistent with rules adopted by the Idaho High Schools Athletics Association.

*Student Privacy*

1. A student's transgender status or sexual orientation should not be disclosed to other individuals including other District personnel unless there is a need to know or unless the student has authorized such disclosure.
2. District staff shall implement practices to avoid inadvertent disclosure of a student's transgender status.

*Extracurricular Activities*

Participation in extracurricular activities will be under the direction of the Idaho High School Activities Association (IHSAA).



### *School Sponsored Overnight Trips*

1. In the case of overnight trips sponsored by the District, students will be assigned sleeping rooms pursuant to the sex assigned to the student in their official school records.
2. If accommodations are requested a plan will be developed by the parent(s) or guardian(s) and the trip advisor with the idea of supporting the student and making him/her comfortable.

### *Disciplinary Action*

1. Discrimination, harassment, bullying, or sexual harassment complaints shall be handled in the same manner for all students.
2. Failure of any District employee to abide by the terms and provisions of this policy may subject such individuals to disciplinary action up to and including termination and for certificated personnel, a report to the Professional Standards Commission.

### Definitions

*Gender Expression:* how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerism.

*Gender Identity:* a person's deeply felt internal sense of their own gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.

*Gender Identity and Sexual Orientation Gender Transition:* the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

*Sex Assigned at Birth:* the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

*Sexual Orientation:* an individual's physical or emotional attraction to the same and/or the opposite gender. "Gay," "lesbian," "bisexual" and "straight" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

*Transgender:* a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.

*Transgender Female:* someone who identifies as female but was assigned the sex of male at birth.

*Transgender Male:* someone who identifies as male but was assigned the sex of female at birth.

Cross Reference: 2140 Student and Family Privacy Rights  
3280 Equal Education, Nondiscrimination, and Sex Equity  
3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing  
3555 Safe and Secure Learning Environment  
3665 Student Data Privacy and Security  
4112 Uniform Grievance

Legal Reference: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments  
I.C. § 33-133(1)(j)(ii) Definitions—Student Data—Use and Limitations— Penalties

Other Reference: Idaho High School Activities Association Rules & Regulations,  
Rule 11-3 Transgender Student Participation

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

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 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 the age of 18 year 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.

The Superintendent is hereby directed to develop administrative procedures to implement this policy. 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.

Legal References: I.C. § 16-1601, *et seq.* Child Protective Act  
IDAPA 08.02.03.160 Safe Environment and Discipline

Other References: US Department of Education: Office for Civil Rights, *Questions and Answers on Title IX and Sexual Violence* (2014) (available at : <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>) (last accessed November 18, 2019).

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**STUDENTS**

**3295**

Hazing, Harassment, Intimidation, Bullying, Cyber Bullying

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

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

Discipline

Students whose behavior is found to be in violation of this policy will be subject to discipline and graduated consequences, up to and including suspension and expulsion consistent with the Board's policy on student discipline. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or Board.

If two or more persons conspire to commit an act of intimidation, harassment or bullying, each is guilty of violation of this policy even if they did not participate directly in the incident.

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

Notification

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

Procedures

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

parties.

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 Student Harassment – Intimidation – Bullying  
I.C. § 33-205 Denial of School Attendance  
I.C. § 33-512 Governance of Schools  
I.C. § 33-1630 Requirements for Harassment, Intimidation, and Bullying Information and Professional Development  
I.C. § 67-5909 Acts Prohibited  
20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments  
34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance  
IDAPA 08.02.03.160 Safe Environment and Discipline

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

Shelley Joint School District No. 60

**STUDENTS**

**3295P**

Hazing, Harassment, Intimidation, Bullying, Cyber Bullying

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

### Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control at inter-district and intra-district athletic competitions or other school events.
2. “District” includes District facilities, District property, buses, electronic technology or electronic communication equipment on District computers, networks, or forums and non-District property if the student or employee is at any District-sponsored, District-approved or District-related activity or function, such as field trips or athletic events where students are under the control of the District or where the employee is engaged in District business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health, or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any District-sponsored activity or grade level attainment, such as forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.
4. “Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, electronic, or physical nature on the basis of an actual or perceived characteristic, including but not limited to age, race, religion, color, national origin, disability, gender, gender identity and expression, sexual orientation, physical characteristic, cultural background, socioeconomic status, geographic location, familial status, or weight.
5. “Harassment, intimidation, or bullying” means any act that substantially interferes with or disrupts the educational environment or impinges on the rights of other students at school, a student’s opportunities or performance, that takes place on or immediately adjacent to school grounds, school property, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:
  - A. Harming a student or damaging a student’s property;
  - B. Knowingly placing a student in reasonable fear of harm to the student or damage to the student’s property; or
  - C. Is sufficiently severe, persistent, or pervasive so that it creates an intimidating, threatening, abusive, or hostile educational environment.

This includes, but is not limited to:

- A. Physical abuse, such as hitting, pushing, tripping, kicking, blocking, or restraining another's movement and taking another's belongings;
  - B. Verbal abuse, such as name calling, taunting, and malicious teasing; and
  - C. Psychological abuse, such as spreading harmful rumors and drawing inappropriate pictures.
6. "Cyber bullying" includes, but is not limited to the following misuses of technology: harassing, malicious teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs through the District's computer network and the internet, whether accessed on campus or off campus, during or after school hours or through any private electronic device done when the student is present at school. In the situation that cyber bullying originated from a non-school computer, but has been brought to the attention of school officials, any disciplinary actions shall be based on whether the conduct is determined to be reasonably expected to materially and substantially interfere with or disrupt educational environment of the school or impinge on the rights of other students at school and/or in violation of District policy or state law. The Administration shall, at their discretion, contact local law enforcement.
7. "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin, gender identity and expression, or sexual orientation.

#### Retaliation/False Charges

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

#### Confidentiality

It is recognized that harassment, hazing, intimidation, bullying, and cyber bullying is often very distressing for the victim and those who suffer as a result of such actions may be reluctant to make their concerns known. All reasonable steps will be taken to ensure that all inquiries and complaints are dealt with allowing for as much confidentiality as can be provided while at the same time allowing for a thorough and appropriate investigation and reporting, where appropriate.

#### Policy Distribution

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

## Complaint Procedures

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

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

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

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

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

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

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

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



The course and conduct of this proceeding shall be informal and shall be at the sole discretion of the Board. The Board shall provide a written decision to the complainant within ten working days following completion of the informal review.

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

#### Documentation and Reporting

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

#### Procedure History:

Promulgated on: July 9, 2020

Revised on:

Reviewed on:

### **Shelley Joint School District No. 60**

#### **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 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 (as amended)  
IDAPA 08.02.03.160 Safe Environment and Discipline

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**Shelley Joint School District No. 60**

**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  
3330

Drug Free School Zone  
Student Discipline

Legal Reference: I.C. § 39-5703  
08.02.03.160

Possession, Distribution, or Use by a Minor IDAPA  
Safe Environment and Discipline

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**Shelley Joint School District No. 60**

**STUDENTS**

**3320**

Substance and Alcohol Abuse

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

The District's desire is to create an environment where students feel safe from the many harmful influences that are prevalent in our society. For those students that come forward and voluntarily disclose using and/or being under the influence of alcohol and/or drugs while on school property or at a school function, prior to the District having reasonable suspicion, the District will provide counseling to any such student and make recommendations for referral to appropriate agencies for screening and assessment. The parent, legal guardian, or custodian of the student will be immediately notified and the District will cooperate with and work with the parent in the establishment of plan to assist the student in whatever means are deemed necessary and appropriate. The student's parent, guardian, or custodian will be notified of available opportunities for counseling for the student. 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 incident shall be reported to law enforcement.

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 is deemed appropriate, including but not limited to, notifying the parent or legal guardian and notifying local law enforcement, suspension, and/or expulsion. The confidentiality of the student shall be maintained to the extent feasible and required by law. 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 or 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 20 days and/or recommended for expulsion.
6. As a condition of readmission, the student and parent will agree to undergo assessment and counseling for alcohol and/or drug use. The District will provide counseling services and any other services available to the student and/or the student's parents.
7. If the student does not admit to the use of alcohol and/or drugs and the staff member(s) in charge, after talking to the student, still believes that the student used or was/is under the use or influence of alcohol and/or drugs, an investigation will be conducted, which may include a search of the student's locker, car, desk or any other school property used by the student may be subject to search. In addition, law enforcement will be called immediately as will be the parent/guardian. The student will be suspended from school pending an investigation. If the investigation shows that, more likely than not, the student used or was under the influence of drugs and/or alcohol, a recommendation for expulsion will be made to the Board of Trustees. The student will be entitled to full due process prior to being expelled from school. As a condition of readmission, the Board may require that the student undergo assessment and counseling for alcohol and/or drug use.

If a student is found to be selling or delivering a controlled substance to District property or to a District event, the District shall:

1. Contact the student's parents/guardians;
2. Report the incident to law enforcement;
3. Refer the student for expulsion or transfer to the alternative school; and

4. Report the incident in accordance with Policy 5260 Abused and Neglected Child Reporting, if applicable.

District response to suspected student drug or alcohol use, sale and delivery shall be documented.

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.

The Board shall review this policy annually. Staff may be trained on recognizing and identifying symptoms of drug and alcohol use.

Cross Reference: 3370 Searches and Seizures  
3330 Student Discipline  
3340 Corrective Actions and Punishment.  
3360 Discipline of Students with Disabilities

Legal References: 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 IDAPA  
08.02.03.160 Safe Environment and Discipline

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**Shelley Joint School District No. 60**

**STUDENTS**

**3330**

Student Discipline

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

1. Habitual truancy;
2. Incurability;
3. Academic dishonesty;
4. Conduct continuously disruptive of school discipline or of the instructional effectiveness of the District;
5. Conduct or presence of a student when the same is detrimental to the health and safety of other pupils;
6. Using, possessing, distributing, purchasing, or selling tobacco products;
7. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend school functions and are treated as though they had alcohol in their possession;
8. Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. Students who are under the influence are not permitted to attend school functions and

- are treated as though they had drugs in their possession;
9. Assembly or public expression that advocates the use of substances that are illegal to minors or otherwise prohibited within this policy;
  10. Using, possessing, controlling, or transferring a weapon in violation of the “Possession of Weapons in a School Building” section of this policy;
  11. Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon;
  12. Disobeying directives from staff members or school officials and/or rules and regulations governing student conduct;
  13. Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct;
  14. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property;
  15. Engaging in any activity that constitutes disorderly conduct, an interference with school purposes or an educational function or which is disruptive to the educational environment;
  16. Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants;
  17. Hazing – For purposes of this policy, the term “hazing” shall have the meaning set forth in Idaho Code;
  18. Initiations;
  19. The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the school;
  20. Harassment, intimidation, cyber bullying, or bullying as defined in Idaho Code and District policy.

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

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

Each building administrator may provide a way for students to report an incident and respond to any infraction.

#### Traditional Disciplinary Measures

Traditional disciplinary measures include, but are not limited to:

1. Expulsion;
2. Suspension;
3. Detention, including Saturdays;
4. Clean-up duty;
5. Loss of student privileges;

6. Loss of bus privileges;
7. Notification to juvenile authorities and/or police;
8. Temporary removal from the classroom;
9. Meeting with the student and the student's parents; and
10. Restitution for damages to school property.

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

### Alternative Disciplinary Measure

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

Alternative discipline includes, but is not limited to:

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

### Consequences for Harassment, Intimidation, and Bullying

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

student's conduct to the appropriate law enforcement officials.

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

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

#### Gun-Free Schools

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered to be or look like a firearm, shall be expelled for a definite period of time of at least one calendar year. The Board, however, may modify the expulsion period on a case-by-case basis. The building administrator shall notify the appropriate law enforcement agency of any student who brings a firearm to school.

If a student violating this policy is identified as disabled, either under the IDEA or Section 504, a determination must be made whether the student's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed.

Any student subject to an expulsion shall be entitled to a hearing before the Board, in accordance with Idaho Code and Board policy.

#### Possession of a Weapon on School Property – Misdemeanor

No person shall possess a firearm or other deadly or dangerous weapon while on school property or in those portions of any building, stadium, or other structure on school grounds which, at the time of the violation, are being used for an activity sponsored by or through a school in this State or while riding school provided transportation. This also applies to students of schools while attending or participating in any school sponsored activity, program, or event regardless of location.

As used in this section of this Policy only:

1. "Deadly or dangerous weapon" means any weapon as defined in United States Code. Such term does not include a pocket knife with a blade of less than 2½ inches in length. and
2. "Firearm" means any firearm as defined in United States Code.

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

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

This section of this policy does not apply to:



1. Law enforcement personnel;
2. Any adult over 18 years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his or her vehicle in an unobtrusive, nonthreatening manner;
3. A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students, or school employees to and from school or a school activity; or
4. A person or an employee of the school or District who is authorized to carry a firearm with the permission of the Board of Trustees.

#### Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure (other than suspension, expulsion, corporal punishment, or in-school suspension) which is appropriate and in accordance with the policies and rules on student discipline. Teachers may remove students from a classroom for disruptive behavior.

#### Nondiscrimination

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

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

#### Notification

A summarized version of this policy shall be provided in writing at the beginning of each school year to the school

personnel, parents, and students in the District. Information provided to students shall be provided in a manner appropriate to the student's age, grade, and level of academic achievement.

The Board shall review this policy annually.

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

Policy History:

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Revised on: 11/11/21

Reviewed on:

**STUDENTS**

**3340P**

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 day, the following procedure shall be used:

1. A school employee will file an infraction slip with the building principal.
2. 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.
3. A pre-suspension conference is not required and the student can be immediately suspended by the principal 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.
4. Any suspension shall be reported immediately to the student's parent/legal guardian. All suspensions will be recorded in the student management system. The superintendent may be notified by the building principal concerning student suspensions.
5. Upon request of the parent 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
6. Students who are absent as a result of an out-of-school suspension have the right to make up the work missed.
7. The suspension of a student may be extended by the Superintendent or the Board in accordance with State law. Written notice of the extension of a suspended student will be provided to the student's parent/legal guardian.
8. Any student who has been suspended may be readmitted to the school by the administrator who suspended the student upon such reasonable conditions as the administrator may prescribe.
9. A student may be suspended from school activities including, but not limited to:
  - A. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive

- behavior;
- B. Willful destruction, injury or defacing of school, student, or employee property;
  - C. Sexual harassment
  - D. Possession, control, or sale of a drug or controlled substance, an imitation controlled substance, drug paraphernalia, an alcoholic beverage, or a tobacco product;
  - E. Being under the influence of a drug or controlled substance or of an alcoholic beverage;
  - F. Possession of a weapon, whether functional or non-functional and regardless of whether it was designed for use. Weapon as defined in this section shall include;
  - G. Possession of materials that include instructions on how to produce and manufacture weapons;
  - H. Aggravated assault, arson, theft and extortion;
  - I. Commission of an act involving the use of force, or the threatened use of force which, if committed by an adult, would be a felony or class A misdemeanor. Student participation in this type of conduct shall be referred to appropriate law enforcement agency;
  - J. Setting of a fire alarm without good cause;
  - K. Making a bomb threat; or
  - L. Other behavior, or threatened behavior, which poses an immediate and significant threat to the welfare, health, safety, or morals of other students or school personnel or to the operation of the school.

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

educational record and in the official records of the Board.

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

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

Procedure History:

Promulgated on: July 9, 2020

Revised on: January 28, 2021

Revised on: November 11, 2021

Reviewed on:

**Shelley Joint School District No. 60**

**STUDENTS**

**3345**

Use of Restraint, Seclusion, and Aversive Techniques for Students

Conduct of Employees Directed Toward Students

The use by appropriately trained District personnel towards or directed at any student of any form of restraint or seclusion as defined in this policy, is prohibited except in circumstances where proportional restraint or seclusion of a student is necessary when a student's conduct creates a reasonable belief in the perspective of a District employee, that the conduct of the student has placed the student, the employee, or any other individual in imminent danger of serious bodily harm or less restrictive measures have not effectively de-escalated the risk of injury.

Physical restraint shall not be used in the following situations:

1. As a means of punishment;
2. As a response to destruction of property;
3. As a form of school discipline;
4. For refusal to comply when such refusal to comply is unrelated to physical harm to self or others; or
5. As a reaction to a verbal threat.

The employee or any employee who is a witness to this event shall immediately seek out the assistance of the school's administration or, if such administrator is not available, a certificated or classified employee with special training in seclusion and restraint, if available. Upon the arrival of such individual, the administrator or if no administrator is available, the most senior trained individual on seclusion or restraint shall take control over the situation. If at all possible a student should not be restrained or physically removed to a different location without two school district employees trained in proper restraint techniques.

Seclusion or restraint of a student shall immediately be terminated when it is decided that the student is no longer an immediate danger to him or herself or to any other third person or if it is determined that the student is exhibiting extreme distress or at such time that appropriate administrative personnel have taken custody of the child or upon such time that the parent/legal guardian of the child has retaken possession of the child.

Regardless of employee training status, no District personnel shall use any form of aversive technique against any school student. Aversive Technique shall be defined as any action that causes physical, emotional or mental distress as a method of redirecting or controlling behavior.

If a situation occurs where a properly trained District employee must use acts of restraint or seclusion against a school student, the following shall occur:

1. The employee shall immediately report to their building principal, in writing, the following information:
  - A. The date the event occurred;
  - B. The circumstances leading to the event;
  - C. The student involved; and
  - D. Other witnesses or participants to the event.
2. Staff involved with the incident may attend a debriefing to examine steps taken during the incident. They will evaluate actions, determine if they were appropriate, and evaluate the situation to identify triggers that could

be avoided to prevent future incidents.

3. The building principal shall arrange a meeting with the parent of the student to develop a crisis/behavior plan. The plan will focus on steps to prevent the student from reaching a crisis point and steps to be taken if the student enters a crisis point again.
4. The building principal shall notify the Superintendent's designee of the event, providing the Superintendent's office with a copy of the report of events and inform the superintendent of the crisis/behavior plan in place for the student.
5. The building principal shall ascertain if any of the school's video equipment captured the event on a recording. If such event was captured on recording, the principal shall take all best efforts to maintain a copy of the recording and provide such to the Superintendent's Office for the Superintendent's official records of the event.
6. The Superintendent or designee shall ascertain the special needs status of the student involved in the seclusion or restraint and shall ascertain and maintain documentation as to whether or not such events were consistent with or contraindicated due to the student's psychiatric, medical, or physical condition(s).
7. The Superintendent or designee of the Superintendent shall notify the parent or legal guardian of the subject student of the situation and the event of restraint or seclusion via telephone and provide the parent/legal guardian with the name and telephone contact information of the building principal where the parent may obtain additional information regarding the event.
8. The Superintendent or designee of the Superintendent shall provide the parent/legal guardian of the student with written notice of the event of restraint or seclusion of their student.
9. The Superintendent's office shall maintain documentation as to events of restraint and seclusion and shall prepare any and all necessary reports to legal entities upon whom such reports are or may become due pursuant to State and federal regulations.
10. If the crisis/behavior plan does not help to resolve the behavior that results in the student continuing to place themselves and others at risk and requires the need for restraint a team may refer the student to the Transitions program and seek a change in placement for that student.

#### Training of School Personnel

The District will provide training to one or more employees in each building regarding the procedures below"

1. Training to personnel as to proper situations and events leading to student seclusion and intervention, including possible preventative alternatives to seclusion and restraint, safe physical escort, de-escalation of

student crisis situations, and positive behavioral intervention techniques and supports;

2. Training of personnel in crisis/conflict management and emergency situations which may occur in the school setting, including examples and demonstrations of proper activities and techniques and trainers observing employee use of proper activities and techniques in the training setting;
3. Techniques to utilize to limit the possibility of injury to the student, the employee and any other third party in the area;
4. Information as to the school's student seclusion areas in each respective school building to which the employee is assigned;
5. Training in CPR and basic first aid; and
6. Provision of the employee with a copy of this policy.

It is a goal that all new employees are trained in the area of student restraint and seclusion during their first week of employment. However, this may not be possible due to realities of the operation of a school district. If an employee has not yet undergone training and a situation necessitating student restraint or seclusion occurs, and another properly trained employee of the District is present at the event, the properly trained employee shall take the lead in addressing the student crisis.

#### Designated Locations

In the event that removal and seclusion is necessary the student will be removed to a room that meets the following criteria:

1. The size of the room must allow the student to lie or sit down.
2. Have adequate ventilation, including climate control.
3. Have adequate lighting.
4. Be free of predictable safety hazards (outlets, equipment, breakable glass, etc.).
5. Permit continuous visual and auditory monitoring of the student.
6. Permit automatic release of any locking device in case of school emergency.

It is the responsibility of the building's principal, or designee of the principal, to assure that the building's designated seclusion location is a safe and clean location and that such location has appropriate supervision when any student has been placed into seclusion pursuant to this policy.

Appropriate supervision shall include an adult in the seclusion location which has continuous visual observation of the secluded student.

#### Definitions

For the purposes of this policy, the following definitions shall apply:



**Restraint:** The immobilization or reduction of a student’s freedom of movement for the purpose of preventing harm to students or others through chemical, manual method, physical, or mechanical device, material, or equipment.

**Seclusion:** Involuntary confinement in a room or other space during which a student is prevented from leaving or reasonably believes that the he or she can leave or be prevented from leaving through manually, mechanically, or electronically locked doors that, when closed, cannot be opened from the inside; blocking or other physical interference by staff; or coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion.

Annual Review

On an annual basis, the Superintendent or designee shall review this policy and make a determination as to whether or not any modifications or amendments to this policy are necessary and should be proposed to the District’s Board.

In conducting this annual review, such individual shall also review the reports of all events of seclusion or restraint that occurred with the District’s students in the past school year. This review will include an analysis as to whether or not the District’s personnel are following the terms of this policy, whether additional training activities are necessary, or if there is any weakness in the implementation of this policy that can be strengthened.

Cross Reference: 3360

Discipline of Students with Disabilities

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**Shelley Joint School District No. 60**  
**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

Shelley School District will use 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 2016. 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: July 9, 2020

Revised on:

Reviewed on:

Shelley Joint School District No. 60

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 students, without notice or consent of the student. This applies to student vehicles parked on school property. Building principals may require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle and personal effects therein, when reasonable suspicion of wrongdoing exists.

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

### Students

School authorities may search the student and/or the student's personal effects in the student's possession when there is reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

## Seizure of Property

If a search produces evidence that the student has violated or is violating 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: July 9, 2020

Revised on:

Reviewed on:

## **Shelley Joint School District No. 60**

### **STUDENTS**

**3370P**

### Searches and Seizure

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

1. The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.
2. If the authorized administrator has reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.
3. The authorized administrator may perform random searches of any locker, car, or container of any kind on school premises without notice or consent.
4. If the authorized administrator has any reasonable suspicion to believe that any student has any item or substance in his or 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 adult witness, and a written record of the time, date, and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.

7. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.
8. In any situation where the administrator is in doubt as to the propriety of proceeding with any search or seizure, the administrator is authorized to report to and comply with the directions of any public law enforcement agency.

Procedure History:

Promulgated on:

Revised on:

Reviewed on:

**Shelley Joint School District No. 60**

**STUDENTS**

**3380**

Extracurricular and Co-Curricular Participation Policy

Extracurricular activities for terms of this document will specifically include but not be limited to:

1. Cheerleading, Reds dance team, student body and class officers, drama, music, clubs, honor society, FFA, BPA, FCCLA, natural helpers, scholastic bowl and athletic teams.

*Philosophy of Shelley Extracurricular Activities*

Extracurricular activities shall be integral parts of the total school educational program. Curriculum of each will develop learning outcomes in the areas of knowledge, skills, and emotional patterns and will contribute to the development of better citizens. Emphasis will be upon teaching through athletics and activities in addition to teaching the skills associated with each.

Participation in an extracurricular activity is a privilege. By being a group or team member, the participant assumes the responsibility of projecting an image which is positive, and reflects on the total student body. Their actions, general health habits, behaviors and sense of responsibility should be representative of the role of student leadership being undertaken.

Specific rules and regulations for participation is governed by:

1. The Idaho High School Activities Association
2. Shelley High School Student Handbook
3. The [Extracurricular Contract](#)

Legal Reference: I.C. § 33-512(12) Governance of Schools

Policy History:

Adopted on: July 9, 2020

Revised on:

Reviewed on:

**Shelley Joint School District No. 60**

**STUDENTS**

**3500**

Student Health/Physical Screenings/Examinations

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

1. The development of procedures at each building for the isolation and temporary care of students who become ill during the school day;
2. The consulting services of a qualified specialist for staff, students, and parents;
3. Vision and hearing screening;
4. Scoliosis screening; and
5. Immunization as provided by the Department of Health and Human Services.

Parents/guardians will receive a written notice of any screening result which indicates a condition that might interfere or tend to interfere with a student's progress.

In general, the District will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening administered by the District is conducted which is:

1. Required as a condition of attendance;
2. Administered by the school and scheduled by the school in advance; and
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above-described non-emergency, invasive physical examination or screening.

As used in this policy, the term “invasive physical examination” means any medical examination involving the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but this does not include a hearing, vision, or scoliosis screening.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Idaho High School Activities Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

All parents will be notified of the requirements of the District’s policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy.

#### Abortion-Related Counseling and Referrals Prohibited

All staff are prohibited from providing the following services to any person during working hours or in the course of their work:

1. Providing or performing an abortion;
2. Counseling in favor of abortion;
3. Referring for abortion; or
4. Dispensing emergency contraception, except in the case of rape.

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

#### Policy History:

Adopted on: July 9, 2020

Revised on: 11/11/21

Reviewed on:

## **Shelley Joint School District No. 60**

**STUDENTS**

**3505**

### Concussion Protocol

Many students within the Shelley Joint School District No. 60 participate in extracurricular 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 an 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 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 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 healthcare 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: July 9, 2020

Revised on:

Reviewed on:

**Shelley Joint School District No. 60**

**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

## Shelley Joint School District No. 60

**STUDENTS**

**3510**

### Student Medicines

Before any medication may be taken by a student at school, the student's parents/guardian must complete a [Medication Log Form](#) and provide it to the building principal or his or her designee.

### 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 (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 delegate may administer emergency oral and/or injectable medication to any student in need thereof on the school grounds, in the school building, or at a school function, according to the standing order of the chief medical advisor or the student's private physician.

In the absence of a school nurse, the administrator or designated staff member exempt from the nurse licensure requirements 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 nurse must develop a medication administration plan for the student before any medication is given by school personnel;
3. Record on the Student’s Individual Medication Record the date the medication is delivered and the amount of medication received;
4. Store medication requiring refrigeration at 36F - 46F; and
5. Store prescribed medicinal preparations in a securely locked storage compartment excluding those medications approved for self-administration. Controlled substances will be contained in a separate compartment, secured, and locked at all times. 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 in the presence of a witness

Legal Reference: I.C. § 33-520	Policy Governing Medical Inhalers, Epinephrine Auto-Injectors, Insulin and Blood Glucose Monitoring Supplies
I.C. § 54-1401	Purpose- License Required-Representation to the Public

#### Policy History:

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Reviewed on:

**Shelley Joint School District No. 60**

**STUDENTS**

**3520**

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 a responsible person and may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

The District reserves the right to require a statement from the student's primary care provider authorizing the student's return to school. In all proceedings related to this policy, the District shall respect the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious communicable disease, the staff member or volunteer shall promptly notify the school nurse or other responsible person designated by the Board to determine appropriate measures to protect student and staff health and safety. The school nurse or other responsible person designated by the Board, after consultation with and on the advice of public health officials, shall determine which additional staff members, if any, have need to know of the affected student's condition.

Only those persons with direct responsibility for the care of the student or for determining appropriate educational accommodation will be informed of the specific nature of the condition, if it is determined there is a need for such individuals to know this information.

Parents of other children attending the school may be notified that their child has been exposed to a communicable disease without identifying the particular student who has the disease.

### Pediculosis (Head Lice)

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

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

To avoid embarrassment and to contain the infestation, whole classrooms will be checked for head lice upon the report of possible infestation by a classroom teacher. The principal, his or her designee, school nurse, 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. The student will be held in the front office or the nurse's office until the parent/guardian arrives in order to avoid further infestation.

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

The student may return to school after being successfully treated so that no live lice or eggs are detected by the school nurse or a designated school official. If the presence of nits or lice at the time of recheck, 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.

All other children in the classroom where lice have been reported will be checked and given a letter to take home explaining the situation and the need for parents to inspect their children carefully. Any child who is suspected of having lice will be treated with the utmost discretion.

Legal Reference: I.C. § 33-512      Governance of Schools

Policy History:

Adopted on: July 9, 2020

Revised on: April 15, 2021



**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 healthcare professional including an osteopath, nurse practitioner, physician's assistant, licensed professional nurse, registered nurse, and pharmacist stating the type, number, and dates of the immunizations received.

### Intended Immunization Schedule

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

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

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

### Exemptions

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

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

## Communication of Immunization Requirements and Exemptions

In accordance with Idaho law, all communication to parents/guardians regarding immunization requirements shall also describe the exemptions and make reference to 39-4802, Idaho Code. For purposes of this section, 'communication' includes letters, phone calls, registration packets, etc.

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: July 9, 2020

Revised on: 11/11/21

Reviewed on:

## **Shelley Joint School District No. 60**

### **STUDENTS**

**3530**

### Suicide

Neither a school district nor a teacher has a duty to warn of the suicidal tendencies of a student absent the teacher's or school district's knowledge of direct evidence of such suicidal tendencies.

"Direct evidence" means evidence which directly proves a fact without inference and which in itself, if true, conclusively establishes that fact. Direct evidence would include unequivocal and unambiguous oral or written statements by a student which would not cause a reasonable teacher to speculate regarding the existence of the fact in question. It would not include equivocal or ambiguous oral or written statements by a student which would cause a reasonable teacher to speculate regarding the existence of the fact in question.

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

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

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

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

1. Prevention:

- A. Offering and providing help and assistance, including early identification;
- B. Support and/or counseling by school support personnel for low-risk students;
- C. Referral to appropriate sources outside the school for high and moderate-risk students;
- D. The designation of District-level or school level suicide prevention coordinator(s) by the Superintendent to be responsible for planning and coordinating the implementation of procedures addressing suicide.
- E. Encouraging staff to report to the coordinator students they believe may be at elevated risk of suicide.
- F. Education of students on suicide prevention through age-appropriate curriculum.
- G. Small group suicide prevention programming.
- H. Offering resources to parents/guardians on suicide prevention.

2. Intervention:

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

3. Postvention:

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

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

The District shall comply with all requirements of State law and administrative rules for training by personnel on suicide prevention and awareness.

Legal Reference:	I.C. § 33-136	Suicide Prevention in Schools
	I.C. § 33-512B	Suicidal Tendencies – Duty to Warn.
	I.D.A.P.A. 08.02.02.112	Suicide Prevention in Schools
	IDAPA 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on: July 9, 2020

Revised on: May 19, 2022

Reviewed on:

**Shelley Joint School District No. 60**

**STUDENTS**

**3575**

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 within a specified period of time. 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.

Legal Reference: 20 U.S.C. § 1232g 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:

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Revised on:

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