

# MIDVALE SCHOOL DISTRICT #433 - Policy Manual

## SECTION 500 - Students

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## **511.1 — ATTENDANCE POLICY**

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

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

No credit will be granted to students missing more than ten (10) days per semester.

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 education experience. These exemptions will apply to students participating in sports events, cheerleading, music related events, FFA & FCCLA trips, academic field trips, and others deemed co-curricular;
2. Juniors and seniors will be permitted to have two (2) college visitation days per year, provided that the visits are pre-approved by the school administration, and they must bring proof of the visit in order to have the days not be counted as absent.
3. Bereavement in the immediate family (grandmother, grandfather, father, mother, sister, brother). Any extended bereavement may be reviewed by the Board;
4. Subpoenas to appear in court or court-ordered, out-of-district placements for special services, and
5. Illness, hospitalization, medical or dental appointments verified with a doctor's statement/note.

Absences which WILL BE counted in the ten (10) day limit will include such areas as: family

*trips*; work days; vacations; visiting friends or relatives; suspension in and out of school; watching tournament when not an actual participant, hair or photography appointments; branding; skiing; hunting; court appearances that are not subpoenaed; attending concerts; shopping; or any others not mentioned which are unacceptable to the Board.

### Attendance Appeal Process

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

In a formal review setting at the end of each semester, the Board will review written documentation presented during the appeal hearing, as well as testimony provided by the parents/guardian and the student. The Board of Trustees will consider the following:

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

The Board decision to grand credit(s) or continue with the dismissal of the credits is final.

### TARDIES

Students are expected to be in class or homeroom at the beginning of each period. A student late to a class must have a signed note from a teacher or the office or will be counted tardy. Tardies will be recorded by the classroom teacher. Tardies will also be treated accumulatively for all classes on a quarter marking period basis. Three tardies in a class will be considered as a one day absence.

### TRUANCY

Students who are absent without the knowledge and consent of the parent and/or principal shall be classified as truant. This classification shall also apply to any student who fails to report to an assigned class within the school day. The school is to be notified by the parent/guardian as soon as possible of any student absence. Students failing to check out in the office will be considered truant.

- A student will receive a zero for each class or day missed.
- The student may be suspended from school or may receive in-house suspension.
- The School Administration will report the student to proper authorities as required by law.

**Last Updated: 22 July 2019**

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**512.1 — ENROLLMENT OPTION POLICY**

The Midvale School District #433 has elected to participate in an enrollment option plan which will allow, under circumstances in this policy and Idaho Law, students who are not residents of the District #433 to enroll in the school of District #433.

TRANSPORTATION RESPONSIBILITY: If a student is accepted for enrollment in the Midvale Schools under this policy, it shall be the responsibility of the parent or guardian to arrange transportation for the student to and from an appropriate bus stop within the Midvale School District. Specific arrangements shall be made with the Midvale School District administration office.

TUITION: Tuition shall be waived for any pupils enrolled in the Midvale School District under this policy.

ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES: 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), should 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.

NO HINDRANCES TO APPLICATION: The school district in which the student resides may not take any action to hinder or prevent any student from applying for admission to attend the Midvale School District under this policy.

STUDENTS CURRENTLY UNDER SUSPENSION OR EXPULSION OR IN JEOPARDY OF SAME: Students currently under, or in jeopardy of, suspension or expulsion in the school district in which they reside may be ineligible for application to attend the Midvale School District under this policy.

GUIDELINES FOR ACCEPTANCE OR REJECTION OF APPLICATIONS: Students who are not residents of the Midvale School District under this policy may be denied admission for any of the following reasons:

1. By reason of potential “overcrowding” in any or all schools:
  - a. In grades Pre-K-12, “overcrowding” shall mean the potential for exceeding accreditation or state-mandated classroom size limits, and no special education program larger than 16 with a teacher and an aide, such overcrowding shall be deemed a hardship;
2. Students who have prior suspensions or expulsions from school(s).
3. 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 set by the instructor and/or the Superintendent.

### 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 Superintendent 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 Board of Trustees.

**Last Updated: 19 Aug 2013**

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## **512.2 -- DISTRICT DUAL ENROLLED STUDENTS POLICY**

The Midvale Board of Trustees, after review of communications of explanation from the State Department of Education and the Deputy Attorney General has promulgated the following policies to attempt to comply with and to assist in the administration and implementation of the provisions of Idaho Code, 33-203, (Dual Enrollment Statutes), consistent with other state statutes, this School Board's policies and State Board of Education Rules and Regulations.

### **DEFINITIONS:**

*"Dual Enrollment"* - A nonpublic student who is legitimately enrolled in a private, parochial, or home school or at a post-secondary institution and has not graduated from high school who is also dual enrolled in this District's schools by meeting the criteria outlined herein.

*"Nonpublic Student"* - Any student who receives educational instruction outside a public school classroom and such instruction can include, but is not limited to, a private school or a home school.

*"Primary Education Provider"* - That person or entity providing the majority of the nonpublic student's educational instruction outside the public school's Programs or Activities.

*"Program and Activity"* - The terms "program" and "activity" as used in I.C. 33-203 shall include any regularly scheduled course of study or any regularly scheduled interscholastic activity recognized or sanctioned by the Idaho High School Activities Association.

### **ENROLLMENT:**

Any nonpublic student wishing to enroll in a school in this District must provide acceptable evidence of date and place of birth, evidence of immunizations required by the State of Idaho (or

suitable waiver) and must comply with the registration procedures required by the District which includes providing complete records of the student's academic history.

### **REGISTRATION AND PROCEDURES:**

Before entering a program or activity, a nonpublic student must complete registration and gain admission in this District. Registration shall include, in addition to routine procedures, the providing of all student records and testing information (where necessary) to qualify for admission as a nonpublic student and to identify appropriate placement for the student. 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.

### **TRANSPORTATION:**

A 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 nonpublic student. If a nonpublic 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.

### **INTERIM PERIODS:**

If a nonpublic student is dual enrolled in classes or activities which are not contiguous in time, the student shall not be on the school premises other than when the program or activity for which the student is enrolled is taking place. The District shall not be responsible for the care or supervision of the student in any form for periods before, in between, or after the programs or activities for which the student is properly enrolled. Any transportation needs for such students not provided for otherwise under this policy during the school day shall be the sole responsibility of the student and his/her parents or guardian.

### **EXTRA-CURRICULAR NONACADEMIC ACTIVITIES:**

Any nonpublic student involved in an extra-curricular activity shall be subject to all the same eligibility standards as a regular full-time student.

The parents or guardians of a nonpublic 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 and Regulations. Test results from the Iowa Test of Basic Skills (I.T.B.S.) or the Test of Academic Proficiency (T.A.P.) must be provided to the school principal as a condition of

enrollment. The student must achieve a minimum composite score of the fifth stanine or higher to be eligible for dual enrollment each year admission is requested in nonacademic programs.

Test results from a given year shall be used to determine academic eligibility for the following year and are valid for a period of twelve (12) months from the date the test results are released.

As an alternative to providing test results, until Jan. 31, 1996, a nonpublic student who has not taken the Iowa Test of Basic Skills, may provide an affidavit to the principal. The affidavit shall be signed by the student's Primary Education Provider indicating that the provider believes the student would have received a test score that would meet the standard required by law if said test had been administered.

### **SCHOOL RULES, REGULATIONS AND POLICIES:**

A nonpublic student shall be subject to all the same policies, regulations and school rules as any regularly enrolled student during the times that the nonpublic student is present at school. Such policies, regulations and rules will include, but not be limited to, those relating to attendance, grades, prerequisites, classroom conduct and discipline.

### **PREREQUISITES:**

A nonpublic student must meet all prerequisites for enrollment for a program or activity which is required of public school students. However, the District may prepare and administer tests (testing for equivalency of the prerequisites). The successful completion of which may be substituted as a prerequisite in lieu of attending other courses.

### **MIXED CURRICULUM:**

If a nonpublic student wishes to attend activities or programs in a particular discipline, in a class or grade where the curriculum is merged or integrated, such request shall be made in writing particularizing the subject matter presentment which the student desires to attend (i.e. art instruction in a third grade class). The teacher and principal shall, upon request, provide scheduling information to the nonpublic student. It shall be the nonpublic 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 need be made because of a nonpublic student's request for attendance. It is also the intent of this policy to insure that the teacher's right to integrate disciplines and be flexible in planning and modifying the daily classroom presentations shall not be hindered or restricted in any way.

### **GRADUATION:**

A nonpublic student must meet all grade and other graduation requirements of this District in order to graduate and obtain a diploma.

### **IDEA/ADA/SECTION 504 STUDENTS:**

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

**Last Updated: 19 Aug 2002**

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### **513.1 – TRANSFER STUDENTS**

Students, grade 1 through 12, transferring to Midvale School District #433, from non-state approved schools, public, private, parochial, or home school, shall be required to demonstrate proficiency in the subjects required by the state or district for placement at the proper grade level. This demonstration may take the form, at the discretion of the principal, superintendent and/or the Board of Trustees, of standardized tests, locally prepared tests, or oral tests conducted by a teacher(s) of the district.

Credits of transfer students from non-state accredited high schools will not be accepted until proficiency in subjects claimed have been demonstrated.

Credits and records of transfer students, grade 1 through 12, from state-approved or accredited schools will be accepted upon receipt of official transcript.

**Last Updated: 20 July 1998**

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### **514.1 - Foreign Exchange Students**

#### Philosophy

The District believes that foreign exchange students add to the richness of the high school setting for both District and foreign students. Thus, the District is willing to enroll a manageable number of foreign exchange students each year.

To protect the interests of the District and students, the District has adopted the following policies. It should be realized that foreign exchange students are educated at the expense of the taxpayers of the District and the State of Idaho.

1. The foreign exchange student must be eighteen (18) years of age or younger at the time of enrollment.
2. The foreign exchange student must reside with a legal resident of the District. Exceptions to this rule may be granted on a case-by-case basis.

3. The foreign exchange student must have sufficient knowledge of the English language to enable effective communication and to use instructional materials and textbooks printed in English.
  - A. An English proficiency test of the District's own choosing may be administered and will supersede all other tests;
  - B. If an organization places a student who, upon arrival, is deemed by the District to be deficient in England language proficiency, the organization will do one of the following:
    1. Terminate the student's placement;
    2. Provide, and pay for, tutorial help until the student reaches proficiency, as determined by the District.

#### Academic Standards and Graduation

1. The foreign exchange student will be expected to meet all appropriate standards required of any student enrolled in the District.
2. Foreign exchange students may graduate and receive a diploma from Midvale High School provided they meet all graduation requirements required of any student enrolled in the District.

#### Orientation by the Exchange Organization

1. Orientation, both pre-departure and upon arrival in the United States, must be provided to the exchange student.
2. Orientation must also be provided to the host family in advance of the exchange student's arrival. The family should be advised of potential problems in hosting an exchange student and provided with suggestions for coping with these problems.
3. The student's host family and the District must be provided written information which includes at least:
  - A. Name, address, and telephone number of both local and area coordinators for the exchange organization;
  - B. A twenty-four (24) hour emergency telephone number for immediate assistance by the exchange organization.

#### Supervision

1. The sponsoring foreign exchange organization must assume the final responsibility of resolving problems, including, if necessary, the changing of host families or the early return home of the exchange student because of personal, family, or school difficulties.
2. The sponsoring foreign student exchange organization must contact the exchange student and host family periodically throughout the exchange visit to ensure that problems are dealt with promptly and effectively.
3. The host family must be available and will to meet with school personnel when functions or conditions require it.

## District Expectations - Student Opportunities/Responsibilities

1. Required Courses. Foreign exchange students will be expected to enroll in the following academic classes while attending Midvale High School:
  - A. One (1) English class;
  - B. One (1) United States history class or one (1) Government class;
  - C. Maintain enrollment in at least six (6) classes.
2. Athletic Program. Foreign exchange students are eligible to participate in the Midvale High School Activities Program. Guidelines for participation are set by District policy and by the Idaho High School Activities Association (IHSAA), as follows:
  - A. RECOGNITION. The student must be a participant of an “official Foreign Exchange Program” as defined in the publication from the National Association of Secondary School Principals, entitled, “Advisory List of International Educational Travel and Exchange Programs”.
  - B. GRADUATION. The student cannot have graduated or received a diploma in his/her own country.
3. Student Fees. Foreign exchange students are expected to pay all yearbook fees, lab fees, prom tickets, yearbook costs, athletic fees, cap and gown fees, lunch and breakfast prices, and all other school incurred expenses that are expected of other students enrolled in Midvale High School.
4. Achievement and Discipline. Foreign exchange students must maintain passing grades in all classes, follow rules and regulations of District student policies, and show satisfactory discipline and attendance. Failure to comply with these expectations shall result in dismissal of the student from the District’s Foreign Exchange Program.
5. Scholarship(s). The District will not include names of foreign exchange students in its formal class-rank listing based on cumulative grade point average, nor will foreign exchange students be eligible to apply for any local scholarships.
6. Valedictorian/Salutatorian Honors: Exchange students will not be eligible to receive valedictory or salutatory honors.

## Placement Quotas for Foreign Exchange Organizations

1. Midvale High School will accept a maximum of four (4) individually sponsored exchange students on a first come, first served basis. Any requests for placement of more than four (4) exchange students will be considered on a case-by-case basis.
2. The fact that a foreign exchange organization has located a host family within the District does not infer the District will automatically enroll the student. While the organization may develop such an agreement with a host family, the family should be advised it is contingent upon admission to Midvale High School

**Last Updated: 19 Dec 2011**

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School student records are confidential and information from them shall not be released other than as provided by law. State and federal laws grant students and parents certain rights, including the right to inspect, copy, and challenge school records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The District may release directory information as permitted by law, but parents shall have the right to object to the release of information regarding their child.

The Superintendent shall implement this policy and State and federal law with administrative procedures. The Superintendent or designee shall inform staff members of this policy and shall inform students and their parents of it, as well as their rights regarding student school records.

#### Notification to Parents and Students of Rights Concerning a Student's School Records

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

- ◆ basic identifying information
- ◆ academic transcripts
- ◆ attendance record
- ◆ immunization records
- ◆ intelligence and aptitude scores
- ◆ psychological reports
- ◆ achievement test results
- ◆ participation in extracurricular activities
- ◆ honors and awards
- ◆ teacher anecdotal records
- ◆ special education files
- ◆ verified reports or information from non-educational persons
- ◆ verified information of clear relevance to the student's education
- ◆ information pertaining to release of this record
- ◆ disciplinary information

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

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

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

Students less than eighteen (18) years of age have the right to inspect and copy their permanent record. Parents/guardians or students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to

inspect. The principal will make arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the time and place where the records may be inspected.

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

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

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

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

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

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

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

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy,

and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

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

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

Directory information is information in a student record which is not generally considered harmful or an invasion of privacy if released. Directory information can be released to the public through appropriate procedures. Throughout the school year, the District may release directory information regarding students, limited to:

- ◆ name
- ◆ address
- ◆ gender
- ◆ grade level
- ◆ birth date and place
- ◆ parents'/guardians' names and addresses
- ◆ academic awards, degrees, and honors
- ◆ information in relation to school-sponsored activities, organizations, and athletics, which may include grade level, height, position, etc.
- ◆ major field of study
- ◆ period of attendance in school
- ◆ photographs
- ◆ email address

Directory information may be released without prior consent after the district gives annual notice to parents of students or guardians or students 18 years of age or older or emancipated students. The notice shall identify the types of information considered to be directory information and the district's option to release such information and the requirement that the district must, by law, release secondary students' names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents or guardians or eligible students request the district withhold this information. Such notice will be given prior to release of directory information.

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be

submitted in writing to the principal by the parent or guardian, student over 18 or emancipated student within 15 days of annual public notice.

Directory information shall be released only with administrative direction.

Directory information considered by the district to be detrimental will not be released.

Information will not be given over the telephone except in health or safety emergencies.

At no point will a student's Social Security Number or student identification number be considered directory information.

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

The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington DC 20202-4605

**Last Updated: 16 Feb 2010**

### **516.1 - 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:
  1. Have experienced a long term period without living independently in permanent housing;
  2. Have experienced persistent instability as measured by frequent moves over such period, and
  3. 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 or 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 student’s “school or 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:
  1. In any case in which a family becomes homeless between academic years or during an academic year; and
  2. For the remainder of the academic year, if the student becomes permanently housed during an academic year; or
3. That the homeless student is eligible to enroll in the same schools as non-homeless students who live in the same attendance area where the homeless student is actually living.

### Placement Choice

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

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

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

### School Stability

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

1. Presume that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent/guardian, or (in the case of an unaccompanied youth) the student;

2. Consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the student's parent/guardian or (in the case of an unaccompanied youth) the student;
3. If, after conducting the best interest determination based on consideration of the above presumptions, the Superintendent determines that it is not in student's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied student) the student, provide the student's parent/guardian or the unaccompanied student with a written explanation of the reasons for his or her determination, which will be provided in a manner and form understandable to such parent/guardian, or unaccompanied student, including information regarding the right to appeal under "Enrollment Disputes", below; and

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:**

1. 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;
2. Has missed application or enrollment deadlines during any period of homelessness; or
3. Has outstanding fees or fines, including fees associated with extracurricular activities.

**4. Relevant Academic Records: The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.**

**5. 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:

- A. So that the records involved are available, in a timely fashion, when the student enters a new school or school district; and
- B. 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:
  1. Are enrolled in school;
  2. Have opportunities to meet the same challenging state academic standards as the State establishes for other students; and
  3. 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.

Updated 26 Nov 2018

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## **517.1            STUDENT DIRECTORY INFORMATION**

### **DIRECTORY INFORMATION**

Directory information is information in a student record which is not generally considered harmful or an invasion of privacy if released. Directory information can be released to the public through appropriate procedures. The following categories of information about students are designated as directory information in this district:

- Student's Name
- Address
- Telephone listing
- Photograph
- Major Field of Study
- Dates of Attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to educational records except when used in conjunction with one or more factors that authenticate the user's

identity, such as a PIN, password, or other factor known or possessed only by the authorized user

Directory information may be released without prior consent after the district gives annual notice to parents of students or guardians or students 18 years of age or older or emancipated students. The notice shall identify the types of information considered to be directory information and the district's option to release such information and the requirement that the district must, by law, release secondary students' names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents or guardians or eligible students request the district withhold this information. Such notice will be given prior to release of directory information.

Exclusions from any or all directory categories named as directory information to military recruiters and/or institutions of higher education must be submitted in writing to the principal by the parent or guardian, student over 18 or emancipated student within 15 days of annual public notice.

Directory information shall be released only with administrative direction.

Directory information considered by the district to be detrimental will not be released.

Information will not be given over the telephone except in health and safety emergencies.

At no point will a student's Social Security Number be considered directory information.

**Adopted: 22 July 2019**

Legal Reference: Every Student Succeeds Act Section [20 U.S.C. 7908]

## **521.1 – PHILOSOPHY FOR THE MAINTENANCE OF ORDERLY CONDUCT**

### ***General***

The Idaho Constitution and Idaho law guarantees every person, between the ages of 5 and 21, the right to the educational opportunities of the local school district. Every student exercising this right is expected to accept the responsibilities that accompany school attendance.

To be effective a school must have a high standard of discipline: a standard designed to insure that students can pursue their education with minimum interference or disruption.

### ***Goals***

Discipline goals of the Midvale School System are twofold:

1. To establish an atmosphere where learning can take place with minimum interference.
2. To establish an atmosphere where students can develop self-discipline.

**Last Updated: 20 Jul 1998**

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**521-2 – STUDENT DISCIPLINE AND PUNISHMENT**

***General:***

Each teacher has the authority to establish and enforce reasonable rules and regulations to insure classroom control, as long as the rules and regulations are consistent with Idaho statutes, board policy or administration regulations.

Each teacher shall inform students in their classes of what constitutes unacceptable behavior, and what the consequences will be for such unacceptable behavior. Discipline shall be firm, fair and consistent. And it shall be administered with discretion.

All teachers are expected to know district discipline policies, rules and regulations and to enforce them at all times while students are under the jurisdiction of the school.

***Policy:***

Students in the Midvale School system are expected to abide by accepted standards of good conduct and discipline, based on their grade level and age. This responsibility applies while on school grounds and while participating in any school function or activity.

***Policy Exception:***

Nothing in this policy prohibits a teacher from taking an immediate, reasonable, temporary disciplinary action against a student when it is deemed necessary to protect persons or property or to establish a disruption free atmosphere. Such action shall be reported to the superintendent as soon as it is possible to do so.

***Preventive Measures:***

The superintendent will initiate measures to avoid discipline problems.

***Responsibility:***

Students: Student's responsibilities are:

1. To attend school, arrive on time to class with necessary materials.
2. To respect the learning environment.
3. To respect other people and their property.
4. To demonstrate acceptable behavior patterns.

Superintendent:

The superintendent shall implement and supervise the district's discipline procedures. In fulfilling this responsibility, the superintendent may develop necessary regulations and/or procedures, and has the responsibility of informing all students and staff of new regulations before they become effective.

In addition, the superintendent or his designated representative will handle all discipline referrals by taking action under existing procedure, referral to the Board, or referral to the appropriate legal authority.

***Discipline Procedure:***

Any violation of the above will result in the following consequences. *The behavioral categories are listed as minor or major. The possible consequences for inappropriate student behaviors include warning, after school detention, in school suspension, out of school suspension. Demerits shall be given for each infraction and if a student accumulates 60 demerits in any one semester, the student shall be presented to the school board for evaluation and possible expulsion. If a student is expelled, the student shall receive a mark of "F" in all classes for the quarter in which the expulsion occurred.* A student who is re-admitted to school after being expelled may be admitted under the specific provisions of a behavioral or alternative placement contract as drafted by the school administration. Consequences will start over at the beginning of each semester.

The following details the amount of demerits given for each consequence:

<u>Consequence</u>	<u>Number of Demerits</u>
Warning	0
Tardies	1 per tardy
Detention	5
In school suspension	10 per day
Out of school suspension	15 per day

A student who fails to attend an assigned detention will be given a one day in school suspension.

Parents will be notified whenever their child is sent to the office and consequences greater than a warning are issued to the student. Parents will be notified of the number of tardies through progress reports and report cards. In the case of out of school suspension, every effort will be made to contact a family member in regards to sending the student home. A student will not be sent home without the knowledge of a family member or other responsible adult. Teachers shall, when referring a student to the office, write a disciplinary referral that accurately describes the incident. The description shall state exactly what was done and or said.

The following describes each category and the possible consequences given for infractions. Behaviors that are not included in one of the categories will be evaluated by the administration for placement in one of the two following categories:

***Minor Offenses:*** (See Discipline Procedure for progressive consequences. Each category is counted separately.)

1. Disruptive behavior that interferes with the educational process, when the behavior is NOT considered violent, illegal, or a threat to the welfare of others.

2. Interfering with the rights of others.
3. Use of profane or vulgar language or actions or otherwise cursing.
4. Breaking posted and advertised school rules.
5. All dishonesty not specifically listed as a major offense.
6. Tardies.

*Major Offenses:* (See Discipline Procedure for progressive consequences. Each category is counted separately.)

1. Insubordinate behavior above and beyond those listed as minor offenses.
2. Destruction, defacing, or theft of the property of others. (In addition to other consequences, the student must pay back the cost of correcting his/her action.)
3. Endangering the health of or inflicting injury on others.
4. Breaking the law.
5. Actions that discredit the school.
6. Truancy.
7. Incurability.
8. Hazing.
9. Cheating.
10. Harassment, cyber-bullying, and/or sexual harassment (as defined in Policy #525.1).
11. Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
12. Using, possessing, handling or transmitting any object which may be reasonably considered a weapon, while on school grounds or while under the jurisdiction of the school.
13. 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.

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

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

### *Disciplinary Measures*

Disciplinary measures include, but are not limited to:

1. Expulsion;
2. Suspension;

3. Detention (see Detention Referral below);
4. Clean-up duty;
5. Loss of student privileges;
6. Loss of bus privileges;
7. Notification to juvenile authorities and/or police;
8. Restitution for damages to school property.

*Detention Referral:*

If given a detention referral, the student will be assigned detention each time and five (5) demerits. Parents/guardians will be notified of the date/time each time their child receives a detention.

***Disciplinary Referral:***

If the student is given a disciplinary referral, the student is sent to the office, a copy of the disciplinary referral is sent home, and the student will be disciplined depending upon whether the infraction is a minor offense or major offense in the progressive disciplinary plan. This procedure does not prevent additional disciplinary action by the teacher. Severe misconduct may require elimination of some of the steps and immediate appropriate consequences.

Minor Offenses:	<i>1<sup>st</sup> Referral:</i>	After-school (30 minutes) detention with the assigning staff member.
	<i>2<sup>nd</sup> Referral</i>	after-school (30 minutes) detention with the assigning staff member.
	<i>3<sup>rd</sup> Referral</i>	after-school (30 minutes) detention with the assigning staff member.
	<i>4<sup>th</sup> Referral:</i>	1 day in-school suspension
	<i>5<sup>th</sup> Referral:</i>	2 day in-school suspension
	<i>6<sup>th</sup> Referral:</i>	1-3 day out of school suspension
Major Offenses:	<i>1<sup>st</sup> Referral:</i>	1-2 day in-school suspension
	<i>2<sup>nd</sup> Referral:</i>	1-3 day out of school suspension

Students accumulating 60 demerits in any semester may be recommended for consideration of expulsion or alternative placement by action of the school board. Students who have accumulated 60 or more demerits will be suspended from school until the next regular board meeting. (Maximum of ten (10) days.)

*Appeal* - A student may appeal the decision in discipline matters to the superintendent. The ruling reached may be appealed to the Board of Trustees. All appeals must be filed with the superintendent within three (3) school days of the disciplinary conference.

*Due Process* - Every student is entitled to due process. The student must be informed of the charges against him or her, the potential consequences of the act, and must have the opportunity to present his or her version of the incident in question.

*Records* - In compliance with the office of Civil Rights, a disciplinary record shall be kept for all offenses where out of school suspension, expulsion, or class change is a punishment option. The record shall include the student's name, grade level, and the names of involved staff members and the discipline used.

**Last Updated: 17 Aug 2009**

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### **521.3 – CORPORAL PUNISHMENT**

#### ***Definition.***

Corporal punishment is physical punishment administered to students in an attempt to extinguish or modify inappropriate behavior.

#### ***General.***

Corporal punishment when used with discretion can be an effective behavior modifier. Discretion is the key. For this reason, corporal punishment (spanking) will only be used when a rule violation or student behavior would warrant suspension from school.

The following procedure will be followed:

1. Parent(s) will be notified or permission obtained before administering corporal punishment (spanking). Parent(s) may choose to administer the punishment or delegate to the school official.
2. Whenever corporal punishment is administered, a written report will be filed with the Superintendent.

**Last Updated: 16 Apr 2001**

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### **521.4 — DETENTION**

#### **General**

Detention, when used discretely, is considered an acceptable form of punishment for either minor or major offenses.

#### **Elementary (K-6)**

Students in grades K-6 shall be assigned no more than 30 minutes of detention on a given day and the detention shall be served during the recess time on the school day the infraction occurred, whenever possible. Students shall not be deprived of their lunch break for special assistance or punishment except with the approval of the Superintendent.

Elementary students may be assigned in-school suspension for major infractions, as determined by the teacher and administrator. In-school suspension means that the student will be removed from the classroom and isolated in a quiet environment and supervised by the Principal or Superintendent. Assignments will be given by the teacher while the student is in in-house suspension.

#### Secondary (7-12)

Detention time will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each month from 8:00 am until 12:00 pm. Students must be on time for detention. If a student is late or fails to attend, they will be suspended for one day and receive zeros in each of their classes for that day. The zeros will be averaged in on daily classroom assignments.

#### Procedures

If detention is the course of action, a staff member shall:

2. Immediately notify the parents or guardian by phone of the detention, and/or
3. Notify the parents or guardians by mail of the detention reason, date and duration.

**Last Updated: 20 July 1998**

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### **521.5 – THEFT OR DESTRUCTION OF PROPERTY**

#### ***General***

Any student who steals school district property, enters a locked building or enclosure, or who destroys, defaces or otherwise damages school district property shall be immediately referred to the superintendent. The superintendent shall investigate and if circumstances warrant refer the case to the appropriate legal authority.

Theft or destruction of the personal property of others while on school premises or under the jurisdiction of the school shall be handled as a major offense.

#### ***Restitution***

The student and his or her parent(s) or guardian(s) will be held responsible, within the limits of the law, for damage to school district property. The superintendent shall have full authority to use appropriate means to seek recovery of all costs related to the damage.

**Last Updated: 20 July 1998**

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### **522.1 – STUDENT SUSPENSION**

***Purpose.*** The primary purpose of suspension is to temporarily remove the student from the school to give the school, the student and the student's parents or guardians the time needed to

resolve the problem that led to suspension.

***Cause for Suspension.*** A student may be suspended when, in the opinion of the superintendent, his or her conduct is disruptive of the educational effectiveness of the school or of good order. A student may also be suspended for disciplinary reasons including, but not limited to the following:

- a. Disrespect shown toward staff members or other students.
- b. A serious or continual infraction of school rules.
- c. Disobedience or refusal to obey any staff member.
- d. Harassment or bullying.

***Length of Suspension.*** Temporary removal of a student shall not exceed five (5) school days, unless the Superintendent requests an expulsion hearing. Students who are being considered for expulsion may be suspended until after the expulsion hearing.

***Authority to Suspend.*** The Superintendent has the authority and responsibility to suspend students under the provision of this chapter. The Superintendent may temporarily delegate the authority to suspend during his absence. Such authority is valid only during the period of the Superintendent's absence. Any suspensions effected during the Superintendent's absence are in force only until his return and review.

***Notification.*** Before a student leaves school after a suspension, his or her parents or guardians must be notified by phone. In addition, they shall be notified by mail within 24 hours of the suspension, of the cause for suspension, of the conditions of readmission and of the student's rights. In addition, all Trustees shall be notified by phone, email and/or by copies of the suspension letter.

***General Provisions.*** Students will be required to make up all work missed during the time of their suspension. Two days will be allowed for make-up work for each day missed. Days missed for suspension will count toward the attendance and grading policy.

***Due Process.*** A student must be granted minimum due process in all suspension hearings.

***Procedures.*** Suspension procedures must be tape recorded and a written record kept.

1. When suspension is being considered, the Superintendent shall:
  1. Meet with the student.
  2. Inform the student of the charges.
  3. Allow the student to explain and/or defend his or her actions.
2. If suspension is the course of action, the Superintendent shall:
  1. Immediately notify the parents or guardians by phone of the suspension.
  2. Notify the parents or guardians within 24 hours by mail of the suspension, its

duration, and that the student and parents or guardians must meet with the Superintendent before reinstatement.

3. Establish a hearing date after contact with the parents or guardians.
4. Notify the school trustees by phone, email and/or by letter of the suspension, the reasons for suspension and of any responses to the suspension.

3. If the Superintendent suspends the student and intends for the student to face an expulsion hearing before the Board, he shall call a special Board meeting to hear the complaint of charges. In such an event the procedure for expulsion shall be followed.

**Last Updated: 20 Dec 2010**

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### **523.1 – STUDENT EXPULSION**

**General.** The Board of Trustees may deny attendance by expulsion to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the Board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils.

**Procedure for Expulsion.** If expulsion of a pupil is to be considered, the following shall apply:

1. The Superintendent shall recommend expulsion.
2. The Board of Trustees, through the Superintendent, shall give written notice to the parent(s) or guardian(s) of the pupil that expulsion of the pupil is being considered. The notice shall contain:
  1. The grounds for the proposed expulsion.
  2. The place, time and date of the hearing on expulsion. The date of the hearing shall be not less than twelve (12) school days or more than twenty (20) school days from the date of the hearing notification, unless a different date is mutually chosen by parents/guardians and school administrators/board
  3. A notice that the parent(s) or guardian(s) may ask for a change of date for the hearing for cause. Said request shall be filed with the Superintendent within five (5) school days from the date of the notification.
  4. A notice that the parent(s) or guardian(s) may appear to contest the proposed expulsion.
  5. A notice that the student may be represented by counsel, produce witnesses, submit evidence and cross-examine any adult witness who may appear against him or her.
3. A full and fair hearing shall be held before the Board of Trustees. The hearing will be held in executive session unless the student or an authorized representative requests that the hearing be conducted in an open meeting.
4. The Board shall reach a decision based on information furnished at the hearing and shall give written notice of the decision to the parent(s) or guardians(s) of the pupil within three (3) school days of the hearing.

5. A record of the hearing shall be contained in the minutes of the board meeting where the hearing was conducted.
6. If a student is expelled from school and is within the age of compulsory attendance, the student comes under the provision of the youth rehabilitation law and the Superintendent shall file a petition with the magistrate division of the district court.

**Last Updated: 18 Oct 2010**

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#### **524.1 – SEARCHING STUDENTS, THEIR LOCKERS OR DESKS**

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 by Students.*** School authorities may inspect and search school property and equipment owned or controlled by the school (such as lockers, desks, and parking lots), as well as personal effects left there by the student, without notice or consent of the student. This applies to student vehicles parked on school property. Building principals may require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle and personal effects therein, when reasonable suspicion of wrongdoing exists. Searches by other than school personnel or parents shall not be allowed without a search warrant or without consultation with the school's attorney or the prosecuting attorney.

Random locker checks will be done on different days and times throughout the year. If any item is found in a student's locker that is in violation of Board policy, the item will be removed and the parents will be notified. Board policy regarding that item will be implemented.

***Use of Drug Dogs.*** The district may elect to use specially trained drug dogs to alert the dog's handler to the presence of controlled substances in lockers, at the discretion of the superintendent or designee. The use of a drug dog shall comply with district policy and applicable law.

Drug dogs will be present for the purpose of detecting controlled substances in lockers only when there are no students or employees present. Only the trained dog's handler will determine what constitutes an alert by the dog.

A drug dog's alert constitutes reasonable suspicion for district officials to search the lockers. Such a search by district officials may be conducted without notice or consent, and without a search warrant. If a controlled substance is found in a locker as the result of this search, the item will be removed and the parents and law enforcement will be notified.

***Personal Searches.*** School authorities may search the student and/or the student's personal effects in the student's possession when there is reasonable ground for suspecting that the search

will produce evidence the particular student has violated or is violating the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

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

**Last Updated: 18 Oct 2010**

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### **524.2 - DANGEROUS ITEMS**

Knives, matches, fireworks, and other items which may be reasonably considered dangerous, shall not be brought to school by students or faculty. Such items shall be confiscated and delivered to the Superintendent.

1. Students will only be issued a warning if they voluntarily realize they have brought a Dangerous Item to school and turn it over to the Superintendent.
2. If a student is turned in or caught with a Dangerous item, but has no intent to harm others, he/she will be dealt with by the Superintendent or Principal using the Student Discipline System.
3. Any student who possesses or intends to use a Dangerous item to cause physical harm to others will be Expelled from the Midvale School System.

**Last Updated: 20 July 1998**

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### **524.3 — GUN-FREE SCHOOLS**

The Midvale School District #433 hereby adopts the "Gun-Free Schools Act of 1994".

Under this policy, the Midvale School District will require that any individual who brings a weapon to school will be expelled from school for a period of not less than one year, except that the Midvale Board of Trustees may modify the expulsion requirement on a case-by-case basis. The individual who brings a weapon to school will also be referred to the local police.

For the purposes of the Gun-Free Schools Act a “weapon” means a firearm as defined in Section 921 of Title 18 of the United States Code.

A. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive,

- B. The frame or receiver of any such weapon,
- C. Any firearm muffler or firearm silencer, or
- D. Any destructive device.

The term “destructive device” means:

A. Any explosive, incendiary, or poison gas; bomb; grenade; rocket having a propellant charge of more than four ounces; missile having an explosive or incendiary charge of more than one quarter ounce; mine; or device similar to any of the devices described in the preceding clauses;

B. Any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore; and

C. Any combination of parts either designed or intended for use in converting any device into any destructive device described in sub paragraphs A. or B. and from which a destructive device may be readily assembled.

The procedure for the expulsion of an individual that falls under the Gun-Free Schools Act will be subject to the procedure for expulsion as spelled out in the Midvale School District’s policy.

The Midvale School District will not admit a student who has been expelled from another district for violating the federal law until that student has completed the expulsion period of not less than one year. The timing will be based on written confirmation from the district that initially expelled the student. Any student who wishes to challenge this decision--that is, the decision not to admit a student who has been expelled from another district under the Gun-Free School Act--is entitled to a due process hearing. This will follow the district’s normal procedure for conducting an expulsion hearing.

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 33-205.

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

It is unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building,

stadium, or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school in this state or while riding school-provided transportation. This also applies to students of schools while attending or participating in any school-sponsored activity, program, or event regardless of location.

As used in this section of the Policy only:

- a. “Deadly or dangerous weapon” means any weapon defined in 18 U.S.C. §930;
- b. “Firearm” means any firearm as defined in 18 U.S. C. §921;

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

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

This section of this policy does not apply to:

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

**Last Updated: 18 Jul 2005**

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**524.4 -STUDENT DRUG, ALCOHOL & TOBACCO POLICY**

***Drug and Alcohol Policy***

***Philosophy***

Midvale School District recognizes that substance abuse, the harmful use of drugs and alcohol, and the problems associated with it are becoming increasingly commonplace in our society. We

recognize that a student's involvement with drugs and alcohol may cause problems in their daily lives. We also recognize that in many instances a student's involvement can lead to the illnesses of chemical dependency and alcoholism. We support prevention, early intervention, and appropriate referral. Our intent is to identify and document any behavior/appearance that would be considered problematic to the student. We will be involved in disciplinary action when needed.

We believe in the value of training employees to help recognize students in need and to increase awareness levels with respect to substance abuse. We wish to encourage continuing training in this area among employees through the district programs and through our employees' own efforts.

Midvale School District believes that, along with the parents and the community, the school has a role to play in helping students understand the health risks and total dangers of alcohol and drug use. Therefore, we will cooperate by acting as a resource to students, parents, and teachers. Our intent is to act as an educator, identifier, referring agent and to promote the safety, health, and well-being of our students.

### *Definitions*

1. Use: Whenever a student has consumed, taken, or is under the influence of drugs or alcohol on or near district property any time during school hours or at a school sponsored activity.
2. Possession: To have drugs, drug paraphernalia, or alcohol on your person or within an area of your control including but not limited to a car, locker, books, and clothes on or near district property any time during school hours or at a school sponsored activity.
3. Distribution/Sale: To share and/or sell alcohol or other controlled substances to other students or persons on or near district property during school hours or at a school sponsored event.
4. Controlled Substance: Any drug, obtainable with or without a prescription, that can be used in a manner dangerous to the health of the user. This includes, but is not limited to marijuana, amphetamines (stimulants), barbiturates (depressants), cocaine, codeine, inhalants, heroin, and hallucinogens.
5. Alcoholic beverage: Any beverage that contains alcohol, including but not limited to beer, wine, wine coolers, and liquor.
6. Found: Positive proof that the student has involvement in use, possession, distribution of alcohol or other drugs. School property, such as lockers and desks, are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all such property on a regular basis.

7. Student Assistance Team: A team approach to deal with students who are having behavioral/substance abuse problems. The team is comprised of the administrators, counselors, and school psychologist. Optional members may include teachers and other staff members.
8. Intervention: The process by which designated members of the Student Assistance Team share information and concerns about a student with the parent(s) or guardian(s) and make recommendations for dealing with the concern.
9. Activities: Any school-sponsored event that takes place outside of the regular school day and/or a school letter can be earned, i.e. band, choir, dances, debate, drama, school clubs, sports, etc. The student may not practice/participate outside of the regular class day. If the event to be missed is counted as part of the academic grade, i.e. band, choir, drama, debate, the student is to be given an alternate activity to accommodate the grade.
10. Under the Influence: Any student judged to be under the influence of alcohol or other controlled substances during school hours or at a school sponsored event will be subject to policy disciplinary procedures and will be referred to law enforcement as defined under DISCIPLINARY PROCEDURES.
11. Voluntary Disclosure: A student voluntarily discloses use of alcohol or other controlled substances (as defined above) while in enrolled in group counseling sessions at the school or in school associated programs. Voluntary Disclosure will not be subject to administrative or law enforcement procedures unless the student is in violation of school policy at the time of the disclosure.

In an effort to maintain open communication, and to abide by Section 33-210, Idaho Code, group facilitators who receive the student disclosure will be obligated to notify parents. This sharing of information with parents serves to include the parents in the planning and support of their child's recovery. Students enrolled in drug and alcohol group counseling settings must complete a Drug and Alcohol Assessment prior to inclusion. The assessment defines levels of use and should be considered the baseline requirement for a successful recovery plan. Students and parents wishing to schedule an assessment may call their guidance counselor or drug prevention specialist.

12. Assessment: The process which includes an objective assessment tool which gathers data relevant to major life areas to determine if a substance abuse problem exists and to what extent. Assessments are given by professional, certified evaluators who are independent of the Midvale School District and are free of charge to students enrolled in the district.

### ***Disciplinary Procedures***

Students are forbidden to knowingly and/or voluntarily use, possess, distribute/sell alcohol, or other controlled substances (as defined above) while in school or at school sponsored events.

1. Distribution/Sale: Any student found to be distributing or selling alcohol or other controlled substance (as defined above) will be referred to the district expulsion committee for expulsion. Law enforcement will be notified immediately.
2. Under the Influence: Any student judged to be under the influence of alcohol or other controlled substances (as defined above), regardless of any previous voluntary disclosure, will be deemed to be in violation of Section 37-2732C, Idaho Code, and will be subject to evaluation by an intervention trained counselor, administrator, or designee. Upon completion of the school's evaluation, the building designee may choose to initiate procedures to seek evaluation by a Drug Recognition Expert or other law enforcement officials. The law enforcement evaluation may result in the transfer of school custodial responsibility to that of law enforcement in accordance with Section 20-216, Idaho Code.
3. Use/Possession: Any student found to be using or in possession of alcohol or other controlled substance (as defined above), will be disciplined in the following manner.

### **Kindergarten through Sixth (6<sup>th</sup>) Grade**

1. **FIRST OFFENSE** while in attendance at the elementary level:

**Parents or guardians and** Law enforcement will be contacted immediately upon verification of the violation. Parents will be notified and asked to make arrangements to have the student sent home for the remainder of the day. If unable to go home, student will be placed in detention for the remainder of the day.

The student will then be suspended for the following three (3) days.

Principal, counselor, or building team will schedule a parent conference within a week of the offense to assess an appropriate plan and follow-up for the student.

2. **SECOND OFFENSE** while in attendance at the elementary level.

Parents or guardians and law enforcement will be contacted immediately upon verification of the violation. The student will be suspended from school for five (5) days.

3. **THIRD OFFENSE** or additional offenses while in attendance at the elementary level.

Parents or guardians and law enforcement will be contacted immediately upon verification of the violation. The student will be expelled from school for the

remainder of the semester with a minimum expulsion of two (2) weeks. (In compliance with Section 33-205, Idaho Code).

### **Seventh (7<sup>th</sup>) through Twelfth (12<sup>th</sup>) Grades**

1. **FIRST OFFENSE:**

Law enforcement and parents will be contacted immediately upon verification of the violation. The student will be suspended from school for one (1) week and will be ineligible to participate in all school activities for a period of two (2) weeks or 10% of the scheduled activities, whichever is greater.

2. **SECOND OFFENSE:**

Law enforcement and parents or guardians will be contacted immediately upon verification of the violation. The student will be recommended for expulsion from school for one (1) semester or if a minimum of twenty (20) school days remain in the current semester, the student may be recommended for expulsion for the next semester.

3. **THIRD OFFENSE:**

Law enforcement and parents will be contacted immediately upon verification of the violation. The student will be recommended for expulsion from school for two (2) semesters.

### **Tobacco Policy**

#### ***Philosophy***

Midvale School District recognizes the health risk involved with the use of tobacco. We are also aware of the research that shows a direct correlation between early use of tobacco and early use of drugs and alcohol. We also believe that along with parents and the community, the school has a role to play in helping students understand the health risks associated with the use of tobacco. Therefore, we will cooperate with parents and the community by acting as an educator, resource, and referral agent. Our intent is to promote the health and well-being of our students.

#### ***Disciplinary Procedures***

The use, possess, distribute, or sale of all forms of tobacco while in school or at school sponsored events, is expressly forbidden. Any student who has been found to be using, possessing, distributing, or selling tobacco will be disciplined in the following manner:.

### **Kindergarten through Twelfth (12<sup>th</sup>) Grade**

1. **FIRST OFFENSE:**

Parents or guardians and law enforcement will be contacted upon verification of the violation. The student may also receive in-school suspension for the following three (3) days.

2. **SECOND OFFENSE.**

Parents or guardians and law enforcement will be contacted upon verification of the violation. The student will be suspended from school for five (5) days.

3. **THIRD OFFENSE.**

Parents or guardians and law enforcement will be contacted immediately upon verification of the violation. The student will be expelled from school for the remainder of the semester with a minimum expulsion of two (2) weeks.

**Last Updated: 19 Aug 2002**

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## **524.6 - Student Interviews, Interrogations, or Arrests**

### Interrogations by School Administrators (Student Suspect)

In situations where a student is suspected of violating board policy or school rule, the principal or designee may interview/interrogate students without the prior consent of the student's parent, guardian, or legal custodian. The school official must first have reasonable grounds, however, to suspect that the student committed such a violation. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies any involvement or culpability, the student will be afforded the opportunity to present his or her side of the story, orally or in writing.

### Interviews and Interrogations by Law Enforcement Officials (School-Related Violation)

When a suspected violation of criminal law has occurred on school grounds, at a school sponsored activity, or an activity involving school operations, law enforcement officers may be notified by school officials to request a criminal investigation. Law enforcement officers may also independently determine that an investigation requiring student interviews and interrogations is necessary. When law enforcement officers question a student victim, witness, or suspect in such instances, school officials shall make an effort to notify the student's parent, guardian, or legal custodian in advance of the interview or interrogation.

When students are interviewed or interrogated by law enforcement officers, the principal or designee shall request that police officers observe all procedural safeguards prescribed by law. However, district personnel are not responsible for a police officer's compliance with the law. If a parent or student refuses to consent to police questioning, it is the law enforcement officer's

responsibility to respond appropriately to such refusal. Whether or not to postpone the interview or interrogation until the parent arrives is ultimately the law enforcement officer's decision.

School discipline investigations conducted by school administrators and criminal investigations conducted by law enforcement officers shall be conducted in a parallel manner rather than as a joint investigation. Therefore, a school discipline investigation need not stop as soon as the school administrator believes that a crime has been committed. The results of the parallel investigations may be shared among school officials and the police.

In cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family, such parent/guardian contact would not be warranted. The Idaho Department of Health and Welfare or law enforcement may exclude school personnel from any child abuse investigations/interviews and may use a school building to conduct the interview, but it is recommended that a school administrator be present during the interview/investigations.

#### Arrests by Law Enforcement Officers

A law enforcement officer may take a student into custody if the student has been placed under arrest or if the student's parent, guardian, or legal custodian and the student consent to such release. The officer must first notify the principal or designee so that the student may be summoned to the principal's office and taken into custody in a manner that is as inconspicuous as possible and minimizes disruption of school operations and the educational process. When an emergency situation arises and the student is taken into custody or arrested on school premises without prior notification to the principal or designee, the law enforcement officer should notify school authorities of the situation as soon as possible.

#### Definitions

1. *Interview* - The questioning of a student who may be a witness or victim of an incident.
2. *Interrogation* - The questioning of a student suspected of violating Board and/or District policy, school rule, or criminal law.
3. *Reasonable Grounds to Suspect* - More than a generalized suspicion or a mere hunch, but not requiring certainty, that a violation has occurred. For example, it may be based upon, among other things, direct observations or the reported observations or experiences of others. It involves a common-sense conclusion about human behavior based upon all of the circumstance presented.
4. *Probable Cause* - A set of probabilities grounded in factual and practical considerations, which would cause a reasonable person to believe that a violation has occurred. It requires having more evidence for than against.

**Last Updated: 15 Aug 2005**

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### **524.7 – *Electronic Communication Devices***

Personal electronic communication devices will not be allowed to be visible or audible in school buildings between beginning and ending bell of the school day. It is recommended that these items be left at home or in the student's vehicle. If it is necessary for a student to carry his/her cell phone to school for contacting parent(s) /guardian(s) before or after school, the phone may be left in the school office and retrieved when the student leaves school for the day.

Students who have an extenuating and special circumstance, such as, but not limited to, personal or family health related situations, may, upon the parent(s)/guardian(s) request, or request of the student him/herself if over eighteen (18) years of age, be in possession of a cellular telephone, pager/beeper, or other emergency electronic communications device. Except for situations involving a bona fide health or safety emergency, these electronic communications devices are not to be used during class or instructional time or during the passing times between classes, unless specific permission has been granted by the building principal.

“Walkie Talkies”, either long or short range, portable CB radios, portable “HAM” radios, portable police scanning devices, or portable games or toys that transmit a signal more than twenty (20) feet or through walls, shall not be allowed in any circumstances unless proof is offered that such a device is necessary for health emergency purposes and permission is granted for their use by the building principal.

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

Students who violate the provisions of these rules are subject to disciplinary action according to Policy #521.2 – *Student Discipline*, including confiscation of the device pending parent(s) /guardian(s) conference, detention, suspension, or expulsion. Where appropriate, law enforcement authorities may be contacted.

**Last Updated: 17 Aug 2015**

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### **525.1 - STUDENT HARASSMENT**

#### ***Purpose and Authority***

It is the policy of the Midvale School District to maintain a learning and working environment that is free from sexual harassment.

It shall be a violation of this policy for students to harass other students through conduct or communications of a sexual nature as defined below.

### ***Definitions***

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by any student to another student constitute sexual harassment when such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive academic environment.

Sexual harassment, as defined above, may include but is not limited to the following:

- verbal harassment or abuse;
- continued or repeated sexual jokes, language, flirtations, advances or propositions;
- graphic verbal commentary about an individual's body, sexual prowess or sexual deficiencies;
- leering, whistling, touching, pinching, brushing the body, assault, coerced sexual acts, or suggestive, insulting or obscene comments or gestures; name calling, related stories, gossip, comments, jokes that may be derogatory toward a particular sex;
- pressure for sexual activity;
- repeated remarks to a person, with sexual or demeaning implications;
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.
- the display of sexually suggestive graffiti, pictures, posters or cartoons;
- asking questions about sexual conduct or sexual orientation or preferences.
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**Human Rights:** The following rights apply to all persons (students and staff) during the entire school day, including travel to and from school. Any action or attempt to deny individuals of these rights constitutes harassment.

- The right to develop one's own personality (as long as it does not interfere with the rights of others) without disrespectful criticism, or pressure from cliques.
- Freedom from physical abuse and from mental abuse such as name calling, intimidation, cyber-bullying, or harassment.
- Freedom from being set apart, or mocked because of race, sex, religion, physical strength, size, features, friendship-groups, age, culture, handicap, financial status, clothing, classroom performance, etc.
- The right to privacy and freedom from being harassed in the classroom; the right to be treated respectfully.
- The right to an education which means that teachers should be free to teach and students free to learn without being interrupted by inconsiderate or unruly students.

- The right to have personal and school property respected.

### ***Procedures***

Any student who alleges sexual harassment by another student in the District may use the District's complaint procedure or may complain directly to the Superintendent, guidance counselor or other individual designated to receive such complaints. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the District's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

A substantiated charge against a student in the School District shall subject that student to disciplinary action including suspension or expulsion, consistent with Policy #521.2 - *Student Discipline and Punishment.*, including suspension and expulsion.

**Last Updated: 17 Aug 2009**

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531.1 –

## **INITIATIONS AND HAZING**

### ***Philosophy***

It is the philosophy of the Board that all activities should be planned and conducted in such a way that no student is subjected to possible injury, illness, disgrace or undue embarrassment.

### ***Definitions***

1. Initiation: The formal induction of a student into the high school or an organized club.
2. Hazing: Any act which has the potential to injure, make ill, disgrace or unduly embarrass a student.

### ***Initiations***

Classes    Classes will not be allowed to have initiation ceremonies.

Clubs      Only the clubs that have formal induction ceremonies in their charter or by-laws may hold initiations.

Student Body    The student body may conduct a well-planned and supervised initiation.

No activity is to be authorized if it can be considered hazing.

Students may not be required to participate in any initiation unless it is required in the charter or by-laws of the organization.

### ***Hazing***

Hazing is not to be allowed at any time.

### ***Enforcement***

The administrator is directed to approve all initiation activities and to administer appropriate discipline to students who violate the no hazing provision. Appropriate discipline may include suspension.

**Last Updated: 19 Aug 2002**

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## **532.1 – STUDENT DRESS CODE**

The responsibility for appropriate dress and grooming rests primarily with the student and his/her parents. The school, however, reserves the right to encourage appropriateness in such a way as to contribute to school pride and morale, and to insure that a student's appearance does not distract from the educational process or the general health and safety of the school.

Reasonable regulations governing appropriateness of dress and grooming in the classroom will be maintained. Example of reasonable regulations are as follows:

1. Footwear is required at all times.
2. No head wear, including, but not limited to, hats, visors and bandanas, are to be worn in school buildings.
3. Clothing shall be worn that covers the torso from a prudent neck line to a point on the thigh no shorter than arms length. Any clothing which causes a "distraction" from the educational process or poses a general health or safety hazard because the clothing is too tight, too loose, too thin, too short, too worn, or any combination thereof, may be deemed "inappropriate". Examples:
  1. Shirts or blouses that do not cover the abdomen.
  2. See-through shirts without an undershirt.
  3. Shoulderless shirts or dresses without an undershirt.
  4. Mini-skirts or shorts that are shorter than arms length.
  5. Bib overalls with no shirt.
  6. Second skins (bicycle pants) are not to be worn without an overgarment during school.
  7. Pants shall not be worn so low on the hips that undergarments are exposed during normal activities, i.e. raising arms, bending over, etc.

4. Insignia are unacceptable in any form if they contain words, symbols, messages, styles, gang symbols/logos, or emblems which could be considered degrading or discriminatory on the basis of race, color, religion, national origin, sex, familial status, age or national origin. Obscene symbols, signs, slogans or clothing/jewelry promoting or containing alcohol, tobacco or drugs are also unacceptable.

Reasonable guidelines for dress and grooming will also be maintained at voluntary extra-curricular activities as established by staff members in charge of the activity.

School authorities have the responsibility to enforce the dress code.

**Last Updated: 17 Aug 2015**

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**533.1 – STUDENT USE OF MOTORIZED VEHICLES DURING SCHOOL DAY**

***General***

Students shall not drive or be a passenger in or on any motorized vehicle during the school day without first having obtained permission from the Superintendent or, in his absence, his appointed assistant. Such use of motorized vehicles shall not be authorized unless it is determined by the proper authority.

Students shall not be authorized to drive a motorized vehicle to any out-of-town school function where he or she is a participant.

Students shall park in the student parking area during the school day or be subject to the penalties for failure to comply.

Instances of failure to comply shall be reported to the Superintendent or his appointed assistant.

The student parking area shall be off limits to students during the school day, except with special permission from Administration.

***Definition***

School day shall mean from the time the student arrives at the school until he or she leaves to go home. The school day will also include the time spent at, and traveling to and from, an out-of-town school function where the student is a participant.

Student parking area shall mean the space located along the fence west of the football field between the bus parking gate and the north end of the football field.

Failure to comply shall mean parking in an area other than the student parking area.

***Penalty for Failure to Comply***

First Offense:               The student will be assigned two (2) hours of detention.

Subsequent Offenses:      The student will be assigned four(4) hours of detention.

**Last Updated: 16 June 2003**

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**534.1     –       HEAD LICE MANAGEMENT**

Education

The District will make available to parents prevention, management and treatment information. Infected students will be educated by the District in prevention measures. The District will also ensure that staff members have accurate information regarding transmission and treatment.

Discovery

Information provided by the Centers for Disease Control and prevention states that students diagnosed with live head lice do not need to be sent home early from school; they can go home at the end of the day, be treated, and return to class after appropriate treatment has begun. Nits may persist after treatment, but successful treatment should kill crawling lice.

Both the American Association of Pediatrics and the National Association of School Nurses advocate that "no-nit" policies should be discontinued. "No-nit" policies that require a child to be free of nits before they can return to schools should be discontinued for the following reasons:

- Many nits are more than ¼ inch from the scalp. Such nits are usually not viable and very unlikely to hatch to become crawling lice, or may in fact be empty shells, also known as casings.
- Nits are cemented to hair shafts and are very unlikely to be transferred successfully to other people.
- The burden of unnecessary absenteeism to the students, families and communities far outweighs the risks associated with head lice.

Midvale School District will adopt these recommendations and discontinue a “No-Nit Policy”.

A head lice check will be performed on the student when he/she returns to school following treatment for head lice. No student will be allowed to return to the classroom if live head lice are still present. If the parent/guardian is unwilling to cooperate with the treatment of head lice or if head lice are found three times in one year on an individual student, the principal shall have the

option of initiating a “no nit” policy. This policy requires that all live lice and all nits be removed before the student can be readmitted to school.

### ***Periodic Checks***

A routine head lice check will be made the 1<sup>st</sup> Monday of every month. A check will also be conducted on the 1<sup>st</sup> day following summer vacation, winter break and spring break. Additional checks may be performed as deemed necessary by the District.

### ***Recommendation***

The Southwest District Health Department recommends that all members of the family be checked for head lice. However, the Health Department does not recommend treatment for any individuals, including family members, who are not infested.

**Last Updated: 18 Aug 2015**

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## **534.2                      ADMINISTERING MEDICINES TO STUDENTS**

Any school employee authorized in writing by the school administrator or school principal:

- I.            May assist in the self-administration of any drug that may lawfully be sold over the counter without a prescription to a student in compliance with the written instructions, if the student’s parent or guardian consents in writing.
  
- II.           May assist in the self-administration of a prescription drug to a student in compliance with the written instructions of a practitioner, if the student’s parent or guardian consents in writing.

No employee except a qualified health care professional may administer a drug or prescription drug to a student under this policy except in an emergency situation. Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a school employee and should not be practiced by any school personnel.

### **Administering Medication**

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

### **Emergency Administration of Medication**

In case of an anaphylactic reaction or the risk of such reaction, a school nurse or delegate may administer emergency oral and/or injectable medication to any student in need thereof on the school grounds, in the school building, or at a school function, according to the standing order of the chief medical advisor or the student's private physician.

In the absence of a school nurse, the administrator or designated staff member exempt from the nurse licensure requirements (I.C. 54-1401 et seq.) who has completed training in administration of medication, may give emergency medication to students orally or by injection. There must be on record a medically diagnosed allergic condition which would require prompt treatment to protect the student from serious harm or death.

Record of the medication administered in an emergency will be entered on an Individual Student Medication Record and filed in the student's cumulative health folder.

### Self-Administration of Medication

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

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

### Self-Administration of Asthma Medication or Epinephrine Auto-Injectors

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

1. The parents or guardians of the student shall provide to the school board or designee written authorization for the self-administration of medication.
2. The parents or guardians of the student shall provide to the school board or designee written certification from the physician of the student that the student has a severe allergic reaction (anaphylaxis), asthma or another potentially life-threatening respiratory illness and is capable of, and has been instructed in, the proper method of self-administration of medication. Such physician or health care provider-supplied information shall contain:
  - a. the name and purpose of the medicine;
  - b. the prescribed dosage;
  - c. the time(s) at which or the special circumstances under which medication should be administered;
  - d. the length of time for which medication is prescribed; and
  - e. the possible side-effects of the medicine.

3. Actions to take in the event of an emergency, including if the medication does not improve the child's breathing or allergic reaction:
  - a. contact information for the physician and parent/guardian;
  - b. list of the child's asthma triggers or allergies.

The board or board designee will inform the parents or guardians of the student 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 student, absent any negligence by the district, its employees or its agents, or as a result of providing all relevant information provided pursuant to subdivisions of this subsection with the school nurse, absent any negligence by the district, its employees or its agents, or in the absence of such nurse, to the school administrator.

The parents or guardians of the student 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 student and that the parents or guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the student.

As used in this section:

1. "Medication" means an epinephrine auto-injector, a metered dose inhaler or a dry powder inhaler, prescribed by a physician and having an individual label; and
2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician.
3. A student who is permitted to self-administer medication pursuant to this section shall be permitted to possess and use a prescribed inhaler or epinephrine auto-injector 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 pre-filled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy to the student;
3. Opening the lid of the above container for the student;
4. Guiding the hand of the student to self-administer the medication;
5. Holding and assisting the student in drinking fluid to assist in the swallowing of oral medications;
6. Assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

### Handling and Storage of Medications

All medication, excluding those approved for keeping by students for self-medication, must first be delivered by the parent or other responsible adult to the nurse or employee assisting with the self-administration of medication. The nurse or the employee must:

1. Examine any new medications to insure that it is properly labeled with dates, name of student, medication name, dosage, and physician's name.
2. If administration is necessary, the nurse or employee must develop a medication administration plan for the student before any medication is given by school personnel.
3. Record on the student's Individual Medication Record the date the medication is delivered and the amount of medication received.
4. Store medication requiring refrigeration at 36F-46F.
5. Store prescribed medicinal preparations in a securely locked storage compartment, excluding those medications approved for self-administration. Controlled substances will be contained in a separate compartment, secured and locked at all times.

No more than a forty-five (45) school day supply of medication for a student will be stored at the school. All medications, prescriptions and non-prescription, will be stored in their original containers.

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

#### Disposal of Medication

School personnel must either return to the parent or destroy (with permission of the parent or guardian) any unused, discontinued, or obsolete medication. Medicine which is not repossessed by the parent or guardian within a seven (7) day period of notification by school authorities will be destroyed by the school nurse in the presence of a witness.

**Last Updated: 18 Aug 2008**

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#### **534.3**                    **SUICIDE**

Although neither a school district (nor a teacher) has a duty to warn of the suicidal tendencies of a student absent the teacher's or school district's knowledge of direct evidence of such suicidal tendencies, the District may, in its sole discretion, provide the following programs in order to prevent adolescent suicide by:

1. Offering and providing help and assistance including early identification;
2. Support and/or counseling by school support personnel for low-risk students;
3. Referral to appropriate sources outside the school for high and moderate-risk students;

4. Attendance to the rights of the student and his/her family; and
5. After care support by the school for faculty, staff, and students after a sudden death has occurred.

**Last Updated: 15 Aug 2005**

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#### **534.4                    EMERGENCY TREATMENT**

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

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

When a student is injured, staff shall provide immediate care and attention until relieved by a superior, a nurse, or a doctor. The principal or designated staff member should immediately contact the parent/guardian so that the parent can arrange for care or treatment of the injured student. When warranted, the Emergency Medical Technicians (EMTs) should be contacted by dialing 911.

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

1. Isolate the child immediately from other children in a room or area segregated for that purpose.
2. Inform the parent or guardian as soon as possible about the illness and request him or her to pick up the child.
3. Report each case of suspected communicable disease the same day by telephone to the local health authority, or as soon as possible thereafter if no contact can be made the same day.

In the event the parent/guardian cannot be reached and in the judgment of the principal or person in charge immediate medical attention is required, the injured student may be taken directly to the hospital and treated by the physician on call. When the parent/guardian is located, he/she may elect to continue the treatment or make other arrangements.

**Last Updated: 15 Aug 2005**

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### **535.1                    Student Fees, Fines and Charges / Return of Property**

Within the concept of free public education, the District shall provide an educational program for the students as free of costs as possible.

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

The Board delegates authority to the Superintendent to establish appropriate fees and procedures governing the collection of fees and to make annual reports to the Board regarding fee schedules. Fees may be required for the actual cost of breakage and of excessive supplies used in courses such as commercial, industrial arts, music, domestic science, science, or agriculture.

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

**Last Updated: 15 Aug 2005**

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### **536.1 - Equal Education, Non-Discrimination, and Sex Equity**

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

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

Inquiries regarding discrimination or intimidation should be directed to the District's Title IX Coordinator. An individual with a complaint alleging a violation of this policy shall follow the procedures as outlined in Policy 1022.1 – *Filing of Grievances*.

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

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

**Last Updated: 21 May 2007**

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### 537.1 - Student Data Privacy and Security Policy

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**

**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.

**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.

**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:
  - Requirement that the vendor agree to comply with all applicable state and federal law;
  - 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;
  - Requirement that the vendor restrict access to PII to the authorized staff of the vendor who require such access to perform their assigned duties.
  - Prohibition against the vendor's secondary use of PII including sales, marketing or advertising;
  - Requirement for data destruction and an associated timeframe; and
  - Penalties for non-compliance with the above provisions.
- The District shall clearly define what data is determined to be directory information.
- If the District chooses to publish directory information which includes PII, parents must be notified annually in writing and given an opportunity to opt out of the directory. If a parent does not opt out, the release of information as part of the directory is not a Data Breach or Unauthorized Data Disclosure.

**Last Updated: 17 Feb 2015**

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538.1 - District Provided Access to Electronic Information, Services and Network

### General

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

In order for the District to be able to continue to make its computer network and internet access available, all users, including students, must take responsibility for appropriate and lawful use of this access. Students utilizing school-provided internet access are responsible for good behavior

online. The same general rules for behavior apply to students' use of District-provided computer systems. Students must understand that one student's misuse of the network and internet access may jeopardize the ability of all students to enjoy such access. While the District's teachers and other staff will make reasonable efforts to supervise use of network and internet access, they must have student cooperation in exercising and promoting responsible use of this access and students must be held responsible and accountable for their own conduct.

### Curriculum

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

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

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

#### Acceptable Uses:

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- 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.
- 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.

#### 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 for minors. The Superintendent or designee shall enforce the use of such filtering devices.

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

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

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

The term "harmful to minors" is defined in Section 18-1514(6), Idaho Code as meaning one or both of the following:

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.
2. The quality of any material or of any performance, or of any description or representation, in whatever form, which, as a whole, has the dominant effect of substantially arousing sexual desires in persons under the age of 18 years.

### Internet Filtering

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

1. Nudity/ pornography: Prevailing U.S. standards for nudity, provocative semi-nudity, sites which contain pornography or links to pornographic sites;
2. Sexuality: Sites which contain material of a mature level, images or descriptions of sexual acts, descriptions of sexual acts or techniques, sites which contain inappropriate personal ads;
3. Violence: Sites which promote violence, images or description of graphically violent acts, graphic autopsy or crime-scene images;
4. Crime: Information on performing criminal acts (e.g., drug or bomb making, computer hacking), illegal file archives (e.g., software piracy);

5. Drug Use: Sites which promote the use of illegal drugs, material advocating the use of illegal drugs (e.g. marijuana, LSD) or abuse of any drug. Exception: material with valid-educational use;
6. Tastelessness: Images or descriptions of excretory acts (e.g., vomiting, urinating), graphic medical images outside of a medical context;
7. Language/Profanity: Passages/words too coarse to be softened by the word filter, profanity within images/sounds/multimedia files, adult humor;
8. Discrimination/Intolerance: Material advocating discrimination (e.g., racial or religious intolerance); sites which promote intolerance, hate, or discrimination;
9. Interactive Mail or Chat: Sites which contain or allow inappropriate email correspondence, sites which contain or allow inappropriate chat areas;
10. Inappropriate Banners: Advertisements containing inappropriate images or words;
11. Gambling: Sites which allow or promote online gambling;
12. Weapons: Sites which promote illegal weapons, sites which promote the use of illegal weapons;
13. Self-Harm: Sites containing content on self harm including cutting, and sites that encourage anorexia, bulimia, etc.; and
14. Judgment Calls: Whether a page is likely to have more questionable material in the future (e.g., sites under construction whose names indicate questionable material)

Filtering should also be used in conjunction with:

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

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

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

Review of filtering technology and software shall be done on a periodic basis and is the responsibility of the Internet Safety Coordinator. It shall be the responsibility of the Internet Safety Coordinator to bring to the Superintendent or designee any suggested modification of the filtering

system and to address and assure that the filtering system meets the standards of Idaho Code 18-1514 and any other applicable provisions of Chapter 15, Title 18, Idaho Code.

Confidentiality of Student Information

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

### 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 Internet Safety Coordinator or the building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with his or her decision being final. Actions which violate local, State, or federal law may be referred to the local law enforcement agency.

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

### 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 ab

### 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.

out 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: 2326 Digital Citizenship and Safety Education

3330 Student Discipline

Legal Reference: I.C. § 33-132 Local School Boards Internet Use Policy Required

Children's Internet Protection Act, P.L. 106-55420 U.S.C. § 6801, et seq.

**Adopted: 24 Oct 2016**