

{{Full\_Charter\_Heading}}

## STUDENTS

3000

### Entrance, Placement, and Transfer

#### Entrance, Date, and Age

No pupil may be enrolled in kindergarten or first grade whose fifth or sixth birthday respectively does not occur on or before the first day of September of the school year in which the child registers to enter school. Any child of the age of five years who has completed a private or public out-of-state kindergarten for the required 450 hours but has not reached the age and date requirements set above shall be allowed to enter the first grade.

#### Initial Enrollment

Immunization records or an appropriate waiver and birth certificate are required for admission to the Charter School (subject to provisions of McKinney Homeless Assistance Act, see Charter School Policy 3060).

If a birth certificate is not provided upon enrollment of a student for the first time, the Charter School shall notify the person enrolling the student in writing that he or she must provide, within 30 days, either a certified copy of the student's birth certificate or other reliable proof of the student's identity and birth date, which proof shall be accompanied by an affidavit explaining the inability to produce a copy of the birth certificate.

Other reliable proof of the student's identity and birth date may include a passport, visa, or other governmental documentation of the child's identity. If the person enrolling a student fails to provide the information within the requested 30 days, the Charter School shall immediately notify the local law enforcement agency of such failure and again notify the person enrolling the student, in writing, that he or she has an additional ten days to comply.

If any documentation or affidavit received pursuant to this section appears inaccurate or suspicious in form or content, the Charter School shall immediately report the same to the local law enforcement agency. Local law enforcement will investigate these reports. Failure of a parent, or person in custody of a child, or a person enrolling a student, to comply with the documentation requirements of this section after a lawful request shall constitute a misdemeanor.

#### Placement

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

## Transfer

Charter School policies regulating pupil enrollment from other accredited **elementary OR secondary** schools are designed to protect the educational welfare of the child and of other children enrolled at the School.

Requests for transfer of credits from any secondary school shall be subject to a satisfactory examination of the following:

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

**Commented [AH1]:**  
Grade Level Specific Content

Cross References:	§ 3060	Education of Homeless Children
	§ 4160	Parents Right-to-Know Notices
Legal References:	20 U.S.C. § 7912	Unsafe School Choice
	20 U.S.C. § 6313	Eligible School Attendance Areas
	42 U.S.C. § 11432	Grants for State and Local Activities for the Education of Homeless Children and Youths
	Id. Const. art. IX, § 9	Compulsory Attendance at School
	I.C. § 18-4511	School Duties — Records of Missing Child — Identification upon Enrollment — Transfer of Student Records
	I.C. § 33-201	Attendance at Schools - School Age
	I.C. § 33-209	Attendance at Schools —Transfer of Student Records — Duties
	I.C. § 39-4801	Immunization Required
	I.C. § 39-4802	Immunization Exemptions
	I.C. § 33-5210	Application of School Law – Accountability – Exemption from State Rules

## Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3010

### Enrollment Opportunities

The Charter School shall ensure that citizens in the primary attendance area are made aware of enrollment opportunities. The School will disseminate enrollment and lottery information at least \_\_\_\_\_ months in advance of the enrollment deadline. All prospective students will be given the opportunity to enroll in the School, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs.

### Enrollment Deadline

The Charter School will establish an enrollment deadline each school year. The enrollment deadline is the date by which all written requests for admission to attend the School for the next school year must be received. The enrollment deadline cannot be changed once the enrollment information is disseminated as set forth above.

### Requests for Admission

A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child in Idaho may make a request in writing for such child to attend the Charter School. In the case of a family with more than one child seeking to attend the Charter School, a written request for admission (or “enrollment application”) for each individual must be submitted. The enrollment application shall be submitted to and received by the School on or before the enrollment deadline. The enrollment application must contain the name, grade level (for the upcoming school year), address, and telephone number for each prospective student. The School may require prospective students to use its enrollment application, which is available online, at the front desk, or by request.

The School uses a fair and equitable selection process called “the lottery” (or other random selection method) when the capacity of the School is insufficient to enroll all prospective students. Submission of the enrollment application prior to the enrollment deadline shall qualify the student to participate in the lottery. Enrollment applications received after the established enrollment deadline will be added to the bottom of the waiting list for the appropriate grade. Siblings who have submitted a late enrollment applicant will be placed at the bottom of the sibling list.

**[Note: Charter Schools should use the name designated on their written requests for admission such as “enrollment application,” “lottery application,” or “lottery card.”]**

### Admission Preferences

The Charter School has established admission preferences for admission of all prospective students who have submitted a timely enrollment application. Preference shall be given in the following order:

1. Pupils returning to the School for a subsequent school year;
2. Children of Charter School founders, however, this preference shall be limited to not more than ten percent of the School's capacity;
3. **[OPTIONAL IF STATED IN THE PETITION] Children of full-time employees;**
4. **[OPTIONAL] Children who attended the School within the previous three years but who withdrew as a result of relocation due to a parent/guardian's academic sabbatical or employer or military transfer or reassignment.**
5. Siblings to pupils already selected by the lottery;
6. Pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one year, however, this preference shall be subject to an existing written agreement between the subject charter schools;
7. Students residing within the primary attendance area of the School. This includes children whose parent/guardian is a member of the United States Armed Forces and has received transfer orders and will, upon such transfer, reside in the area served by the School;
8. Students selected through the lottery process. **[OPTIONAL IF STATED IN THE PETITION]** The Charter School shall weight the lottery to preference the following educationally disadvantaged students:
  - A. Students living at or below 185% of the federal poverty level;
  - B. Students who are homeless or in foster care;
  - C. Children with disabilities as defined in § 33-2001, Idaho Code;
  - D. Students with limited English proficiency;
  - E. Students are defined as at-risk according to § 33-1001, Idaho Code.

### Equitable Selection Process

The Charter School shall conduct a fair and equitable selection process to determine the students who will be offered admission to the School. The selection procedure shall be conducted in accordance with Idaho laws, rules, and regulations. The equitable selection process shall result in a final selection list. The names of the students highest on the final selection list shall have the highest priority for admission to the Charter School in that grade, and shall be offered admission

to the School in such grade until all seats for that grade are filled.

#### Notification and Acceptance Process

Within seven days of conducting the selection process, the Charter School shall send an offer letter to the parent, guardian, or other person who submitted the enrollment application on behalf of the student, advising such person that the student has been selected for admission to the School. The offer letter must be signed by the student's parent/guardian and returned to the School by the date designated in the offer letter. If admission is declined or the offer letter is not timely signed and returned, the name of the student will be stricken from the final selection list, and the seat that opens in that grade will be made available to the next eligible student on the final selection list.

For students who are not eligible for admission to the School, within seven days after conducting the selection process, the School shall send a letter to the parent, guardian, or other person who submitted the enrollment application on behalf of the student, advising such person that the student is not eligible for admission but will be placed on a waiting list and may be eligible for admission at a later date if a seat becomes available.

If a student withdraws from the Charter School during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the waiting list.

#### Subsequent School Years

The final selection list for a given school year shall not roll over to the subsequent school year. A new equitable selection process will be conducted each year to fill vacancies that become available. **[OPTIONAL IF STATED IN PETITION]** However, the School may continue to weight the lottery preferences to educationally disadvantaged students.

Legal References:	I.C. § 33-5206	Requirements and Prohibitions of a Public Charter School
	I.C. § 33-524	Advance Enrollment of Military Students
	I.D.A.P.A. 08.02.04.203	Admission Procedures

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

**{{Full\_Charter\_Heading}}**

**STUDENTS**

**3010F**

**[RESERVE FOR ENROLLMENT APPLICATION/LOTTERY FORM]**

**All prospective students will be given the opportunity to apply for admittance at the Charter School regardless of race, color, national or ethnic origin, religion, gender, social or economic status, special needs, sexual orientation, or gender identity.**

## STUDENTS

3020

### Enrollment and Attendance Records

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

Legal References:	I.C. § 33-1001	Foundation Program — State Aid — Apportionment - Definitions
	I.C. § 33-1002	Foundation Program — State Aid — Apportionment — Educational Program
Support	I.C. § 33-5208	Public Charter Schools - Public Charter School Financial Support
	I.C. § 33-5210(3)	Application of School Law - Accountability - Exemption from State Rules
	I.D.A.P.A. 08.02.01.250.03	Day in Session When Counting Pupils in Attendance
	I.D.A.P.A. 08.02.01.250.04	Day of Attendance – Kindergarten
	I.D.A.P.A. 08.02.01.250.05	Day of Attendance (ADA) – Grades One Through Twelve (1-12)

### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3020P

### Enrollment and Attendance Records

#### Average Daily Attendance

A day of attendance is one in which a pupil is physically present for a full day (at least four hours for grades 1 through 12 and at least two and one-half hours for kindergarten) under the guidance and direction of a teacher or other authorized school personnel while school is in session or is a homebound student under the instruction of a teacher employed by the Charter School.

Commented [AH1]: Grade Level Specific Content

Average Daily Attendance (ADA) is the aggregate number of days enrolled students are present divided by the number of days of school in the reporting period. Funding for the Charter School is based on ADA and must be accurate.

#### Attendance Accounting

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

#### Procedure History:

Promulgated on:

Revised on:

Reviewed on:



Part-Time Attendance/Dual Enrollment

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

For purposes of this policy, a “nonpublic school student” is any student who receives educational instruction outside a public elementary or secondary school classroom, including but not limited to instruction from a private school or a home school. Both nonpublic students and students from other charter schools may seek dual enrollment at the Charter School. Likewise, students from the Charter School may seek dual enrollment at a public school within a traditional school district, subject to that school district’s policies and procedures.

Any student participating in dual enrollment at the School shall only be on school property during the hours of enrollment or as otherwise indicated by the Executive Director or his or her designee. The Charter School will not be responsible for the student during non-enrollment hours or times. Any transportation needs for such students not provided for otherwise under this policy during the school day shall be the sole responsibility of the student and his or her parents/guardian.

Admittance

The parent or legal guardian of any student wishing to admit their son or daughter to the Charter School for any academic or nonacademic program must register the student and provide the following prior to acceptance of any such student:

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

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

Extracurricular Activities

Participation in extracurricular activities shall be subject to Policy 3031.

#### Average Daily Attendance

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

#### Priority

Priority for enrollment, when school programs reach maximum capacities, will be given to students enrolled on a regular full-time basis. If a number of nonpublic school or other charter school students request admission into the same class, they will be accepted on a first-come basis. In the event the class enrollment position of a nonpublic school or other charter school student is needed for a regular full-time Charter School student during the course of the year, the full-time student will have priority for the position beginning with the semester after the need is identified.

Students participating in dual enrollment at the Charter School shall not count toward the School's maximum enrollment restrictions in general. Thus, the fact that the maximum enrollment restrictions have been reached will not preclude students from seeking dual enrollment in a particular School program that has not exceeded its maximum capacity. However, in no event may the dual enrollment provisions be used to circumvent a public charter school's lottery requirements.

#### Graduation

In order to graduate from the Charter School, all non-public school students must meet the grade and other graduation requirements the same as regular full-time students as outlined in Policy 2720, unless exceptions are made as described in 2710 High School Graduation Requirements—Specialty Diplomas.

#### Mixed Curriculum

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

## IDEA/ADA/Section 504 Students

Parents who wish dual enrollment students to be enrolled in special programs must comply with the requirements of the Individuals with Disability Act (IDEA), and the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973 (Section 504). Requests by parents for an evaluation of the student by the multidisciplinary or child study team shall determine if special services are appropriate for the student. Provided special services are needed by the student, programs will be provided when possible. Until such determination is made, such special educational services or accommodations will not be provided.

Legal References:	I.C. § 33-203	Part-Time/Dual Enrollment
	I.C. § 33-1001, <i>et. seq.</i>	Foundation Program — State Aid —
		Apportionment
	IDAPA 08.02.03.111.13	Assessment in the Public Schools - Dual Enrollment

### Policy History:

Adopted on:

Revised on:

Reviewed on:

Extracurricular Activities – Eligibility for Students Not Enrolled for Academic Activities

The following rules apply for non-public school students who wish to participate in nonacademic school activities, such as extracurricular activities, for which public school students must demonstrate academic proficiency or eligibility. For the purposes of this policy, “non-public school student” means a student who attends another public charter school, home school, or private school and is not dually enrolled under Policy 3030:

1. Non-public school students must meet the same eligibility standards as full-time Charter School students;
2. The non-public school student must, on any State Board of Education recognized achievement test, portfolio, or other mechanism, demonstrate composite grade-level academic proficiency;
3. The non-public school student must achieve a minimum composite, core, or survey test score within the average or higher than average range as established by the test service utilized on any nationally-normed test. The minimum score on each assessment is the fifth stanine for the battery total score. The parents/guardian of a dual enrollment student are responsible for obtaining third party testing for their child at their expense in accordance with I.C. 33-203 and State Board of Education rules. Demonstrated proficiency shall be used to determine eligibility for the current and next school year, not to exceed a period of 12 months from the date the test results are released;
4. Non-public school students must be provided the opportunity to take State tests or other standardized tests given to all regularly enrolled public school students when pre-arranged with the principal of the building where the student is registered.
5. A non-public school student will be subject to the same requirements as public school students regarding school attendance on the date of an activity. If the non-public school student is not scheduled to attend academic courses in the Charter School on activity days, the non-public school student’s primary education provider shall provide assurance to the School that such student has met the attendance requirements in the non-public school academic setting. The primary education provider shall also be responsible for the oversight of any other academic standards relating to participation in nonacademic activities.

Legal Reference: I.C. § 33-203  
I.C. § 33-512

Attendance at Schools - Dual Enrollment  
Governance of Schools

Other Reference: IHSAA Rules and Regulations on Eligibility

Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3040

### Compulsory Attendance

Parents or guardians of any child resident in this state who has attained the age of seven but not 16 years, and who are not otherwise privately instructed, shall enroll the student in a public school or public charter school, including an online or virtual charter school or private or parochial school during a period in each year equal to that in which the public schools are in session. Parents and students shall conform to the attendance policies and regulations established by the Board.

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

Legal References:	Id. Const. art. IX, § 9	Compulsory Attendance at School
	I.C. § 33-201	Attendance at Schools - School Age
	I.C. § 33-202	Attendance at Schools - School Attendance Compulsory
	I.C. § 33-207	Attendance at Schools - Proceedings against Parents or Guardians

### Policy History:

Adopted on:

Revised on:

Reviewed on:

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**STUDENTS**

**3040F1**

*(Prepare on Charter School Letterhead)*

Date \_\_\_\_\_  
\_\_\_\_\_ County Prosecutor's Office  
[Address]

To the Office of the County Prosecutor:

This letter is to inform your office of the continued absence of \_\_\_\_\_.  
Enclosed is the Truancy Referral Form for the student. I have provided all of the information  
available on this student and his or her family. This form will be updated if any new information  
becomes available.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,

[Signature]  
[Title]

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## STUDENTS

**3040F2**

## School Truancy Referral Form

## PART I

Student \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(last name) (first name) (middle name)

Grade: \_\_\_\_\_ Age: \_\_\_\_\_ DOB: \_\_\_\_\_

Mother's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Phone: \_\_\_\_\_ Wk. Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Father's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Phone: \_\_\_\_\_ Wk. Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Child resides with: \_\_\_\_\_

Address (if different than above): \_\_\_\_\_ Zip: \_\_\_\_\_

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



## PART II

Enrollment Date: \_\_\_\_\_ Number of Tardies: \_\_\_\_\_

Number of Absences: With a Valid Excuse: \_\_\_\_\_ Without a Valid Excuse: \_\_\_\_\_

Dates Child was Absent from School without Valid Excuse:

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Suspension/Expulsion Dates: \_\_\_\_\_

Contacts with Parents, Actions Taken, and Outcomes (attach additional sheets if necessary):

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

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

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

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

Advisory Letter Sent? No \_\_\_\_\_ Yes \_\_\_\_\_ Date: \_\_\_\_\_

School Representative (person who can testify to the identification of the child, enrollment, keeping of records, and content of records): \_\_\_\_\_

## PART III: REFERRING SCHOOL INFORMATION

School Name: {{School\_Name}}

Telephone: \_\_\_\_\_

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

City & State: \_\_\_\_\_ Zip: \_\_\_\_\_

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(Print name of person submitting report)

(Title and Position)

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(Phone)

(Signature)

**Alternative 1: Attendance Policy**

Attendance Policy

The entire process of education requires a regular continuity of instruction, classroom participation, learning experiences, and study in order to reach the goal of maximum educational benefits for each individual child. The regular contact of the students with one another in the classroom and their participation in instructional activities under the tutelage of a competent teacher are vital to this purpose. This is an established principle of education that underlies and gives purpose to the requirement of compulsory schooling in this and every other state in the nation. The good things that schools have to offer can only be presented to students who are in attendance. With continued emphasis regarding excellence in education, all parties involved in attendance can better strive for quality in the classroom.

90% Attendance

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

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

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

1. Those that occur due to school-sponsored activities, since these are considered an equivalent educational experience. These exemptions will apply to students participating in sports events, cheerleading, music related events, FFA trips, academic field trips, and others deemed co-curricular;
2. Bereavement in the immediate family (grandparent, parent, or sibling). Any extended bereavement may be reviewed by the Attendance Board;
3. Subpoenas to appear in court or court-ordered placements for special services; and
4. Illness or hospitalization verified by a doctor's statement.

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

### Truancy

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

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

When a student is absent for any reason except for a school-sponsored or an administration-approved absence, an adequate acceptable excuse must be provided within two school days following return to school; otherwise, the absence is classified as unexcused. Parents/guardians, doctors, or other responsible persons should provide excuses for all students except married students or those of age 18 with a current signed parent consent form on file, who may speak for themselves. An advance excused absence for trips, work, hunting, etc. may be provided to students who are passing. An advance excused absence must be approved prior to the absence by the Executive Director or his or her designee and must include adequate provision to make up class work. Students with poor academic standing or who have been truant in the current or preceding semester are ineligible for advance excuses. An advance excused absence requires the prior approval of each of the student's teachers and the Executive Director or designee.

Any student who is a truant for the first time will have their parent contacted and serve **[one Saturday detention]**. The second truancy will result in a student-parent/guardian-administration conference and the student may be placed on suspension. Four truanies will result in a recommendation to the Board of Directors for expulsion from school and the prosecuting attorney will be notified for purposes of filing a complaint against the parent/guardian, or other person responsible for the care of the child in a court of competent jurisdiction. Any parent/guardian of a public school pupil who is found to have knowingly allowed such pupil to become a habitual truant shall be guilty of a misdemeanor.

A student who has been expelled for attendance violations may petition the Board for reinstatement. Such petition may be granted upon presentation of a firm and unequivocal commitment to maintain regular attendance.

### 90% Attendance Appeal Process

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

In reviewing written documentation during the appeal hearing, the Board 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 and acceptance or rejection of extenuating circumstances is final.

Legal References:	Id. Const. art. IX, § 9	Compulsory Attendance at School
	I.C. § 33-202	Attendance at Schools - School Attendance Compulsory
	I.C. § 33-204	Attendance at Schools - Exemption for Cause
	I.C. § 33-205	Attendance at Schools - Denial of School Attendance
	I.C. § 33-207	Attendance at Schools - Proceedings against Parents or Guardians
	I.C. § 33-5208	Public Charter Schools - Public Charter School Financial Support
	I.C. § 33-5210	Application of School Law – Accountability – Exemption from State Rules

Policy History:

Adopted on:

Revised on:

Reviewed on:

**Alternative 2: Attendance Policy**

Attendance Policy

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

The following are valid excuses for absence and tardiness. Missed work assignments and activities may be made up in the manner provided by the teacher.

1. **Participation in school-approved activity:** To be excused, this absence must be authorized by a staff member and the affected teacher(s) must be notified prior to the absence, unless it is clearly impossible to do so.
2. **Absence caused by illness, health condition, or family emergency:** When possible, the parent is expected to notify the school office on the morning of the absence and send a signed note of explanation with the student upon his or her return to school. A student shall be allowed one makeup day for each day of absence. "Emergency" shall be defined as unforeseen and unexpected circumstances which create an air of crisis or extreme need. Such circumstances must present a grave and clear danger which could result in irremediable harm or immediate disaster.
3. **Absence for parent-approved activities:** This category of absence shall be counted as excused for purposes agreed upon by the Executive Director or his or her designee and the parent. An absence may not be approved if it causes a serious adverse effect on the student's educational progress. In participation-type classes (e.g., certain music and physical education classes), the student may not be able to achieve the objectives of the unit of instruction as a result of absence from class. In such a case, a parent-approved absence would have an adverse effect on the student's educational progress, which would ultimately be reflected in the grade for such a course.
4. **Absence resulting from disciplinary actions or short-term suspension:** Students who are removed from a class or classes as a disciplinary measure, or students who have been placed on short-term suspension, shall have the right to make up assignments or exams missed during time they were denied entry to the classroom.

Extended Illness or Health Condition

If a student is confined to home or hospital for an extended period, the school shall arrange for the accomplishment of assignments at the place of confinement whenever practicable. If the

student is unable to do his or her schoolwork, or if there are major requirements of a particular course that cannot be accomplished outside of class, the student may be required to take an incomplete or withdraw from the class without penalty.

#### Excused Absence for Chronic Health Condition

Students with chronic health conditions which interrupt regular attendance may qualify for placement in a limited attendance and participation program. The student and his or her parent shall apply to the Executive Director or his or her designee, and a limited program shall be written following the advice and recommendations of the student's medical advisor. The recommended limited program shall be approved by the Executive Director or designee. Staff shall be informed of the student's needs, though the confidentiality of medical information shall be respected at the parent's request. Absence verified by a medical practitioner may be sufficient justification for home instruction.

#### Unexcused Absences

1. Each unexcused absence shall be followed by a warning letter to the parent of the student. A student's grade shall not be affected if no graded activity is missed during such an absence.
2. When a student evidences repeated trancies, a conference shall be held among the parent, student, and the Executive Director or his or her designee, where they shall consider adjusting the student's program or transferring the student to another school or engaging in family counseling.
3. If the above action fails to correct the truancy problem, the student shall be declared a habitual truant. The attendance administrator shall interview the student and his or her family and prescribe corrective action, which may include expulsion, and/or filing a complaint against the parent/guardian or other person responsible for the care of the child in a court of competent jurisdiction. A student who has been expelled for attendance violations may petition the Board for reinstatement. Such petition may be granted upon presentation of a firm and unequivocal commitment to maintain regular attendance.

Students are expected to be in class on time. When a student's tardiness becomes frequent or disruptive, the student shall be referred to the Executive Director or his or her designee. If counseling, parent conference, or disciplinary action is ineffective in changing the student's attendance behavior, he or she may be suspended from the class.

All sanctions imposed for failure to comply with the attendance policies and procedures shall be implemented in conformance with state and Charter School regulations regarding corrective action or punishment.

#### Policy History:

Adopted on:  
Revised on:  
Reviewed on:

**Alternative 3: Attendance Policy**

Attendance Policy

In order to graduate from {{School\_Name}}, a student must complete \_\_\_\_ credits. Completion of a course at the School will be defined as \_\_\_\_\_ % mastery of the material and attendance to include not more than ten absences per semester. This attendance criteria is based on the theory that prompt and regular attendance in school is the beginning of dependability in adult business, personal, and social life. Furthermore, regular attendance is important, because valuable skills and information gained in the classroom may or may not show up on tests or be reflected in an academic grade. The general welfare of all students is best served by regular attendance.

1. A student will be allowed ten absences per class, per semester. Any absence beyond that number may mean a loss of credit in those subjects missed.
2. The ONLY absences that WILL NOT be used in calculating the attendance record are:
  - A. Those that occur due to school-sponsored activities, since these are considered an equivalent educational experience. These exemptions will apply to students participating in sports events, cheerleading, music related events, FFA trips, academic field trips, and others deemed co-curricular.
  - B. Bereavement in the immediate family (grandparent, parent, or sibling). Any extended bereavement may be reviewed by the Attendance Board;
  - C. Subpoenas to appear in court or court-ordered placements for special services; and
  - D. Illness or hospitalization verified by a doctor's statement.
3. Absences which will be counted in the ten-day limit will include such areas as: family trips, work days, vacations, visiting friends or relatives, suspension in and out of school, watching tournaments when not an actual participant, hair, medical, dental, or photography appointments, skiing, hunting, court appearances, attending concerts, shopping, or any others not mentioned which are unacceptable to the Attendance Board.
4. After five absences from school/class, a letter will be sent to the student's home, indicating the school policy and the number of days missed.
5. After seven absences, another letter will be sent, indicating the severity of the situation and explaining in detail the alternatives to non-compliance.



6. After exceeding the tenth absence, the student may have credit withheld. That student, with parental accompaniment, must appear before the Attendance Board, consisting of the Executive Director or designee, the guidance counselor, and those teachers in whose classes the student has exceeded the allowable number of absences.
7. This Board will review the absence report to determine if the student will have credit withheld, which will occur unless extenuating circumstances surface.
8. The Attendance Board can, after hearing a student's/parent's appeal for retention of credit, deny credit or put certain stipulations on a student whose credit will be dependent upon an agreement reached with the student and parents concerning attendance for the rest of the semester.
9. Any decision to withhold credit can be appealed to the Executive Director or designee and/or to the Board. If the appeal is rejected, one can assume the Board feels the absence could have been avoided.
10. If the appeal is not granted, the student will remain in that particular class period for the remainder of the semester or be placed in study hall. If disciplinary problems occur in that subject, the student will be suspended from school.
11. If the appeal is granted, the student will return to class with the Attendance Board's stipulations. If the stipulations are violated, a loss of credit will result.
12. The Attendance Board may also decide to make decisions regarding the student's participation in extracurricular activities.

Policy History:

Adopted on:

Revised on:

Reviewed on:

**Alternative 4: Attendance Policy**

Attendance Policy (Alternative 4)

A telephone call or a note from either parent/guardian is necessary when a student is absent or late for any reason. Notes must be given immediately to the attendance secretary. Teachers will have a list of admits. When a student arrives late or after an absence, the student is required to report directly to class. All absences and tardies will be recorded on the report card.

Activities or Preplanned Absences

It is the student's responsibility to notify teachers prior to being absent. Teachers may require the work to be completed and turned in prior to departure. If not requested by a teacher, students will have one day to make up work for each day missed, upon return.

Absences for school-sponsored activities are excused, but students are held responsible for the work missed. In order to participate in an extracurricular activity, including practice, students must be in school during the afternoon of the date of the event or in the afternoon on the last school day prior to the activity, if the activity falls on a non-school day. Exceptions may be made by the administration.

Excused Absences

An absence shall be excused when it is due to:

1. Illness;
2. Bereavement; or
3. Other reasons prescribed by the policies of the Board, including medical or legal appointments or family emergencies.

Verification should be available prior to requesting an admit slip. School work missed during an excused absence can be made up at full credit, even those beyond ten days (see Ten-Day Policy). Time allotted for make-up work is stated in each school's student handbook.

Unexcused Absences

Unexcused absences are not acceptable at the Charter School. An unexcused absence is an absence for some other reason than specified in the Activities/Preplanned Absence or Excused Absence sections or an absence for which the student did not receive prior approval from the Executive Director or his or her designee. The Executive Director or designated administrator shall have the authority to determine the appropriate penalty for any student whose absence is considered unexcused.

## Ten-Day Policy

Students can accumulate ten absences each semester. This includes excused and unexcused, but does not include extracurricular absences. When students miss more than ten days in a semester, they will be penalized two percentage points on their quarter grade for each absence beyond the tenth day, if valid documentation excusing the absence is not provided. The student has two days after the absence to provide supporting documentation that the absence was due to medical, legal, bereavement, school activities, or other acceptable reasons as approved by the Executive Director or his or her designee. After the tenth absence, a note from parents is not sufficient. Written notification from a medical expert, legal staff, or other pertinent persons of authority verifying the student's reason for missing school must be obtained by parent or student. Upon return, an excused absence will be provided if this documentation is submitted, and no penalty will be incurred. If the student does not have that documentation, an unexcused admit will be issued, and the student will have two days to obtain the necessary paperwork. Upon receipt of proper documentation, the attendance office will consider the absence excused. Failure to provide documentation within two days will result in a permanent unexcused absence, and two percentage points will be deducted from the student's quarter grade for each day of unexcused absence. The ten days are computed on a semester basis, and grades are computed quarterly. The administration reserves the right to extend this policy, after parent consultation, in extenuating circumstances.

## Tardies

Classroom tardies should be handled by the teacher. Excessive tardies may be referred to the building administrator's office.

## Policy History:

Adopted on:

Revised on:

Reviewed on:

Education of Homeless Children

It is the policy of the Charter School 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 Charter School enrolls children who are homeless regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment.

Homeless children shall be granted the same rights and opportunities as other students to enroll and/or submit an Enrollment Application. Any such Enrollment Application shall not be denied based on lack of records or information. If the Enrollment Application window occurs during any period of homelessness, the School will waive the Enrollment Application deadline and place the student's name in the lottery, and the student shall be granted the same priority as students who reside within the applicable attendance area, unless they otherwise qualify for a higher priority. If the student seeks enrollment after the lottery has occurred, the student shall be placed on the waiting list. All schools and employees of the Charter School shall work to ensure that children and youth who are homeless are free from discrimination, segregation, and harassment. The School will also strive to prevent stigma against students who are homeless.

Definitions

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

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

The terms "homeless," "homeless individual," and "homeless person" include:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
4. Migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses 1 through 3 above; and
5. An unaccompanied student living in any of the circumstances described in clauses 1 through 3 above.

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

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

The term “school of origin” is defined as the school the student attended when permanently housed, or the school in which the student was last enrolled, including a preschool. When a student completes the final grade level served by the student’s school of origin, the school of origin shall progress to the designated receiving school at the next grade level for all of its feeder schools the same as for all students attending one school and progressing to another school to the extent applicable to the Charter School.

### In General

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

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

### Placement Choice

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

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

When addressing school placement, the Charter School'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 the Charter School 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 Executive Director or his or her designee determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent/guardian, or (in the case of an unaccompanied student) the student, provide the student's parent/guardian or the unaccompanied student with a written explanation of the reasons for his or her determination, which will be provided in a manner and form understandable to such parent/guardian or unaccompanied student, including information regarding the right to appeal under "Enrollment Disputes", below; and
4. In the case of an unaccompanied student, ensure that the School's liaison designated under "Charter School 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 "Disputes," below.

### Immediate Enrollment:

1. **Below Capacity:** If the Charter School is below the class size limits set forth in the Charter, the School, in accordance with this policy, shall immediately enroll the homeless student, even if the student:

- A. Is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation;
  - B. Has missed application or enrollment deadlines during any period of homelessness; or
  - C. Has outstanding fees or fines, including fees associated with extracurricular activities.
2. **At Capacity:** If the Charter School has met the class size limits established in the Charter, the School is not required to immediately enroll a homeless student. A homeless student who seeks enrollment after the lottery has occurred for the ensuing school year shall be placed on the waiting list.
3. **Relevant Academic Records:** The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.
4. **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 School's liaison designated under "Charter School Liaison," below, who shall assist in obtaining all necessary immunizations and/or screenings, or other required health records, in accordance with "Records," below.

### Records

Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless student shall be maintained:

- 1. So that the records involved are available, in a timely fashion, when the student enters a new school or school district; and
- 2. In a manner consistent with FERPA, applicable Idaho law, and Charter School policy.

### Disputes

If a dispute arises over eligibility, school selection or enrollment, 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, unless the Charter School has met its class size limits established by the Charter. 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 Charter School, 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 “Charter School Liaison” below, and upon being informed of the dispute, the liaison shall, within 10 days, initiate an appeal with the Charter School 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 except when established class size limits have been met and/or lottery situations prevent immediate enrollment.
5. If an agreement cannot be reached between the parties regarding the educational placement or enrollment status of the student, then the Charter School 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 Charter School and/or the enrolling school from requiring the parent or guardian of a homeless student to submit contact information.

### Comparable Services

Each homeless student in the Charter School shall be provided services comparable to those services provided to other students in the school attended by the homeless student, including but not limited to the following:

1. Transportation services. Students may be provided with additional transportation services if needed to ensure the student’s full participation in the District’s education program;
2. Educational services for which the student meets eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965, or similar State or Charter School 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 Charter School's Nutrition Services Department as eligible for free meals, which eligibility commences at the time of enrollment.

### Charter School Liaison

For purposes of this policy, the Executive Director shall designate a Charter School employee to serve as its liaison to serve homeless students in accordance with the following provisions. The liaison for homeless students designated by the Executive Director 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 Charter School 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 Charter School;
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 Charter School;
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 or 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 and guardians of homeless students, and unaccompanied students;

9. Eligibility, school selection, or enrollment disputes are mediated in accordance with “Disputes,” above;
10. The parent/guardian of a homeless student, and any unaccompanied student, is fully informed of all transportation services, including transportation to the student’s school of origin, and is assisted in accessing transportation to the student’s assigned school;
11. School personnel receive annual professional development and other support; and
12. Unaccompanied homeless students:
  - A. Are enrolled in school;
  - B. Have opportunities to meet the same challenging state academic standards the State establishes for other students; and
  - C. Are informed of their status as independent students under 20 USC § 1087vv(d), and that such students may obtain assistance from the Charter School Liaison to obtain verification of such status for purposes of the Free Application for Federal Student Aid.

### Local and State Coordination

The Charter School’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 Charter School’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 Charter School, or the immediate family of such student, who otherwise meets the eligibility requirements for 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 the Charter School is eligible for Title 1, Part A services. The School shall set aside funding to provide homeless students who attend the Charter School.

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

## Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3070

Commented [AH1]: Grade Level Specific Content

### Students of Legal Age

Every student 18 years of age or older will be deemed to be an adult and will have legal capacity to act as such. Such students, like all other students, will comply with the rules established by the Charter School, pursue the prescribed course of study, and submit to the authority of teachers and other staff members as required by policy and State law.

**Admission to School:** The residence of an adult student who is not residing with a parent/guardian will be considered the residence for school purposes.

**Field Trips/Athletic Programs:** Approved forms for participation will be required of all students. The form should indicate whether the signature is that of the parent or the adult student. Sponsors or coaches will be required to confirm the ages of those students signing their own forms.

**Absence-Lateness-Truancy:** Absence notes, normally signed by parents/guardians, may be signed by adult students. Excessive absences will result in consequences according to Policy 3050 and will be reported on the report card.

**Suspension/Expulsion:** All suspension and/or expulsion proceedings will conform to the requirements of State statutes. Notification of all such proceedings will be sent to parents/guardians. Adult students, however, are permitted to represent themselves if they so choose.

**Withdrawal from School:** Adult students may withdraw from school under their own cognizance. Counselors will guide and counsel potential dropouts and encourage their continued attendance. Parents will be notified of impending dropouts by the school.

**Permission to Inspect Student Records:** Adult students may request permission to inspect their school records if they are eligible students according to FERPA.

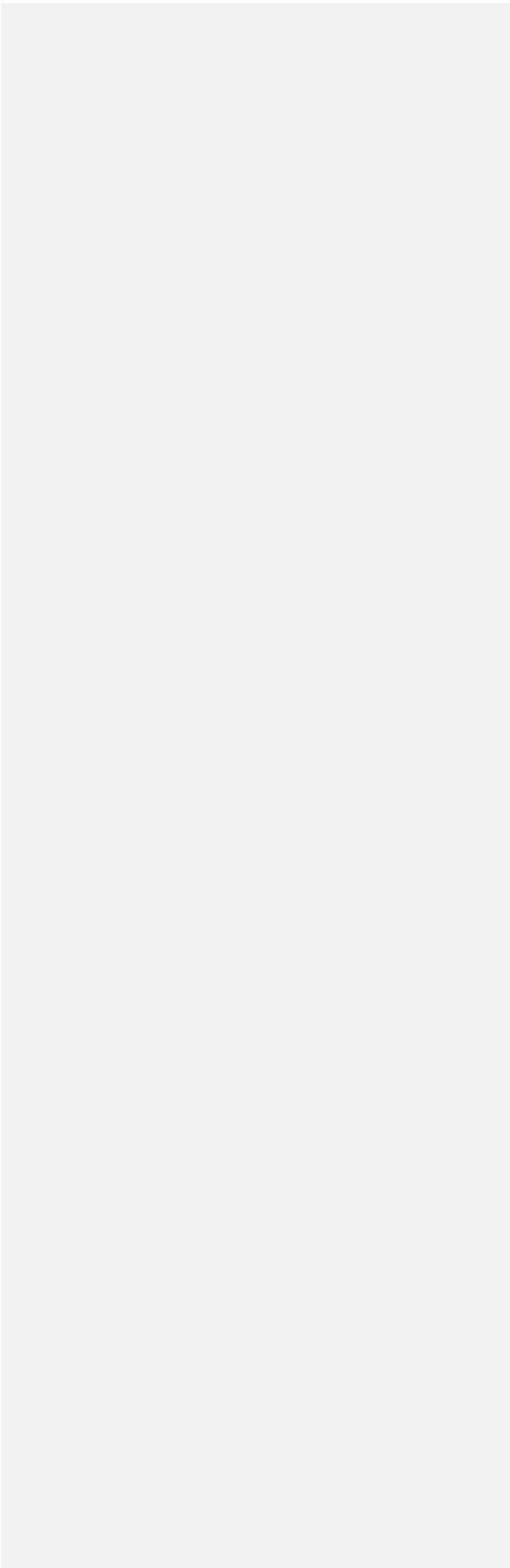
**Report Cards:** Unless directed otherwise, progress reports will be sent to the parent/legal guardian.

**Excuses from School:** The School will verify requests from students who wish to leave school early for reasons such as job interviews, college visits, driver testing, with the organization being visited. Permission to leave school early may be denied if the student is leaving for what is considered a non-valid reason.

**Financial Responsibility:** Students of legal age can be held financially responsible for damage to school property.

Policy History:

Adopted on:  
Revised on:  
Reviewed on:



Sexual Harassment, Discrimination and Retaliation Policy

Policy Purpose

The purpose of this policy is to promote working and learning environments that are free from sex and gender-based harassment, discrimination, and retaliation, and to affirm {{Full\_Charter\_School\_Name}}'s commitment to non-discrimination, equity in education and equal opportunity for employment.

Scope of Policy

This policy applies to all members of {{Full\_Charter\_School\_Name}}'s community, including students, employees, and other members of the public including guests, visitors, volunteers, and invitees.

Policy Statement

{{Full\_Charter\_School\_Name}} is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sex and gender-based harassment, discrimination, and retaliation. Accordingly, the Charter School prohibits harassment and discrimination on the basis of sex, sexual orientation, gender, gender identity, and pregnancy, as well as retaliation against individuals who report allegations of sex and gender-based harassment and discrimination, file a formal complaint, or participate in a grievance process.

Students, employees, or other members of the Charter School community who believe that they have been subjected to sex or gender-based harassment, discrimination, or retaliation should report the incident to the Title IX Coordinator, who will provide information about supportive measures and the applicable grievance process(es). Violations of this policy may result in discipline for both students and [Charter School] employees.

Title IX Coordinator

The [TITLE OR NAME] serves as {{Full\_Charter\_School\_Name}}'s Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the Charter School's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex and gender-based harassment, discrimination, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority and is free from bias and conflicts of interest.

To raise any concern involving bias, conflict of interest, misconduct or discrimination committed by the Title IX Coordinator, contact the [POSITION] at [CONTACT INFORMATION].

**[NOTE: Positions the Charter School may select to handle these reports include the Charter School Executive Director or Human Resources Director if they are not also the Title IX Coordinator, or someone who meets the description of any of the three numbered points listed below..**

If the Charter School's Title IX Coordinator is the subject of any complaint regarding sex or gender-based harassment or has an apparent bias or conflict of interest regarding such a case, another person shall be appointed to act as the Title IX Coordinator for handling that case. Such appointees may include, but are not limited to:

1. The Title IX Coordinator of another school Charter School which the Charter School has an agreement with;
2. Another employee of the Charter School who is qualified and trained to address the matter, such as a deputy Title IX Coordinator;
3. A qualified and trained individual who enters into a professional services contract with the Charter School; including but not limited to the Charter School's legal counsel and/or contracted Human Resources or Title IX professionals.

Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other official involved in the implementation of this policy or related grievance processes should be raised with the Title IX Coordinator.

#### Mandatory Reporters

{{Full\_Charter\_School\_Name}} has classified all employees as mandatory reporters of any knowledge they have that a member of the Charter School community experienced sex or gender-based harassment, discrimination, and/or retaliation. Accordingly, all Charter School employees must promptly report actual or suspected sex and gender-based harassment, discrimination, and/or retaliation to the Title IX Coordinator. Charter School employees must share with the Title IX Coordinator all known details of a report made to them in the course of their employment, as well as all details of behaviors under this policy that they observe or have knowledge of. Failure of a Charter School employee to report an incident of sex or gender-based harassment, discrimination, or retaliation to the Title IX Coordinator of which they become aware is a violation of this policy and can be subject to disciplinary action for failure to comply.

In addition, Charter School employees must also report allegations of suspected child abuse and/or neglect to either law enforcement or the Idaho Department of Health and Welfare as described in **[Policy 5260 OR the Board's policy on reporting suspected abuse, abandonment, or neglect]**.

#### Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and related procedures, may be made internally to {{Full\_Charter\_School\_Name}} Title IX Coordinator (or deputies, if applicable) using the contact information below:

**[NAME/OFFICE]**

Office of \_\_\_\_\_

**[LOCATION/ADDRESS]**

**[PHONE NUMBER]**

**[EMAIL ADDRESS]**

**[WEBSITE]**

**[NOTE: Include all relevant Title IX Team members here as well, and, if applicable, the general delineated responsibilities of each. i.e. any deputy coordinators]**

External inquiries can be made to the U.S. Department of Education, Office for Civil Rights, Region 10, using the contact information below:

Seattle Office  
Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, #3310  
Seattle, WA 98174-1099  
OCR.Seattle@ed.gov  
1-800-877-8339

#### Notice/Formal Complaints of Sex and Gender-Based Harassment, Discrimination, and/or Retaliation

Notice or formal complaints of sex or gender-based harassment, discrimination, and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator (or deputy/deputies, if applicable). Such a report may be made at any time, including during non-business hours, by using the telephone number, email address, or by mail to the office address listed for the Title IX Coordinator (or any other official as listed above).
2. Report online, using the reporting form posted at [URL].
3. Report by phone at [PHONE NUMBER].
4. **[Add any other reporting options, if applicable.]**

When notice is received regarding conduct that may constitute Title IX sexual harassment, {{Full\_Charter\_School\_Name}} shall provide information about supportive measures and how to file a formal complaint, as described in 3085P.

**[NOTE: The above sentence addresses Title IX's requirement to reach out to alleged victims to offer supportive measures and discuss how to file a formal complaint after receiving a report of possible Title IX sexual harassment. If offering supportive measures**



**to an alleged victim and discussing how to file a formal complaint always follows a report of sexual harassment, irrespective of whether it falls into Title IX, information on that practice would be included here.]**

A formal complaint means a document filed/signed by the alleged victim or signed by the Title IX Coordinator alleging an individual violated this policy and requesting that the Charter School investigate the allegation(s). As used in this paragraph, the phrase “document filed/signed by the alleged victim” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Charter School, if applicable) that contains the alleged victim’s physical or digital signature, or otherwise indicates that the alleged victim is the person filing the complaint. For example, an alleged victim may send an email to the Title IX Coordinator, identify themselves as the alleged victim and the one sending the email, to file a formal complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the alleged victim to ensure that it is filed correctly.

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

#### Grievance Processes

When a formal complaint is made alleging that this policy was violated, the allegations are subject to resolution using one of {{Full\_Charter\_School\_Name}}’s grievance processes noted below, as determined by the Title IX Coordinator. All processes provide for a prompt, fair, and impartial process.

1. For formal complaints regarding conduct that may constitute Title IX sexual harassment involving students or employees, the Charter School will implement procedures detailed in Procedure 3085P.
2. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where students are the accused party, and that do not constitute Title IX sexual harassment, the Charter School will implement procedures described in [insert applicable procedures, which may include: Student Code of Conduct, Uniform Grievance Procedure if no adjudication procedures are included in the Student Code of Conduct, General Bullying, Harassment and Intimidation procedures, Relationship Abuse and Sexual Assault Prevention and Response procedures].
3. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where employees are the accused party, and that do not constitute Title IX sexual harassment, the Charter School will implement procedures described in [insert applicable procedures, which may include: Uniform Grievance Procedure, Certificated/Non-certificated Staff Grievance Procedure]
4. **[Add any additional procedures, such as those involving volunteers, invitees, guests, etc. if applicable]**

Cross References:	3270	Student Records
	3270P	Student Records
	3285	Relationship Abuse and Sexual Assault Prevention and Response
	3290	Sexual Harassment/Intimidation of Students
	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3295P	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3330	Student Discipline
	4120	Uniform Grievance Procedure
	4600	Volunteer Assistance
	4600P	Volunteer Assistance
	5240	Sexual Harassment/Sexual Intimidation in the Workplace
	5250	Certificated Staff Grievances
	5275	Adult Sexual Misconduct
	5500	Personnel Records
	5500P	Procedures for Releasing Personnel Records to Hiring School Charter Schools
	5800	Classified Employment, Assignment, and Grievance
	5800P	Classified Employee Grievance Procedure
Legal References:	20 U.S.C. §§ 1681 - 1682	Title IX of the Education Amendments of 1972
	34 CFR Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

STUDENTS

3085F1

Sexual Misconduct Reporting Form for Students

{{School\_Name}}

Date \_\_\_\_\_

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

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

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

\_\_\_\_\_

Describe the incident(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s), time(s), and place(s) the incident(s) occurred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

If so, name the witnesses: \_\_\_\_\_

\_\_\_\_\_

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

If yes, what action did you take? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Signatures of parents/legal guardian \_\_\_\_\_

{{Full\_District\_Heading}}

**STUDENTS**

**3085F2**

Notice of Investigation & Allegation Template

*Note: May also be used for initial Interview Request*

**[DATE]**

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

Dear **[ADDRESSEE]**:

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

Specifically, it is alleged that you **[APPROPRIATELY DETAILED DESCRIPTION]**.

This letter serves as formal notice that the District will be conducting a prompt, thorough, and impartial investigation of these allegations pursuant to the procedures detailed in the Policy 3085: **[LINK]**. The District’s Title IX Sexual Harassment Grievance Procedure is compliant with applicable federal and state law, including the 2020 Title IX implementing regulations. A copy of this notice has also been provided to the complainant.

Specifically, you are alleged to have violated the following provision(s) of the Policy 3085 Sexual Harassment, Discrimination and Retaliation Policy:

**[ALL POTENTIALLY APPLICABLE POLICY SECTIONS]**

**[ALL POTENTIALLY APPLICABLE SANCTIONS THAT COULD RESULT]**

You are considered “not responsible” for violating District policy, unless and until **[a preponderance of the evidence OR clear and convincing evidence]** proves that a violation of policy has occurred. The burden is on the District to gather evidence, investigate the allegations, summarize all relevant evidence in a final investigation report, and make a final determination of responsibility (subject to appeal). No determination of responsibility will be made until the conclusion of the process and after the parties have been given an opportunity to inspect, review, and respond to all directly related and/or relevant evidence obtained by the District.

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

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

1. The District's applicable procedures can be found online at **[LINK]**. If you need a hardcopy or accessible copy of these procedures, you should direct a request to **[INDIVIDUAL OR DEPARTMENT]** with contact information.
2. You are expected to preserve any evidence in your possession related to the allegations. Examples include, but are not limited to, screenshots of social media posts or electronic conversations (e.g., Snapchat, Facebook Messenger, WhatsApp, TikTok, text messages, etc.), written communication, audio or video recordings, photos, receipts, call logs, or any other relevant information.
3. Please plan to bring all evidence, documents, and items that you believe will be helpful to the investigator(s) to your interview or provide them beforehand. Originals are preferred to copies, and all materials should be in unaltered form. Expect that you will be asked to verify the accuracy and authenticity of evidence you provide. If information is stored on an electronic device (e.g., cell phone) it is recommended that you be able to show the device itself to the investigator(s) during the interview.
4. You may not record any meetings pursuant to this process. Doing so is a violation of Procedure 3085P. The District will record or transcribe proceedings, and those recordings or transcriptions will be made available to you.
5. Breaks are permitted during the interview, upon request.
6. You should plan to be available for the interview for at least **[LENGTH OF TIME]**.
7. You may bring materials into the interview that are relevant to the investigation, but no other materials, bags, backpacks or personal items are permitted. Your phone should be silenced if you will have one with you.
8. You will be permitted to ask questions of the investigator(s), and should be prepared for them to ask many questions of you. Your honesty and cooperation are expected. You are expected to maintain decorum during the interview and to respect the serious nature of the proceedings.
9. The District cannot obligate you to participate in the interview. If you do not intend to attend, please notify **[PERSON]** at **[CONTACT INFORMATION]**.
10. Your rights in the process are detailed throughout the District's procedures.

## Investigation and Interview

**[INVESTIGATOR(S)]** has/have been assigned to this matter. The investigator(s) are neutral professionals whose role is to objectively collect and compile all available information relevant to the allegations and compose a thorough, detailed investigation report. They will be **[taking notes AND/OR recording]** during the interview. A summary or transcript of your interview will be provided to you following the interview and you will be asked to verify its accuracy, in writing, to the investigator(s).

If you have any questions regarding the qualifications or training of the investigator, please feel free to contact me directly. Similarly, if you have a concern that the investigator is potentially biased or has a conflict of interest, you must raise that issue with me prior to your scheduled interview.

At this time, we ask you to schedule an interview with the District's investigator(s). Two suggested times that work for an appointment to interview you are below, and we have already checked to make sure that these times work with your class schedule. Please contact the investigator(s) at **[CONTACT INFORMATION]** to confirm which of these times work best for you.

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

**[SPECIFY ANY MEETING PROCEDURES OR CONDITIONS IF THE STUDENT/EMPLOYEE HAS BEEN SUBJECT TO EMERGENCY REMOVAL.]**

**[ONLY INCLUDE IF ISSUING A NO CONTACT ORDER BETWEEN THE PARTIES:  
No Contact Order**

**Effective immediately, I am instituting a no contact order that prohibits you and the complainant from having direct or indirect contact with one another. This information will also be provided to the complainant and other appropriate officials as needed. This order is not a determination that Policy 3085 has been violated. If you have questions or concerns about the no contact order, please contact me.]**

## Advisors

You have the right to an advisor of your choosing, who can be an attorney, to accompany you to all meetings, interviews, and hearings and to assist you in this process. **[OPTIONAL: If you would prefer that the school/district appoint a school/district-trained advisor for you, please let me know as soon as possible.]** Upon request, a pre-interview meeting between you, your advisor, and the investigator(s) to explain the District process and answer any questions may be arranged by contacting the investigator.

## Retaliation

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

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

If you experience any retaliation, please contact me immediately.

#### False Statements and/or False Information

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

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

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

#### Confidentiality

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

#### Campus Resources

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

#### **[OPTIONAL: Counselor**

**{SERVICES PROVIDED AND CONTACT INFORMATION}**

**{ANY OTHER INTERNAL OR EXTERNAL APPLICABLE SUPPORTIVE SERVICES}**

**{DESCRIPTION OF SERVICES PROVIDED AND CONTACT INFORMATION}**



## Disability Services

If you or another individual needs reasonable accommodations due to a qualifying disability in order to fully and meaningfully participate in this process, please contact **[OFFICE]** at **[PHONE NUMBER]** prior to any meeting or interview in which reasonable accommodations may be needed.

Should you have any questions about the process and/or the interview, please contact your investigator(s) for this matter at **[PHONE NUMBER]** or **[EMAIL ADDRESS]**.

Sincerely,

**[NAME]**

Title IX Coordinator

**[CONTACT INFORMATION]**

Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions

Scope of Procedure

This Title IX Grievance Process applies to all members of {{Full\_Charter\_School\_Name}}’s community, including students, employees, and Board members as well as Charter School patrons, guests, visitors, volunteers, and invitees.

Purpose of This Policy and Procedure

{{Full\_Charter\_School\_Name}} is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, which are free from sex and gender-based harassment, discrimination, and retaliation. Accordingly, the Charter School prohibits harassment and discrimination on the basis of sex, sexual orientation, gender, gender identity, and pregnancy, as well as retaliation against individuals who report allegations of sex and gender-based harassment and discrimination, file a formal complaint, or participate in a grievance process.

Students, employees, or other members of the Charter School community who believe that they have been subjected to sex or gender-based harassment, discrimination, or retaliation should report the incident to the Title IX Coordinator, who will provide information about supportive measures and the applicable grievance procedure. Violations of this Charter School procedure or its related policy may result in discipline to either students or employees.

Guiding Principles

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

Grievance Procedure

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

Upon receipt of a complaint or report (whether verbal or written) of possible sexual harassment, the Charter School shall first determine whether to initiate a formal or informal

response. Thus, any and all complaints, reports, or information received by any Charter School employee that sexual harassment is occurring or has occurred shall be immediately forwarded to the Charter School's Title IX Coordinator or other designated employee for review and action as appropriate.

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

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

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

## **2. Providing Supportive Measures**

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

Supportive measures may include actions taken to protect the safety of all parties or the Charter School's educational environment, or which otherwise deter sexual harassment from occurring in the future. Additional supportive measures may include, but are not limited to: counseling, the availability of a safe place or person in the event complainant feels threatened or uncomfortable, extensions of deadlines or other course-related adjustments, modifications

of work or class schedules, escort services at school, mutual restriction of contact between the parties, changes in work locations, leaves of absence, increased security and/or monitoring of locations where prohibited conduct has occurred or may occur in the future, as well as additional measures to protect the complainant, provided the supportive measures initiated are not punitive to the respondent.

### **3. Filing a Written Formal Complaint**

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

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

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

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

except:

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

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

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

- ii. There are cross-complaints, or additional complaints raised by the original complainant against the original respondent (such as retaliation), or by the respondent against any other party.

#### **4. Conduct of the Investigation, Informal Resolution**

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

##### *Investigation*

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

- i. Incidents not directly related to the possible violation, unless they evidence a pattern;
  - ii. The character of the parties; or
  - iii. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- G. **Right to Inspect Evidence:** All parties shall be provided equal access to inspect and review any or all evidence gathered during the investigation related to the allegations of the formal complaint, whether or not relied upon or referred to in the investigator's report. This will ensure that the parties can respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigation report, the investigator shall provide the parties and their respective advisors, when advisors are identified, a secured electronic or hard copy of the evidence subject to inspection. The parties must have at least ten **[business, or school, or calendar]** days to submit a written response which the investigator shall consider prior to completion of the investigative report. All such evidence shall be made available to all parties at any hearing to give the parties equal opportunity to refer to such evidence during the hearing, including cross-examination of adult parties.
- H. **Investigative Report:** At least ten **[business, or school, or calendar]** days prior to a hearing, or other time of determination regarding responsibility, the investigator shall send to all parties and their advisors, if any, by electronic format or hard copy, a copy of the investigative report for the parties' review and written response. The parties' responses shall be made part of the record.

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

- A. Provide the parties with written notice informing them of the allegations at issue and the requirements of the resolution process. These requirements include the fact that a written agreement signed by the parties that resolves the allegations at issue will preclude the parties from resuming the formal complaint process that arose from the same allegations. The parties will also be informed that at any time prior to reaching a resolution, any party has the right to withdraw from the informal resolution process

and resume the grievance process with respect to the formal complaint, and will be notified that the records submitted or discussed during the informal process will be maintained by the Charter School as part of the record, and may be used by the Decision-Maker to determine responsibility.

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

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

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

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

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

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

## **5. Decision-Maker's Participation**



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

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

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

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

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

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

The Notice shall contain the following:

- A. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions that could result.
- B. The time, date, and location of any meeting.
- C. Any technology that will be used to facilitate the meeting.
- D. The name and contact information of the Decision-Maker, along with an invitation to object to any Decision-Maker on the basis of demonstrated bias. Such objections must be raised with the Coordinator at least **[two] [business OR school OR calendar]** days prior to the meeting.

- E. Information on whether the meeting will be recorded and, if so, information on access to the recording for the parties after the meeting.
- F. **[OPTIONAL: A statement that if any party does not appear at the scheduled meeting, the meeting will only be rescheduled for compelling reasons.]**
- G. Notification that the parties may have the assistance of an advisor of their choosing at the meeting.
- H. A copy of all the materials provided to the Decision-Maker(s) about the matter.
- I. An invitation for the parties to review and submit a written response to the final investigation report within **[three to seven] [business OR school OR calendar] days** of the date of the notice.
- J. An invitation to each party to submit to the Decision-Maker any written, relevant questions they want the Decision-Maker to ask of any other party or witness within **[three to seven] [business OR school OR calendar] days** of the date of the notice.
- K. An invitation to each party to submit to the Decision-Maker an impact statement, pre-meeting, that the Decision-Maker will review during any sanction determination.
- L. An invitation to contact the Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at any meeting or in the decision-making process, at least **[three to seven] [business OR school OR calendar] days** prior to the meeting/final determination.
- M. Whether parties can or cannot bring mobile phones or devices into the meeting.

Meetings for possible violations that occur near or after the end of a school year, assuming the respondent is still subject to Policy 3085 and Procedure 3085P, and are unable to be resolved prior to the end of the school year will typically be held as soon as possible given the availability of the parties, but no later than immediately upon the start of the following school year. The Charter School will implement appropriate supportive measures intended to correct and remediate any hostile environment while the resolution is delayed.

- A. **Evidentiary Consideration by the Decision-Maker:** Whether at a hearing or through an exchange of questions, only relevant, credible evidence will be admitted into evidence and considered by the Decision-Maker. Any evidence that the Decision-Maker(s) determine(s) is relevant and credible may be considered. The Decision-Maker will not consider:
  - i. Incidents not directly related to the possible violation, unless they evidence a pattern;
  - ii. The character of the parties; or
  - iii. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information may only be considered at the sanction stage of the process and cannot be shared with the Decision-Maker until that time.

The parties may each submit a written impact statement for the consideration of the Decision-Maker(s) at the sanction stage of the process when a determination of responsibility is reached.

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

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

- i. Unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or

- ii. If the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. This basis for asking questions or presenting evidence shall not be allowed if the respondent is an adult, non-student employee, because consent is not a recognized defense in cases where the complainant is a student and the respondent is an employee.

The Decision-Maker, after any necessary consultation with the parties, investigator(s), and/or Coordinator, shall provide the parties and witnesses with:

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

The exchange of questions and responses by the parties and witnesses shall be concluded within a **[three to ten] [business OR school OR calendar] day period.]**

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

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

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

- i. Such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
- ii. If the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

In cases where both parties are 18 or older, if a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker(s) is prohibited from relying on any statement of that party or witness in reaching a determination regarding responsibility. However, that the Decision-Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the Charter School's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. The Charter School shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

At the hearing, the Decision-Maker shall have the authority to hear and make determinations on all allegations of Title IX sexual harassment and may also hear and make determinations on any additional alleged violations of policy or procedure that have occurred in concert with the Title IX sexual harassment, even though those collateral allegations may not specifically fall within the definition of sexual harassment set for in these procedures.

Any witness scheduled to testify before the Decision-Maker must have been first interviewed by the investigator(s) **[OPTIONAL; or have proffered a written statement or answered written questions]**, unless all parties and the Decision-Maker agree to the witness's participation.

If the parties and Decision-Maker do not agree to the admission of evidence newly offered at the hearing, the Decision-Maker may delay the meeting and instruct that the investigation needs to be re-opened to consider that evidence.

If the parties raise an issue of bias or conflict of interest of an investigator or Decision-Maker at the hearing, the Decision-Maker may elect to address those issues, consult with legal counsel, and/or refer them to the Coordinator, and/or preserve them for appeal. If bias is not in issue during the hearing, the Decision-Maker shall not permit irrelevant questions regarding bias.

## 6. Decision Making Process and Determination Requirements

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

The written determination of responsibility shall include the following information:

- A. Identification of the allegations potentially constituting sexual harassment in violation of Title IX.
- B. A description of the procedural steps taken from receipt of the written formal complaint through the determination, including notifications to the parties, interviews of the parties and witnesses, site visits, methods used to obtain other evidence, and hearings used.
- C. Findings of fact supporting the determination.
- D. Conclusions regarding application of the Charter School's code of conduct to the facts.
- E. A statement of and rationale for the determination as to each allegation, including any determination regarding responsibility, any disciplinary action to be imposed on the respondent, and identification of remedies and measures, if any, that will be provided to restore or preserve equal access to the Charter School's educational programs and activities to be provided to the complainant.
- F. Considerations for disciplinary action. Factors considered when determining discipline may include, but are not limited to:
  - i. The nature, severity of, and circumstances surrounding the violation(s);
  - ii. The respondent's disciplinary history;
  - iii. Previous allegations or allegations involving similar conduct;
  - iv. The need for discipline to bring an end to the Title IX sexual harassment;
  - v. The need for discipline to prevent the future recurrence of Title IX Sexual harassment;
  - vi. The need to remedy the effects of the Title IX sexual harassment;
  - vii. The impact on the parties; and
  - viii. Any other information deemed relevant by the decision-maker(s)
- G. The discipline imposed shall be implemented as soon as is feasible, either upon the outcome of any appeal or upon the expiration of the window to appeal if no appeal is requested. The sanctions described in this process are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

- H. Identification of the procedures for filing an appeal and the permissible grounds for complainant or respondent to base their appeal.

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

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

## 7. Appeals

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

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

The request for appeal shall be forwarded to the appeal chair for consideration to determine whether the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is filed in a timely manner.

Appeals shall be limited to the following grounds:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- C. The Coordinator, investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter;
- D. **[OPTIONAL: Add any additional grounds for appeal, so long as they are applied equally to both parties]**



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

- A. Notify the other party in writing that an appeal has been filed, and implement the appeal procedure fairly and equally for both parties.
- B. Ensure the appeal decision-maker(s) is not:
  - i. The same person(s) as the Decision-Maker(s) that issued the written determination of responsibility;
  - ii. The person who issued the dismissal;
  - iii. The investigator; or
  - iv. The Coordinator.
- C. Ensure the appeal decision-maker has been trained in accordance with the requirements of this grievance procedure.
- D. The appealing party shall have ten **[business OR school OR calendar]** days following the delivery of the notice of the appeal to submit a written statement in support of the appeal and challenging the outcome. The responding party shall have ten **[business OR school OR calendar]** days following the delivery of the appealing party's statement in support of appeal to submit the responding party's written statement in opposition to the appeal (and supporting the outcome that is the subject of the appeal). In the event the parties and the appeal decision-maker agree to a different briefing schedule (whether allowing more or less time), the time allowed to prepare a written statement shall be the same for all parties.
- E. Issue a written decision describing the result of the appeal and identifying the bases and rationale for the decision.
- F. Provide the written decision simultaneously to all parties.

#### Requirements of the Title IX Grievance Procedure

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

- 1. Equitable treatment of the parties:** At all times, both complainants and respondents shall be equitably treated by providing remedies to a complainant until a determination of responsibility for sexual harassment has been made against the respondent. No sanction or discipline may be imposed against the respondent unless and until the process required by this procedure has been completed. Until a final determination of responsibility has been issued only "supportive measures" may be initiated that are non-disciplinary or non-



punitive and avoid burdening the respondent. Any and all final remedies, however, must be designed to restore or preserve equal access to the Charter School's education program or activity. Such remedies may include the same individualized services described as "supportive measures;" however, following the decision, such remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent

2. **Objective evaluation of the evidence:** The formal grievance process involves an objective evaluation of all relevant evidence obtained, including evidence that supports the conclusion the respondent engaged in a violation of policy or procedure and evidence that supports the conclusion the respondent did not. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness.
3. **Lack of bias:** Any individual materially involved in the administration of the formal grievance process including the Coordinator, investigator(s), decision-maker(s) and appeal decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent.
4. **Title IX training of Charter School participating staff:** Any individual designated by the Charter School as a Coordinator, investigator, decision-maker, or any person designated by the Charter School to facilitate an informal resolution process, cannot have a conflict of interest or bias for or against complainants or respondents generally, or against any individual complainant or respondent. The Charter School shall ensure that Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of "sexual harassment" set forth in this procedure, the scope of the Charter School's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Charter School shall ensure that Decision-Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as required by this procedure. The Charter School shall also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in this procedure. All materials used to train Coordinators, investigators, decision-makers, and any persons facilitating an informal resolution process, shall not rely on stereotypes based on gender, and must promote impartial investigations and adjudications of formal complaints of sexual harassment, and provide guidance therefor.
5. **Presumption of innocence:** The Charter School presumes that the respondent is not responsible for the reported misconduct unless and until a final determination is made, in accordance with this procedure, that Policy 3085 or procedure 3085P prohibiting sex discrimination and sexual harassment has been violated.

6. **Promptness:** Investigations are completed promptly, normally within [30] [business OR school OR calendar] days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations; availability of witnesses; police involvement; and other factors.

The Charter School shall make a good faith effort to complete the investigation as promptly as possible and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Notwithstanding the above, The Charter School may undertake a delay in its investigation, lasting from several days to a few weeks, if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or a need for accommodations for disabilities or health conditions.

The Charter School shall communicate in writing the anticipated duration of the delay and the reason for it to the parties and provide the parties with status updates if necessary. The Charter School will promptly resume its investigation and formal grievance process as soon as feasible. During such a delay, the Charter School will implement supportive measures as deemed appropriate.

Charter School action(s) or processes may be delayed, but are not stopped by, civil or criminal charges involving the underlying incident(s). Dismissal or reduction of those criminal charges may or may not impact on the Charter School's action(s) or processes.

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

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

- A. A warning;
- B. Required counseling;
- C. A required substance abuse treatment program;
- D. Exclusion from participating in extracurricular activities or other Charter School programs/activities;
- E. Alternative placement;
- F. Suspension, which may be in-school, out-of-school, long-term, short-term, extended, or other suspensions;
- G. Expulsion (in compliance with I.C. § 33-205); and
- H. Other actions: In addition to or in place of the above sanctions, the Charter School may assign any other sanctions deemed appropriate.

Employee Sanctions: Sanctions for an employee may include:

- A. A verbal or written warning;
  - B. A performance improvement plan or management process;
  - C. Enhanced supervision, observation, or review;
  - D. Required counseling;
  - E. Required training or education;
  - F. Probation;
  - G. Denial of pay increase or pay grade;
  - H. Loss of oversight or supervisory responsibility;
  - I. Demotion;
  - J. Transfer;
  - K. Reassignment;
  - L. Assignment to a new supervisor;
  - M. Restriction of professional development resources;
  - N. Suspension with pay;
  - O. Suspension without pay;
  - P. Termination (in compliance with I.C. § 33-513(5), in the case of certificated employees);
  - Q. Other actions: In addition to or in place of the above sanctions, the Charter School may assign any other sanctions as deemed appropriate.
8. **Burden of proof.** When determining whether the respondent is responsible for violating Policy 3085 or Procedure 3085P by discriminating based on sex and/or for sexual harassment as defined herein, the decision-maker shall apply the **[preponderance of the evidence standard, which means the evidence proves on a more likely than not basis that respondent violated the policy or procedure OR clear and convincing evidence standard; which requires that the evidence proves there is a high probability that the respondent violated the policy or procedure.]**
9. **Appeals.** Any party may file a request for appeal in writing to the Coordinator within **[three to seven] [business OR school OR calendar]** days of the delivery of the notice of a final outcome.
10. **Supportive measures:** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. Supportive measures are designed to restore or preserve access to the Charter School's education program or activity, including measures designed to protect the safety of all parties or the Charter School's educational environment, and/or deter Title IX sexual harassment. Examples of supportive measures may include, but are not limited to:
- A. Referral to counseling, medical, and/or other healthcare services;
  - B. **[OPTIONAL: Referral to the Employee Assistance Program];**
  - C. Referral to community-based service providers;
  - D. Visa and immigration assistance;
  - E. Education of the school community or community subgroup(s);
  - F. Altering work arrangements for employees;

- G. Safety planning;
- H. Providing school safety escorts;
- I. Providing transportation accommodations;
- J. Implementing contact limitations, such as no contact orders, between the parties (note: allegations of violations of a no contact order will be investigated as collateral misconduct under this process);
- K. Academic support, extensions of deadlines, or other course or program-related adjustments;
- L. Emergency warnings;
- M. Class schedule modifications, withdrawals, or leaves of absence;
- N. Increased security and monitoring of certain areas of the school;
- O. **[OPTIONAL: Add additional Charter School-specific supportive measures here;]** and
- P. Any other actions deemed appropriate by the Coordinator.

11. **Recognition of privileges:** At no time during this grievance procedure may any evidence (whether through testimony or documents) be required, admitted, relied upon, or otherwise obtained by asking questions or admitting evidence that constitutes, or seeks disclosure of, information protected by a legally recognized privilege, unless the person holding the privilege has knowingly and freely waived the privilege.

## 12. **Recordkeeping;**

- A. The Charter School shall maintain for a period of seven years records of:
  - i. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required where a hearing is held, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Charter School's education program or activity;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and
  - iv. All materials used to train Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Charter School shall make these training materials publicly available on its website.
- B. For each response to a report of harassment or discrimination based on sex, the Charter School shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the Charter School shall document the basis for its conclusion that its response was not deliberately

indifferent, and document that it took measures designed to restore or preserve equal access to the Charter School's education program or activity. If the Charter School does not provide a complainant with supportive measures, then the Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances (i.e., was not a result of sex discrimination). The documentation of certain bases or measures does not limit the Charter School in the future from providing additional explanations or detailing additional measures taken or to be taken.

### Title IX Grievance Procedure Definitions

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

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to:

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

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

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

Under circumstances where a sexual assault is alleged by a student against an adult, non-student employee, the Charter School does not recognize the defense of “consent,” however it is defined. Where the parties are both adults, however, the following definition of “consent” will apply: Consent occurs where there is a knowing, voluntary, and clear grant of permission, by word or action, to engage in sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. Consent may be withdrawn. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. It is a violation of policy if a respondent engages in sexual activity with someone who is incapable of giving consent, or is otherwise incapacitated.

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

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

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

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

1. “Quid pro quo” harassment, which occurs when a Charter School employee conditions the provision of a Charter School benefit, service, or assistance on an individual’s participation in unwelcome sexual conduct;
2. “Hostile Environment,” which is defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Charter School education program or activity; or
3. Physical threats and attacks, including “sexual assault,” defined as forcible and non-forcible sex offenses as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent in cases where either no formal complaint has been filed, or both before and/or after the filing of a formal complaint. Such measures are designed to restore or preserve equal access to the Charter School’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Charter School’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work **[INCLUDE IF CHARTER SCHOOL PROVIDES HOUSING: or housing]**

locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Charter School shall maintain as confidential any supportive measures provided to the complainant or respondent, provided that maintaining such confidentiality will not impair the ability of the Charter School to provide the supportive measures. The Coordinator is responsible for coordinating the effective implementation of all supportive measures.

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

#### Revision of These Procedures

The Charter School reserves the right to make changes to these procedures as necessary, **[OPTIONAL: Once those changes are posted online, they shall be in effect]**. If laws or regulations change or court decisions alter the requirements in a way that impacts these procedures, this document shall be construed to comply with the most recent government regulations or holdings.

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

#### Procedure History:

Promulgated on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3090A1

### Foreign Exchange Students

It is the policy of the Board to recognize the benefits from non-immigrant students. The Board does not, however, sponsor student foreign exchange programs. The Charter School does not provide any financial contribution to the student. The Board assumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible to attend the Charter School, subject to all applicable School enrollment and admission policies, Idaho law and the Charter. Any sponsoring organization must have a local representative, be a nonprofit organization, and be approved by the Council on Standards for International Education Travel. F-1 visa holders (individual foreign students sponsored by relatives or friends) may not attend the School.

The number of foreign exchange students attending the School at one time shall not exceed \_\_\_\_\_% of the total high school enrollment. The Board reserves the right to withdraw approval and regulate the number of students participating.

Legal Reference: 20 U.S.C. § 221, *et seq.* Foreign and Exchange Students

### Policy History:

Adopted on:

Revised on:

Reviewed on:



**Alternative 2: Foreign Exchange Students**

Foreign Exchange Students

Philosophy

The Charter School believes that foreign exchange students add to the richness of the high school setting for both School and foreign students. Thus, the School is willing to enroll a manageable number of foreign exchange students, subject to all applicable Charter School enrollment and admission policies, Idaho law, and the Charter.

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

1. The foreign exchange student must be 18 years of age or younger at the time of enrollment.
2. 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 School'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 School to be deficient in English language proficiency, the organization will do one of the following:
    - a. Terminate the student's placement; or
    - b. Provide, and pay for, tutorial help until the student reaches proficiency, as determined by the School.

Academic Standards and Graduation

1. The foreign exchange student will be expected to meet all appropriate standards required of any student enrolled in the Charter School; and
2. Foreign exchange students **may/may not** graduate and receive a diploma from the {{School\_Name}}. They may participate in the ceremonies and receive a certificate of attendance.

### 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 Charter School must be provided written information which includes at least:
  - A. The name, address, and phone number of both local and area coordinators for the exchange organization; and
  - B. A 24-hour emergency telephone number for immediate assistance by the exchange organization.

### Supervision

1. The sponsoring foreign student exchange organization must assume the final responsibility for 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 willing to meet with school personnel when functions or conditions require it.

### Charter School Expectations—Student Opportunities/Responsibilities

1. **Required Courses:** Foreign exchange students will be expected to enroll in the following academic classes while attending the Charter School:
  - A. One English class;
  - B. One United States history class or one government class; and
  - C. Maintain enrollment in at least six classes.
2. **Athletic Program:** Foreign exchange students are eligible to participate in the {{School\_Name}} High School Activities Program. Guidelines for participation are set by School 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 or her own country.
3. **Student Fees:** Foreign exchange students are expected to pay all yearbook fees, lab fees, prom tickets, athletic fees, cap and gown fees, lunch prices, and all other school incurred expenses that are expected of other students enrolled in the School.
  4. **Achievement and Discipline:** Foreign exchange students must maintain passing grades in all classes, follow the rules and regulations of the School’s student policies, and show satisfactory discipline and attendance. Failure to comply with these expectations shall result in dismissal of the student from the School’s Foreign Exchange Program.
  5. **Scholarship(s):** The School 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 scholarship.

Placement Quotas for Foreign Student Exchange Organizations

1. The Charter School will accept a maximum of two individually sponsored exchange students on a first come, first served basis, subject to all applicable Charter School enrollment and admission policies, Idaho law, and the Charter.
2. The fact that a foreign exchange organization has located a host family within the Charter School’s primary attendance area does not imply the School 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 the School.

Legal References:	20 U.S.C. § 221, <i>et seq.</i>	Foreign and Exchange Students
	IDAPA 08.02.03.105.04	Foreign Exchange Students

Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3100

### Programs for At-Risk/Disadvantaged Students

The Charter School will designate one at-risk coordinator to collect and disseminate data regarding drop-outs from the School and to coordinate the School's program for students who are at high risk of dropping out of school.

Each school year, the at-risk coordinator will prepare a dropout reduction plan that identifies:

1. The number of Charter School students who dropped out in the preceding regular school term;
2. The number of students in grades 1-12 who are at risk of dropping out;
3. The Charter School's dropout rate goal for the next school year; and
4. The dropout reduction programs, resources, and strategies to be used during the school year.

The Board will review and approve the plan annually.

### At-Risk Students

In determining whether a student is at high risk of dropping out of school, the Charter School will consider the student's academic and attendance performance as well as whether the student is adjudged delinquent; abuses drugs or alcohol; is a student of limited English proficiency; receives compensatory or remedial education; is sexually, physically, or psychologically abused; is pregnant or a parent; is an emancipated youth; is a previous drop-out, is a court or agency referral; stops attending school before the end of the school year; is an underachiever; is unmotivated; or exhibits other characteristics that indicate the student is at high risk of dropping out of school.

### Programs and Charter School Plan

The Charter School will provide a remedial and support program for any student who is at risk of dropping out of school.

The School will have a plan designed to retain students in a school setting. The School plan will be the responsibility of the Executive Director or the designated at-risk coordinator and will:

1. Emphasize a comprehensive team approach that includes the Executive Director or his or her designee, parent/guardian, teacher, student, community service provider, business representative, or others;
2. Include objectives designed to meet the identified needs of at-risk students and to retain those students in school;
3. Be designed to use community resources that are available to serve at-risk youth;

4. Provide for parental involvement, such as participation in developing student academic plans and training programs for parents; and
5. Provide for review of individual profiles for at-risk students.

The Charter School plan may also:

1. Include alternatives; and
2. Provide for the referral of students who drop out to other programs.

If the Charter School chooses to operate an Alternative High School Program, such program shall be conducted in accordance with SDE and SBOE rules and regulations and shall be conducted separately from the Charter School's traditional High School program, including proximity and timing.

Legal Reference: I.D.A.P.A. 08.02.03.110 Alternative Secondary Programs

Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3200

### Student Rights and Responsibilities

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

These rights and responsibilities may be described at greater length in student handbooks. All student handbooks are approved policy of the Board. The complete student handbook is on file at the School administration office.

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

Cross References:	§ 3370	Searches and Seizure
	§ 3330	Student Discipline
Legal References:	<i>Tinker v. Des Moines Ind. Sch. Dist.</i> , 393 U.S. 503 (1969).	
	<i>Bethel School District v. Fraser</i> , 478 U.S. 675 (1986)	
	<i>Morse v. Frederick</i> , 551 U.S. 393 (2007)	
	I.C. § 33-205	Attendance at Schools - Denial of School Attendance
	I.C. § 33-512	District Trustees - Governance of Schools

### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3220

### Student Use of Buildings: Equal Access

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

Commented [AH1]: Grade Level Specific Content

The following criteria must be met:

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

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

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

Legal References: 20 U.S.C. § 4071, *et seq.* Equal Access Act  
*Westside Community Board of Education v. Mergens*, 496 U.S. 226 (1990).

### Policy History:

Adopted on:

Revised on:

Reviewed on:

Student Clubs: Equal Access

The Board of Directors regards student clubs and organizations as an important part of the education and development of students.

Definitions

As used in this policy:

1. “School” shall mean the {{School\_Name}};
2. “Club” shall mean a sponsored club or a non-sponsored or non-curriculum group of students of the school who wish to organize and meet to form common goals, objectives, or purposes, but do not include school activities;
3. “Sponsored Club” shall mean a club which is directly under the sponsorship, direction, and control of the School;
4. “Non-sponsored or non-curriculum club” shall mean a student initiated club which is not under the sponsorship, direction, or control of the School or any student initiated club that does not directly relate to the body of courses offered by the School;
5. “Non-participating capacity” shall mean a person may not promote, lead, or participate in any meeting.

The School shall provide equal access and a fair opportunity for clubs to organize and to meet on school premises during the times established for such meetings.

Sponsored clubs shall be sponsored by a member of the faculty, staff, or administration of the School. The Charter School shall not sponsor clubs which advocate particular religious or political beliefs or ideas. Any such clubs shall be non-sponsored or non-curriculum, and must engage a School employee to monitor their activities while on the premises. The School shall not be identified or associated with the goals, objectives, activities, beliefs, or opinions of any non-sponsored or non-curriculum clubs or its members. Any club whose activities are deemed by the Executive Director to be disruptive of the everyday operations of the School will not be allowed to initiate meetings, nor continue to meet on school premises.

Equal Access Regulations

The following general guidelines will be observed in approving, establishing, and operating student clubs at the {{School\_Name}}.



1. Each proposed club must complete and submit a request form to the Executive Director or designee stating the name, specific purpose of the club, the membership requirements, the activities of the club, and meeting dates and times. Each proposed club shall have the student group perform a risk management assessment of the proposed club activities. The Executive Director or designee will forward the request to the Board. The Executive Director or designee, with Board approval, shall respond to the request, accept or reject the application, and designate the club as either a sponsored club or non-sponsored or non-curriculum club.
2. Student participation in club activities and attendance at club meetings shall be voluntary and shall be limited to those students who are currently enrolled in the School. All student groups meeting on School premises are required to open membership to all interested and/or eligible students. Clubs shall be allowed to meet on school premises from 7:00 AM to 8:00 PM, during the noon hour, and from 3:30 PM. to 5:00 PM on days when school is in session. The time and place of all club meetings shall be subject to available space, conflicting activities and programs, and the availability of the faculty sponsor or monitor. Students shall be responsible for ensuring the presence of a faculty sponsor or monitor prior to every meeting. Clubs will be allowed to meet on school premises during other times of the day only in extraordinary or exceptional circumstances as may be determined by the Executive Director or designee.
3. All clubs must comply with the provisions of the School's student constitution, if applicable.
4. No hazing of students shall be permitted.
5. The Executive Director or designee may deny the opportunity of any club to meet on school premises, and may deny permission of any non-school person to meet with or speak to a club on school premises, when there exists a substantial likelihood of material and substantial interference with the orderly conduct of educational activities within the school, or if the meeting or activities in the meeting are, or will be, in violation of any law or ordinance.
6. The Executive Director, designee, or student council (if appropriate) may temporarily or permanently terminate the opportunity of any club to meet on school premises in the future if the club has materially or substantially interfered with the orderly conduct of educational activities within the school, if the activities of the club have violated any law or ordinance, or if the club has violated any provision of this policy.

For sponsored clubs, the following guidelines will apply:

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

4. The content and placement of club posters or advertisements shall be approved by the club sponsor.

For non-sponsored or non-curriculum clubs, the following guidelines will apply:

1. The formation of non-sponsored or non-curriculum clubs shall be student initiated. Non-School persons may not direct, conduct, control, or regularly attend activities;
2. Recognition by the {{School\_Name}} of a non-sponsored or non-curriculum club is not an endorsement of the aims, policies, or opinions of the student organization or its members;
3. The School's name will not be identified with the aims, policies, or opinions of the student organization or its members;
4. Notices of meetings of non-curricular student organizations may be posted only on a designated bulletin board used by all nonschool-sponsored organizations. No announcements shall be made over the public address system or in any School-sponsored publications;
5. No funds will be expended by the School for any such meeting beyond the incidental cost associated with providing a meeting place;
6. Every club must have a School employee volunteer as a monitor to the club. The monitor shall be responsible for monitoring the meetings to assure that attendance at the meetings is voluntary, to assure that the meetings do not materially and substantially interfere with the orderly conduct of educational activities within the School, and to assure that order and discipline are maintained. Monitors shall attend the meetings of non-sponsored or non-curriculum clubs that are political or religious in nature in a non-participatory capacity;
7. No School employee shall be compelled to be a monitor of a non-sponsored or non-curriculum club;
8. Club posters or flyers need to have a disclaimer, and poster content and placement shall be approved by the Executive Director or designee; and
9. The {{School\_Name}} shall not be identified or associated in any way with the goals, objectives, activities, or opinions of any non-sponsored or non-curriculum clubs to raise money.

Legal References: 20 U.S.C. § 4071, *et seq.* The Equal Access Act

Policy History:

Adopted on:

Revised on:

Reviewed on:

School Clubs: Background

**THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO BE ADOPTED AS A POLICY OR PROCEDURE.**

What clubs are currently sponsored by your Charter School? Do you have a Board policy in place dealing with School clubs? Is there a risk management plan in place for sponsored clubs? Is your School name being used by a non-sponsored club in a way that might cause a liability problem for the School?

Proper risk management for School clubs is a key issue for charter schools. Clubs can be an excellent way to enhance student learning and provide opportunities for students to explore lifelong hobbies. Unfortunately, they can also present serious potential liability exposures to the School if not properly managed. And, while they may still serve a useful purpose, not all clubs should be sponsored by Schools.

Our goal is to provide a framework and a thought process for properly evaluating and managing School clubs from a risk management standpoint.

Is this club a School sponsored activity?

1. The decision of whether or not a club is to be School sponsored should be made by the Executive Director or by his or her designee.
2. The School should have a policy that includes a process for reviewing applications for School sponsorship.
3. The policy should state that clubs that have not received official approval are not School sponsored activities.

Things to consider in making a decision about sponsorship include:

1. Do the club's purpose and activities fit within the School's mission?
2. Are the potential risks associated with the club reasonable and acceptable to the School?
3. Is there a risk management plan in place that identifies potential hazards and outlines ways to manage those risks through such means as training, proper equipment, and supervision?
4. Who will be responsible for insuring the club? If it is to be the School, are there any exposures that would be excluded under the School's insurance policies such as:
  - A. Ownership, operation, maintenance, or use of any aircraft;

- B. Ownership, operation, maintenance, or use of watercraft; or
  - C. Auto racing or demolition contests?
5. If the club will provide its own insurance are the limits of liability adequate and will the insurance company name the School as an additional insured on the policy and provide the School with a certificate of insurance?

#### Proper Risk Management for Non-Sponsored Clubs

The School may decide not to sponsor the club; but to allow the club to use the School's facilities in a way similar to how other outside groups do. If so, certain risk management steps should be taken including:

1. Requiring a certificate of insurance and an endorsement naming the School as an additional insured under the club's insurance policy;
2. Clear communications to staff, students, and patrons that the club is not School sponsored; and
3. Not allowing the club to use the name of the School or to imply that the club is School sponsored.

### Student Club Risk Management Plan

Each Charter School Sponsored Club must develop and implement a plan that identifies hazards and potential exposures to club members, faculty, staff members, and School property. This plan should also outline the policies and procedures needed to control the identified hazards.

Due to the variety of club activities that can occur within a school, it is critical that hazards and exposures created by the club activities be carefully evaluated. Some clubs, for example a chess club, may not have significant hazards; however, other clubs such as a drag racing club, or a rodeo club could have the potential for severe injuries. Each Risk Management Plan should be customized to the hazards of the individual club. To assist you in developing your plan, you can answer the following questions:

What are the purposes and goals of the club?

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What are the responsibilities of the club members?

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What training is to be required of club members? Are there minimum knowledge requirements?

How will these be tested? How are training and test results documented and maintained?

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What are the responsibilities of the faculty or School-appointed sponsor?

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What special training or education is required of the faculty or School staff sponsor? Are they certified through a recognized organization?

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What rules are necessary to conduct club activities in a safe manner, minimizing hazards and exposures to club members, School staff members, and School property?

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What safety equipment is needed? Who is to provide this equipment? How is the equipment to be inspected and tested?

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List emergency response procedures necessary based on any inherent risks of club activities, such as first-aid and emergency communication.

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Are parent consent forms required? If so, where are the records maintained?

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{{Full\_Charter\_Heading}}

## STUDENTS

3230

### Student Government

The Board encourages the function of student councils in the Charter Schools. Student councils shall assist in improving the general welfare of all students and give students the opportunity to participate in the orderly workings of the democratic process.

Student councils shall not have authority to make policies or procedures for the School. However, they may make recommendations to the administration on any topic of student concern.

Eligibility rules for candidates and rules for conducting campaigns and elections should be published, widely announced, and uniformly enforced.

Legal Reference: I.C. § 33-506

District Trustees - Organization and  
Government of Board of Trustees

### Policy History:

Adopted on:

Revised on:

Reviewed on:



Student Publications

Journalistic experience in a school setting should be calculated to develop the background of skills and understanding which will equip a student for the responsibilities of the free press in our society. Students must recognize, however, that a school-sponsored newspaper is unique and different from other newspapers in at least four ways.

1. It is an instructive tool in addition to a means of student self-expression;
2. It is read not just by the intended audience of fellow students, but also by parents and many citizens outside the school;
3. It is partially supported by tax funds; and
4. It is an influence on the public relations of the entire Charter School since its content is read by many not simply as expressions of individual students, but as expressions representative of the entire student body and approved by the administration.

The concept of “freedom of the press” under the First Amendment has application with regard to school-sponsored publications. However, the United States Supreme Court has established that school officials may exercise editorial control over the style and content of school-sponsored newspapers without violating the First Amendment. All School-sponsored publications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the School, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The School recognizes that there are valid and necessary reasons to exercise such prepublication editorial control and to impose reasonable restrictions on student speech in School-sponsored publications. Thus, the following guidelines apply to all School-sponsored student publications.

1. School-sponsored publications are those publications, including, but not limited to, school newspapers, yearbooks, and athletic programs, which may fairly be characterized as part of the Charter School’s curriculum, whether or not they occur in a traditional classroom setting. Generally they include student publications which are supervised by a faculty member and are designed to impart particular knowledge or skills to student participants and audiences. However, they also may include publications which students, parents, and members of the public reasonably perceive to be sponsored or approved by the School. The author’s name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.
2. The School will not restrict student freedom of expression when such expression is within the rules of responsible journalism and is consistent with the four limitations outlined below. The principal of the School shall meet with the publication advisor,

student editors, and student writers to establish guidelines for achieving a maximum of student freedom of expression subject to the limitations set forth in this policy.

3. All publications must be reviewed and approved by the building principal prior to distribution. The building principal shall have the authority to determine the appropriateness of any particular item for publication. In exercising such authority, material will not be considered suitable for publication if it is:
  - A. Ungrammatical;
  - B. Inadequately researched;
  - C. Obscene;
  - D. Defamatory;
  - E. Advocates prejudice based on race, religion, sexual orientation, or gender identity or expression;
  - F. Invades the privacy rights of others;
  - G. Is unsuitable for the audiences for which the publication is intended;
  - H. Contributes to the disruption or interruption of the educational process or the operation of the school; or
  - I. Otherwise is contrary to School policy or applicable federal or State law.

The principal may also exclude material that may serve to associate the School with any position other than neutrality on matters of political controversy.

4. The principal shall have the authority to determine whether advertising will be accepted for inclusion in School-sponsored student publications. The Charter School has an important interest in avoiding the impression that it has endorsed a viewpoint at variance with its educational mission. Consequently, if advertising is accepted, the principal shall have authority to exclude certain categories of advertising. For example, drug, drug paraphernalia, alcoholic beverage advertisements, or any other advertisements that may be viewed as encouraging action that might endanger the health and welfare of students may be excluded. Similarly, advertisements may be excluded if they are:
  - A. Factually inaccurate;
  - B. Defamatory;
  - C. Obscene;
  - D. Advocate prejudice based on race, religion, sexual orientation, or gender identity or expression;
  - E. Contain either explicit or implicit sexual content or overtones; or
  - F. Are of poor production quality.

The principal may also exclude advertising that may serve to associate the Charter School with any position other than neutrality on matters of political controversy.

5. In the event that the building principal determines that material is not suitable for publication, students may appeal such decision to the Executive Director or his or her designee. The decision of the Executive Director or his or her designee will be final.

6. Copies of each issue of the student publication shall be sent to the Executive Director and each member of the Board of Directors.

Legal Reference:     *Hazelwood School District et al. v. Kuhlmeier et al.*, 484 U.S. 260 (1988).

Policy History:

Adopted on:

Revised on:

Reviewed on:

Distribution and Posting of Materials

The distribution of materials from outside the school system uses a considerable amount of valuable educational time. This time is taken away from students, teachers, and the clerical staff. It is the Charter School's policy to limit the distribution of materials to parent and student organizations sponsored by the School or other governmental agencies. Materials that provide information valued or needed by the School may also be distributed.

Students should not be used to distribute partisan materials or information pertaining to a school or general election, budget or bond issue, or negotiations. Students should not be exploited for the benefit of any individual, group, or profit-making organization.

No staff member may distribute any materials on school property without prior approval of the Executive Director. All notices and notes sent home with students concerning School activities, programs, schedule changes, organizations, charges for equipment and materials, etc., shall be cleared with the building principal before being sent. All materials distributed will clearly indicate their source. Non-School-related materials will be plainly labeled, including a disclaimer that the activity is "not a School-sponsored activity."

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

In order to facilitate the distribution of materials with information about student activities offered in the community, the School shall:

1. Maintain a centrally located bulletin board for the posting of bulletins;
2. Maintain a table where flyers and other information can be made available to students; and
3. Include announcements for student related activities in newsletters that go home with students. The announcements must be submitted one week prior to the publication date the newsletter in which the announcement is to go home. Such announcements must advertise a youth-oriented activity, and must be of a non-religious, non-political nature.

It is the intent of this policy to post all notices and place flyers on the distribution table except those that are viewed by the principal as likely to be disruptive, libelous, or obscene.

Cross References:   § 3430  
                              § 4240

Distribution of Fund Drive Literature through  
Students  
Distribution of Fund Drive Literature through  
Students

Policy History:  
Adopted on:  
Revised on:  
Reviewed on:

Student Dress

One of the fundamental purposes of school is to provide the foundation for the creation and development of a proper attitude toward education. In order to further this purpose, it is essential to create and maintain an effective teaching and learning environment. Student attire impacts the teaching and learning environment. It can either promote a more effective educational environment, or it can disrupt the educational climate and process. Student attire that is acceptable for some social settings may not be acceptable for the educational environment of school.

Students are reminded that their appearance, clothing, and grooming, significantly affect the way others respond to them. Matters of dress remain primarily the responsibility of students, in consultation with their parents/legal guardians. Nevertheless, since it is the duty of the Board of Directors to provide an educational atmosphere conducive to learning; minimizing disruptions or distractions; and to protect the health, safety, and morals of students, all students will adhere to the following certain minimum standards of dress when the student is on any School premises or at any School sponsored activity, regardless of location.

In general, students are not to wear or carry items of apparel (clothing, accessories, cosmetics, tattoos, jewelry—including body piercings) which depict or allude to, by picture, symbol, or word, drugs, including alcohol and tobacco; controlled substances; drug paraphernalia; gangs; violence; sexually explicit, lewd, indecent, or offensive material; or illegal acts. The wearing, use, or display of any gang clothing or attire, jewelry, emblem, badge, symbol, sign, codes, or other things which evidence membership or affiliation in any gang (based upon the principal's or his or her designee's reasonable belief that gangs may be present in a School) is prohibited on any School premises or at any School sponsored activity, regardless of location.

Head coverings are inappropriate in the School building during regular school hours, unless the principal or designee specifically makes an exception to the policy.

Unless the principal or designee indicates otherwise, students will wear footwear at all times.

The Board urges parents and students to exercise sound judgment, based upon the standard of appropriateness for the School setting. For example, clothing exposing bare midriffs and short shorts and skirts will not be allowed. The Executive Director or his or her designee is hereby authorized to promulgate regulations consistent with the provisions of this policy.

Interpretation and Implementation of Policy

The building principal or designee shall use reasonable discretion in interpreting and implementing the provisions of this policy. If a conflict arises in the interpretation of this policy,

the interpretation of the building principal or designee shall be final. Principals, administrators, and teachers shall use reasonable discretion in enforcing this policy.

### Enforcement

Teachers and administrators may deny class entrance to students dressed or otherwise adorned inappropriately until arrangements may be made for their proper attire. All time missed from classes for failure to adhere to this policy will be deemed unexcused absences. Parents/guardians will be notified each time a student is asked to leave School because of inappropriate attire. Students who are insubordinate who refuse to change the improper attire, or who repeat dress code violations shall be subject to disciplinary action up to and including suspension or expulsion, depending on all the facts and circumstances, for violating the standards of student conduct.

### Temporary Exceptions

In order to allow appropriate attire for a particular educational or School activity, the building principal or his or her designee has the authority to grant temporary exceptions to specific provisions of this policy and related regulations. An example of such an exception might be where a specially scheduled School event required a group of students to dress unusually on a particular day.

### Accommodations

The School will seek to accommodate cultural, religious, and ethnic differences in dress and grooming, provided such dress or grooming does not materially or substantially disrupt the educational process of the School or create a health or safety hazard for students, staff, or others. No student shall be required to modify their natural head or facial hair, such as by shaving or straightening through the application of heat or chemicals.

Legal References:	I.C. § 33-506	District Trustees - Organization and Government of Board of Trustees
	I.C. § 33-512(6)	District Trustees - Governance of Schools (Authorizing Disciplinary Rulemaking by the Board of Trustees)

### Policy History:

Adopted on:

Revised on:

Reviewed on:

Bring Your Own Technology Program

The Charter School recognizes the importance and potential educational benefits of technology. The use of portable electronic devices in the classroom can add educational value when such devices deliver content and extend, enhance, or reinforce the student learning process. Classroom teachers shall determine the appropriateness of in-class use of electronic devices, consistent with School instructional objectives, School policies, and with the approval of the building principal.

The Board directs the Executive Director to work with appropriate stakeholders to ensure that Board-approved Bring Your Own Technology (BYOT) programs are implemented in a way that is mindful of available and required infrastructure, digital equity issues, student and system safety issues, and the need for all students to be able to access a device. The Executive Director may convene a taskforce including such members as teachers, administrators, parents, technology staff, and/or students to set guidelines about the use of BYOT devices.

The School respects each family's right to decide whether or not to provide the student with a device for this program.

Students are permitted to use approved personal electronic devices for educational purposes under the direction of a classroom teacher.

The School is not liable for any device stolen, lost, or damaged on School property or proceeding to or from School property, whether due to the action/inaction of the student or that of any third party. The student and his or her parent/guardian shall be solely responsible for any such loss, theft, or damage. If a device is stolen or damaged, it will be handled through the administrative office as other personal items that are stolen or damaged. It is recommended that skins, decals, and other school appropriate custom touches be used to identify physically a student's device from others. Additionally, protective cases for technology are encouraged.

Rules Regarding Use of BYOT Devices

Personal electronic devices may only be used in a responsible and legal manner, and may not be used in a manner that disrupts the educational process and/or is contrary to any School policy, procedure, or rule. Students using their own devices are subject to School acceptable use guidelines, BYOT guidelines, student conduct and discipline rules, and all other Board policies and procedures and School rules. Failure to adhere to these guidelines may result in the revocation of the privilege of using personal electronic devices in the classroom and in disciplinary action as appropriate.

Students may only use a personally-owned device as part of the BYOT program once a Form 3260F Bring Your Own Technology Permission Form and Form 3270F Internet Access Conduct Agreement, signed by both the student and parent/guardian, are on file with the School.



The following personal electronic devices may be used in BYOT programs:

1. Laptop computers;
2. Tablet PCs;
3. E-readers;
4. **[LIST OTHER DEVICES AS APPROPRIATE].**

To ensure compliance with the Children's Internet Protection Act, students using their own electronic devices may access only the wireless Internet provided by the School. Internet access from outside sources, such as using a data plan associated with a personally-owned device, is not permitted on School grounds. Students are prohibited from attempting to bypass the School's Internet gateway, and are directed to report any inappropriate content and conduct to their classroom teacher. If a student accesses the Internet from outside sources, at a minimum, the student will lose the privilege to participate in the BYOT program.

Students may only access files and sites that are relevant to the classroom curriculum and suggested or authorized by a teacher. Teachers shall closely supervise students to ensure appropriate use of technology in the classrooms.

BYOT activities are implemented at the discretion of classroom teachers and building administrators. BYOT devices shall be turned off unless students have been directed to use them. Students are to turn off and keep BYOT devices in the sight of the teacher during assessments unless otherwise directed by a teacher. Any teacher's instruction to shut down BYOT devices or to close the screen is to be followed immediately. All BYOT devices must be kept in silent mode unless otherwise directed by the classroom teacher.

Students shall charge all BYOT devices prior to school every day. Because power cords stretched across classrooms can become a safety issue both for the students and devices, charging the device in any classroom, hallway, or any other location that may pose a safety concern is prohibited. Personal devices cannot be left on School grounds before or after school hours.

The School will not service, repair, or maintain any non-School owned technology brought to and used at school by students.

When electronic devices are used to enhance learning in the classroom, students without an approved, charged personal device will be provided access to an appropriate School-owned digital device. Students may not share any BYOT device with another student unless their parent/guardian has approved this in writing and the teacher has directed it.

Violations of any Board policies, regulations, or School rules involving a student's personal electronic device may result in the loss of use of the device in school and/or disciplinary action. The School reserves the right to inspect a student's personal electronic device if there is reason to believe that the student has violated Board policies, regulations, School rules or has engaged in other misconduct while using their personal electronic device. Any search will be conducted in compliance with Board policies.

The controls on electronic communication devices contained in this policy do not apply to special education or Section 504 students or students with an Individualized Education Plan when any of these or other such similar plans conflict with uses outlined herein.

Cross References:	3265	Student-owned Electronic Communications Devices
	3270	Charter School-provided Access to Electronic Information, Services, and Networks
	3270P	Acceptable Use of Electronic Networks
	3275	Charter School-provided Mobile Computing Devices
	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3370 & 3370P	Searches and Seizure

Legal Reference:	Pub. L. 106-554	Children's Internet Protection Act (CIPA)
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Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

**STUDENTS**

**3260F**

Bring Your Own Technology Permission Form

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

School Year: \_\_\_\_\_

Dear Parents/Guardians:

The {{School\_Name}} allows students to participate in a curriculum-based Bring Your Own Technology (BYOT) Program. Signed agreement to the following terms and discussing them with your child are required before your child can participate in the School's BYOT Program.

Your child must also sign Form 3270F Internet Access Conduct Agreement to participate in the BYOT Program. If you have not read and signed this document or do not know whether one is already on file in the School, contact your building principal. You may also ask your building principal for any other policies, procedures, or forms referenced below.

The use of an approved personal electronic device is a privilege, and students may be denied access at any time. The violation of any laws or School policies while participating in the program may result in the loss of your child's privilege to participate in the program.

Please sign below, indicating whether you agree to allow your child to participate in the BYOT Program, and return this form to the building principal at:

{{Full\_School\_Address}}

Parents/guardians and their children share the responsibility for technical support and providing a properly charged BYOT device. If a BYOT device has technical difficulties, a School-owned device may be provided, if available, or the student may be asked to partner with another student who has a functioning BYOT device during a lesson. The School will also expect you and your child to keep the BYOT device free from viruses, malware, and/or any other harmful programs that could damage the School's electronic network. The School is not liable for any device that is stolen, lost, or damaged on School property or proceeding to or from School property, whether due to the action/inaction of the student or that of any third person. Finally, the right to privacy in your child's BYOT device is limited while it is on any School property.

## Participation Authorization and Responsible Use Agreement

**Please indicate agreement by initialing in the space available.**

\_\_\_\_\_ I hereby request that my child be allowed to participate in the School's BYOT program.

\_\_\_\_\_ I have read this agreement. I understand the program is designed for educational purposes and that the School's Internet gateway must be accessed to minimize access to inappropriate material. I also understand that at no time shall there be any attempt to bypass the School's Internet gateway or the use of any private Internet access.

\_\_\_\_\_ I will hold harmless the School, its employees, agents, and Board Members for any harm caused by materials or software obtained via the School's network.

\_\_\_\_\_ I have previously signed Form 3270F Internet Access Conduct Agreement. I have also read and discussed with my child the following documents. My child and I agree to abide by these policies, procedures, and forms.

1. Policy 3260 Bring Your Own Technology (BYOT) Program
2. Form 3260F Bring Your Own Technology (BYOT) Permission Form
3. Policy 3270 Charter School-Provided Access to Electronic Information, Services, and Networks
4. Procedure 3270P Acceptable Use of Electronic Networks
5. Form 3270F Internet Access Conduct Agreement

\_\_\_\_\_ I understand that my child and I share responsibility for technical support, providing a properly charged BYOT device, and keeping the BYOT device free from viruses, malware, and any other harmful programs that could harm or infect the School's electronic network.

\_\_\_\_\_ I understand that the School does not provide liability protection for BYOT devices, and is not responsible for any damage, loss, or theft whether caused by my student or any third party.

\_\_\_\_\_ I understand that my child's privacy rights in his or her BYOT device while on any School property are limited as outlined in School policy.

\_\_\_\_\_ I consent that my child may share another student's BYOT device, or may be asked to share his or her BYOT device with another student, from time to time, as directed by the classroom teacher.

Parent/Guardian's Name (please print): \_\_\_\_\_

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

Student's Signature: \_\_\_\_\_

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

**To be read and signed by any student and parent/guardian who elects NOT to participate in the BYOT Program:**

I have decided **not to participate** in the BYOT program sponsored by the Charter School for the remainder of this school year. In order for me to participate in the BYOT program at a later date, I understand that I must contact the building principal and sign the above Bring Your Own Technology (BYOT) Permission Form.

Parent/Guardian's Name (please print): \_\_\_\_\_

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

Student's Signature: \_\_\_\_\_

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

{{Full\_Charter\_Heading}}

## STUDENTS

## 3265A1 (Alternative 1—Complete Ban on Devices)

### Student Owned Electronic Communications Devices

Students shall not use, or have in their possession on school grounds, any electronic communication device not provided by the Charter School.

Students who have an extenuating and special circumstances, such as, but not limited to, personal or family health related situations, may, upon the parent/guardian's request, or request of the student him or herself if over 18 years of age, be in possession of a smart phone, 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 20 feet or through walls, shall not be allowed in any circumstance 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 any student assessment, project, or assignment 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 under the Student Code of Conduct, including confiscation of the device pending parent(s)/guardian(s) conference, detention, suspension, or expulsion. Where appropriate, police authorities may be contacted.

The ban on electronic communication devices contained in this policy does not apply to special education or Section 504 students or students with an Individualized Education Plan when any of these or other such similar plans provide for the use or possession on school grounds of any electronic communication device.

### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

### 3265A2 (Alternative 2—Devices Allowed, With Controls)

#### Student-Owned Electronic Communications Devices

Students, with permission of their parent(s)/guardian(s), or the student him or herself if over 18 years of age, may be in possession of a personal electronic devices such as smart phones, cellular telephones, pagers/beepers, laptops, tablets, e-readers, or other related electronic devices on school property. The devices shall not be used in a manner that disrupts the educational process, including, but not limited to, posing a threat to academic integrity or violating confidentiality or privacy rights of another individual. Unless an emergency situation exists that involves imminent physical danger *or a certified Charter School employee authorizes the student to do otherwise* (such as use in class), use of devices shall be limited to the period before classes begin in the morning, during the student's lunch period, and after the student's last class in the afternoon.

Access to the devices is a privilege and not a right. Each student will be required to follow the Acceptable Use of Electronic Networks Policy and the Internet Access Conduct Agreement.

Students may only access the internet through the filtered School connection, regardless of whether they are using their personal device or a School-issued device. School staff will not provide software or technical assistance for student-owned devices.

Because power cords stretched out in classrooms become a safety issue both for the students and devices, charging the device in any classroom, hallway, or any other location that may be a safety concern will not be allowed.

The use of cameras in any type of electronic device is strictly prohibited in locker rooms, restrooms, and classrooms unless *a certified Charter School employee authorizes the student to do otherwise*. Where students are allowed to use electronic devices, they are required to obtain permission before taking a photograph or video of any individual. Students must also obtain permission from any individual appearing in a photograph or video prior to posting on any social networking site or other internet site.

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 any student assessment, project, or assignment shall be subject to discipline and the device shall be \ confiscated and not returned until a parent conference has been held.

Students are responsible for safeguarding devices they bring to school. The School shall not be responsible for loss, theft, damages, or destruction of student owned devices brought onto School property.

Students shall comply with any additional rules developed by the School concerning appropriate use of telecommunication or other electronic devices. Students violating the provisions of this policy are subject to disciplinary action, including losing

the privilege of bringing the device onto School property, detention, suspension, or expulsion. In addition, an administrator will confiscate the devices, which shall only be returned to the student's parent(s)/guardian(s). Where appropriate, police authorities may be contacted.

The controls on electronic communication devices contained in this policy do not apply to special education or Section 504 students or students with an Individualized Education Plan when any of these or other such similar plans conflict with uses outlined herein.

Policy History:

Adopted on:

Revised on:

Reviewed on:



## STUDENTS

3270

### Charter School Provided Access to Electronic Information, Services, and Networks

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

In order for the School 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 School-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 School'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 Charter School shall provide an appropriate planned instructional component for internet safety which shall be integrated into the School'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 School's electronic networks shall be consistent with the curriculum adopted by the School, 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 School's educational goals, use the internet throughout the curriculum.

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

### Acceptable Uses

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

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

## Unacceptable Uses of Network

The unacceptable uses described in 3270P are considered examples of unacceptable uses and constitute violations of this policy. Additional uses may also be unacceptable.

## Internet Safety

Each Charter School 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 Executive Director or designee. The filter may also block other materials students are prohibited from accessing by School policy or procedure. The Executive Director or designee shall enforce the use of such filtering devices.

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

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

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

Filtering should also be used in conjunction with:

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

The **[system administrator OR the Internet Safety Coordinator OR the building principal]** shall monitor student internet access.

## **[OPTIONAL]**

Internet filtering software or other technology-based protection systems may be disabled by a supervising teacher or School administrator, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 18 and older.

## **[OPTIONAL]**

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 Executive Director 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.

### Student Use of Social Media

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

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

### Internet Access Conduct Agreements

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

### Warranties/Indemnification

The Charter School makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the internet provided under this policy. The School is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the internet. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the internet is at the user's own risk. The School specifically denies any responsibility for the accuracy or quality of information obtained through its services. The School will not be responsible for any unauthorized charges or fees resulting from access to the internet, and any user is fully responsible to the School and shall indemnify and hold the School, its Board Members, administrators, teachers, and staff harmless from any and all loss, costs,

claims, or damages resulting from such user's access to its computer network and the internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user and attorney fees. The user or, if the user is a minor, the user's parent(s)/legal guardian(s) agrees to cooperate with the School in the event the School initiates an investigation of a user's use of his or her access to its computer network and the internet.

### Violations

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

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

### Internet Safety Coordinator

The Executive Director 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 Charter School personnel regarding the internet safety component of the School's curriculum. The Internet Safety Coordinator shall handle any complaints about the enforcement of this policy or refer them to other appropriate personnel depending on the nature of the complaint.

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

### Public Notification

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

### Submission to State Department of Education

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

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

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

STUDENTS

3270F

### INTERNET ACCESS CONDUCT AGREEMENT

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

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

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

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

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

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

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

**Parent or Legal Guardian.** *(If the applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.):* As the parent/legal guardian of the above named-student, I have read, understand, and agree that my child shall comply with the terms of the Charter School's policy regarding School-Provided Access to Electronic Information, Services, and Networks for the student's access to the School's computer network and the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the School to restrict access to all offensive and controversial materials and understand my child's responsibility for abiding by the policy. I am, therefore, signing this Agreement and agree to indemnify and hold harmless the Charter School, the Board Members, administrators, teachers, and other staff against all claims, damages, losses, and costs, of whatever kind, that may result from my child's use of his or her access to such networks or his or her violation of the School's policy. Further, I accept full responsibility for supervision of my child's use of his or her access account if and when such access is not in the school setting. I hereby give my child permission to use the building-approved account to access the School's computer network and the Internet.

Parent/Guardian (Print) \_\_\_\_\_ Home Phone: \_\_\_\_\_

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

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

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

## STUDENTS

3270P

### Acceptable Use of Electronic Networks

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

### Terms and Conditions

**[OPTION 1: Educational Purposes Only]** All use of the School's electronic network must be either in support of education or research and in furtherance of the School's stated educational goals; or for a legitimate school business purpose. Use is a privilege, not a right. Students have no expectation of privacy in any materials that are stored, transmitted, or received via the School's electronic network or School computers. The School 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.

**[OPTION 2: Primarily for Educational Purposes]** The School 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 School's educational mission may be permitted during class when authorized by a student's teacher or appropriate administrator. Personal use of School computers and networks outside of class is permissible, but must comply with School 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 School's electronic network or School computers. The School reserves the right to access, monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and internet access and any and all information transmitted or received in connection with such usage, including email and instant messages.

1. Privileges: The use of the School's electronic networks is a privilege, not a right, and inappropriate use of the School's electronic networks may result in cancellation of those privileges. The **[system administrator OR the Internet Safety Coordinator OR the building principal]** will make all decisions regarding whether or not a user has violated these procedures, and may deny, revoke, or suspend access at any time. An appeal of such decisions may be made to the Executive Director within seven days. His or her decision is final.
2. Unacceptable Uses: The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are the following:

- A. Using the network for any illegal activity, or to access websites encouraging illegal activity including violation of copyright or of contracts, or transmitting any material in violation of any U.S. or State law;
- B. Accessing sites which allow or promote online gambling;
- C. Accessing information pertaining to the manufacture of weapons or the promotion of illegal weapons;
- D. Uses that cause harm to others or damage property;
- E. Unauthorized downloading, installation, or copying of software, regardless of whether it is copyrighted or checked for viruses;
- F. Downloading copyrighted material or trade secret information;
- G. Viewing, transmitting, or downloading pornographic materials, materials harmful to minors, or other sexually explicit materials;
- H. Using the network for private financial or commercial activities;
- I. Wastefully using resources, such as file space or the printer;
- J. Hacking, attempting to bypass security systems, or gaining unauthorized access to files, resources, or entities;
- K. Uploading a worm, virus, or other harmful form of programming and other uses that jeopardize the security of the network;
- L. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
- M. Using another user's account or password or some other user identifier that misleads message recipients into believing that someone other than you is communicating;
- N. Posting material authored or created by another person, or pictures of another person, or another person's private information or messages without his or her consent;
- O. Posting anonymous messages or messages using a name other than one's own;
- P. Using the network for commercial or private advertising;
- Q. Uses that are commercial transactions;
- R. Accessing, submitting, posting, publishing, sending, or displaying any inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material;
- S. Accessing sites which promote violence or depict or describe graphic violence. This includes promotion of self-harm;
- T. Accessing sites which advocate discrimination or which promote intolerance.
- U. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying;
- V. Uses that cause harm to others or damage their property, person, or reputation, including but not limited to engaging in defamation;
- W. Using the network while access privileges are suspended or revoked;
- X. Promotion of political, personal, or religious causes in a way that presents such opinions as the view of the School;
- Y. Disclosing identifying personal information or arranging to meet persons met on the internet or by electronic communications; and
- Z. **[OPTIONAL]** Students are prohibited from using e-mail unless authorized to do so by School staff. Students are prohibited from joining chat rooms or using school equipment or school systems for any such activity, unless it is a teacher-



sponsored activity.

3. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
  - A. Be polite. Do not become abusive in messages to others.
  - B. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
  - C. Do not reveal personal information (including the addresses or telephone numbers) of students or staff.
  - D. Recognize that School e-mail is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
  - E. Do not use the network in any way that would disrupt its use by other users.
  - F. Consider all communications and information accessible via the network to be private property.
4. No Warranties: The Charter School makes no warranties of any kind, whether expressed or implied, for the service it is providing. The School will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the internet is at the user's own risk. The School specifically denies any responsibility for the accuracy or quality of information obtained through its services.
5. Security: Network security is a high priority. If the user can identify a security problem with the School's electronic devices or services, the user must notify the system administrator, Internet Safety Coordinator, or building principal. The user shall not demonstrate the problem to other users. Users shall keep their account and passwords confidential. Users shall not use another individual's account. Attempts to log on to the internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
6. Telephone Charges: The Charter School assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, or equipment or line costs.
7. Copyright Web Publishing Rules: Copyright law and Charter School policy prohibit the republishing of text or graphics found on the internet or on School websites or file servers, without explicit written permission.
  - A. For each republication on a website or file server of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the website address of the original source.

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

#### 8. Use of Email.

- A. The Charter School’s email system, and its constituent software, hardware, and data files, are owned and controlled by the School. The School provides e-mail to aid students in fulfilling their duties and responsibilities and as an education tool.
- B. Email could be subject to public records requests and disclosures depending upon the subject matter of the contents of the email.
- C. The School reserves the right to access and disclose the contents of any account on its system, without prior notice or permission from the account’s user. Unauthorized access by any student to an electronic mail account is strictly prohibited.
- D. Each person should use the same degree of care in drafting an electronic mail message that would be put into a written memorandum or document. Nothing should be transmitted in an e-mail message that would be inappropriate in a letter or memorandum.
- E. Email sent from a School account includes an identification of the user’s internet “domain.” This domain identifies the author as being with the School. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of this School. Users will be held personally responsible for the content of any and all email messages transmitted to external recipients.
- F. Any message received from an unknown sender should either be immediately

deleted or forwarded to the system administrator. Downloading any file attached to any internet-based message is prohibited, unless the user is certain of the message's authenticity and the nature of the file so transmitted.

G. Use of the Charter School's email system constitutes consent to these regulations.

#### Internet Safety

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

#### Student Use of Social Media

Students will be held accountable for the content of the communications that they post on social media locations and are responsible for complying with Charter School policy and procedures for content posted using a School computer, network, or software or when posted during school hours when the student is in attendance at School. Student posts on social media locations outside of school hours and School grounds using a personal computer, network, and software shall be private as long as they do not enter into the educational setting and interfere with the orderly operation of the School. Posts to social network sites using a School computer, network, or software may be subject to public records requests. Students may not disrupt the learning atmosphere, educational programs, School activities, or the rights of others.

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

#### Procedure History:

Promulgated on:

Revised on:

Reviewed on:

**Alternative 1: Students Allowed to Take Devices Home**

Charter School Provided Mobile Computing Devices

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

Distributing Mobile Computing Devices

Before they are issued a mobile computing device, each student must submit an executed Student Agreement for Mobile Computing Device Use and a copy of the Internet Access Conduct Agreement. Each form must be signed by the student and by their parent/guardian if they are less than 18 years of age.

The Charter School may provide parent orientations on the mobile computing device program. A student's parents/guardians are encouraged to attend an orientation before the student takes a device home with them.

**[OPTIONAL]** Parents/guardians of students may use the School-issued device, and their involvement in student learning through technology is strongly encouraged. However, use of School-issued technology outside of this purpose, such as for personal gain or activities unrelated to student learning, is prohibited. Both parent and student use of the School's device, network, and software may be subject to a public records request depending upon the content of the document or communication, including email.

Students may take the devices out of Idaho at the discretion of the building principal. The School directs the Executive Director to establish procedures for students to request permission to take the device with them.

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

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

## Care and Safety

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

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

### **11. [INSERT ADDITIONAL PRECAUTIONS SUGGESTED BY MANUFACTURER]**

The Executive Director will designate an individual or office where the devices must be taken if they break or fail to work properly.

## Use at School

Devices are intended for use at the School each day. Students are responsible for bringing their device to all classes, unless specifically advised not to do so by their teacher. Devices must be brought to school each day in a fully charged condition. Power cords must stay with the device at all times. Repeat failures to comply with these requirements will result in disciplinary action.

If students leave their device at home, they may phone their parent/guardian to bring it to the School. Students without a device will use a computer in the classroom or a device from the lending pool depending upon availability and at the administrator's discretion. This includes students whose devices are undergoing repair.

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

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

## Personalizing Mobile Computing Devices

### **CHOOSE ONE OPTION FROM THE FOLLOWING:**

**[OPTION 1 – RECOMMENDED BY THE TECHNOLOGY TASK FORCE]** While at no time does the device become the personal property of students or staff; students may place individualized items on the device, which are limited to music, pictures, and other items that do not hinder the network or device functionality.

Students may be permitted to select their own screen savers and backgrounds provided they are appropriate. Screensavers, backgrounds, or other pictures containing guns, weapons, pornographic materials, inappropriate language, alcohol, drugs, gang related symbols or pictures, the student's password or other items deemed inappropriate by the administration will result in disciplinary actions.

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

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

**[OPTION 2]** Students may not add options or upgrades to the device, change the operating system, or add unauthorized software or safety controls.

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

### Managing Files

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

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

### Software

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

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

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

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

Students wishing to load additional software onto a device must first obtain the permission of the School's technology department. Any additional software must be appropriate for the School environment and comply with the Internet Access Conduct Agreement. Violent games and device images containing obscene or pornographic material are banned. The technology department shall determine whether a game is violent, and the student may appeal this decision to the principal. Each student is responsible for ensuring that only licensed software is loaded onto his or her device.

### Inspection and Filtering

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

**[OPTIONAL]** Internet filtering software or other technology-based protection systems may be disabled by a supervising teacher or School administrator, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 18 and older.

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

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

### Remote Access of Devices

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

### Acceptable Use

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

### Protecting and Storing Devices

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

When students are not using their devices, the devices should be stored in their lockers. Students are encouraged to take their devices home every day after School.

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

### Repair of Devices

Students are to report all device problems to **[Charter School technology personnel OR the building principal]**.

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

Cross References:	3270F 3270P	Internet Access Conduct Agreement Acceptable Use of Electronic Networks
Legal References:	Pub. L. 106-554 47 U.S.C. § 254(h)  47 U.S.C. § 254(l)	CIPA Public Law Number Telecommunications Services for Certain Providers Internet Safety Policy Requirement for Schools and Libraries
Other References:	Technology Task Force Final Task Force Recommendations	

### Policy History:

Adopted on:

Revised on:

Reviewed on:



**Alternative 2: Students NOT Allowed to Take Devices Home**

Charter School Provided Mobile Computing Devices

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

Distributing Mobile Computing Devices

Before they are issued a device, each student must submit a Student Mobile Computing Device Agreement and a copy of the Internet Access Conduct Agreement. Each form must be signed by the student and by their parent/guardian if they are less than 18 years of age.

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

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

Care and Safety

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

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

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

## Use at School

The devices are intended for use at the School each day. Students are responsible for bringing their device to all classes, unless specifically advised not to do so by their teacher. Power cords must stay with the device at all times, and the device must be returned for recharging at the end of each school day. Repeat failures to comply with these requirements will result in disciplinary action.

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

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

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

### **CHOOSE ONE OPTION FROM THE FOLLOWING:**

**[OPTION 1 – RECOMMENDED BY THE TECHNOLOGY TASK FORCE]** While at no time does the device become the personal property of students or staff; students may place individualized items on the device, which are limited to music, pictures, and other items that do not hinder the network or device functionality.

Students may be permitted to select their own screen savers and backgrounds provided they are appropriate. Screensavers, backgrounds, or other pictures containing guns, weapons, pornographic materials, inappropriate language, alcohol, drugs, gang related symbols or pictures, the student's password or other items deemed inappropriate by the administration will result in disciplinary actions.

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

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

**[OPTION 2]** Students may not add options or upgrades to the device, change the operating system, or add unauthorized software or safety controls.

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

## Managing Files

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

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

## Software

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

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

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

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

Students wishing to add additional software onto a device must first obtain the permission of the School's technology department. Any additional software must be appropriate for the School environment and comply with the Internet Access Conduct Agreement. Violent games and computer images containing obscene or pornographic material are banned. The technology department shall determine whether a game is violent, and the student may appeal this decision to the building principal. Each student is responsible for ensuring that only licensed software is loaded onto his or her device.

## Inspection and Filtering

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

### **[OPTIONAL]**

The internet filtering software or other technology-based protection systems may be disabled by a supervising teacher or School administrator, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 18 and older.

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

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

#### Remote Access of Devices

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

#### Acceptable Use

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

#### Protecting and Storing Devices

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

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

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

#### Repair of Devices

Students are to report all device problems to **[Charter School technology personnel OR the principal]**.

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

Cross References:	3270F 3270P	Internet Access Conduct Agreement Acceptable Use of Electronic Networks
Legal References:	47 U.S.C. § 254(h) 47 U.S.C. § 254(l) Pub. L. 106-554	Telecommunications Services for Certain Providers Internet Safety Policy Requirement for Schools and Libraries Children's Internet Protection Act (CIPA)

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

**STUDENTS**

**3275FA1**

**Alternative 1: Students Allowed to Take Devices Home**

**MOBILE COMPUTING DEVICE AGREEMENT**

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

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

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

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

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

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

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

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

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

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

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

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

disciplinary measures, regardless of whether the misuse was committed by him or her or by another person.

I also understand that I will be responsible for monitoring my student's use of the device outside the School setting.

\_\_\_\_\_ I do not wish my son/daughter to take the device home at this time.

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

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

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

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

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

**MOBILE COMPUTING DEVICE AGREEMENT**

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

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

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

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

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

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

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

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

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

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

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

I have read the Charter School Policy No. 3275 and explained it to my child. I understand that if any violation or misuse of the device occurs while it is in my child's custody, his or her access privileges to the internet or use of a mobile computing device can be suspended or terminated,



that he or she will forfeit any fees paid for use of the device, and that he or she may face other disciplinary measures, regardless of whether the misuse was committed by him or her or by another person.

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

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

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

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

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

## STUDENTS

3280

### Equal Education, Nondiscrimination, and Sex Equity

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

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

Inquiries regarding discrimination should be directed to the Charter School Title IX or Nondiscrimination Coordinator. An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

In compliance with federal regulations, the Charter School will notify annually all students, parents, staff, community members, and, if applicable, unions or professional organizations the Charter School holds a collective bargaining agreement with of this policy and the designated coordinator to receive inquiries. Notification should include the name and location of the coordinator, as well as a statement that the Charter School will provide equal access to the Boy Scouts and other designated youth groups. The notification will be provided in all handbooks.

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

Cross References: 4175 Required Annual Notices

Legal References:	20 U.S.C. §§ 1681 - 82	Title IX of the Education Amendments of 1972
	29 U.S.C. § 794	Section 504 of the Rehabilitation Act of 1973 - Nondiscrimination under Federal Grants and Programs
	42 U.S.C. § 6101, <i>et seq.</i>	Age Discrimination in Federally Assisted Programs
	42 U.S.C. § 12134	Americans with Disabilities Act
	I.C. § 67-5909	Commission on Human Rights – Acts Prohibited

### Policy History:

Adopted on:  
Revised on:  
Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3281

### Gender Identity and Sexual Orientation

The Board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sexual orientation, gender identity, or gender expression. This policy is designed to create a safe learning environment for all students and to ensure that every student has equal access to all Charter School programs and activities. Failure of any School student or School employee to abide by the terms and provisions of this policy will subject such individual to disciplinary action.

#### Definitions

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

“Gender identity” shall refer to a person's deeply felt internal sense of their own gender.

“Gender expression” shall refer to how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

“Transgender,” an adjective, shall refer to a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.

#### School Facilities

In the case of middle/junior high students and high school students, the principal or building administrator is encouraged to request a meeting with a transgender student and, if the student grants permission, with their parent/guardian upon the student's enrollment in the School or in response to a currently enrolled student's change of gender expression or identity. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity.

In the case of elementary school students, it will generally be the parent/guardian that informs the School of an impending transition. However, if the School's staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, it may be appropriate for the School's administrative staff and/or counselor to approach the student's parent/guardian about the issue. An individual teacher shall not approach a student's parent/legal guardian to address such a student situation without first conferring with the School's administration about the subject and obtaining permission to enter into such a discussion. A meeting may be held at the request of the student's parent/guardian or at the

request of the principal or building administrator. Together, the family and School can identify appropriate steps, if any, to support the student.

**Commented [AH1]:** Grade Level Specific Content

Students will be allowed to use the restrooms and locker rooms that correspond to the gender identity they consistently assert at school. No student will be required to use facilities that conflict with his or her gender identity consistently asserted at school. A transgender student or any other student who has a need or desire for increased privacy may be given the option of using a separate or private restroom or changing area, such as a single stall restroom, if such is available. No student shall, on account of their transgender status, be required to use such separate facilities.

#### School Activities

The Charter School will provide all students the opportunity to participate in any activities segregated by gender in a manner that is consistent with their gender identity consistently asserted at school. However, activities under the direction of the Idaho High School Activities Association (IHSAA) shall be subject to IHSAA rules and regulations.

**Commented [AH2]:**  
Grade Level Specific Content

#### School Trips

In the case of overnight trips sponsored by the Charter School, students will be assigned sleeping rooms that correspond to the gender identity they consistently assert at school or to a private sleeping room. No student shall be required to sleep in a private room or in an assigned room conflicting with his or her consistently asserted school gender identity.

In no case will a transgender student be denied the right to participate in an overnight trip because of that student's transgender status.

In no case will a student be denied the right to participate in an overnight trip because of that student's sexual orientation. Likewise, a student will not be required to use a private sleeping room or be denied participation on the basis of that student's sexual orientation.

#### Student Records and Privacy

The Charter School's official records required by law shall utilize a student's legal name. In situations where State or federal law or administrative rules require School employees to use or report a student's legal name or gender, such legal name or gender shall be utilized. However, School staff shall use practices to avoid the inadvertent disclosure of a student's transgender status.

Information regarding a student's sexual orientation, gender identity, gender expression, legal name, or gender assigned at birth may constitute confidential information. Disclosure of such information shall be in accordance with Charter School policies pertaining to student privacy. The student's educational record shall not include mention of the student's sexual orientation.

However, in the course of ordinary interactions and communication, School staff shall use the name and pronouns consistently asserted by the student at school, regardless of the student's legal name and sex. A student is not required to legally change their name, gender, or official School records as a prerequisite to the use of a name and the pronouns consistent with the student's identity. Intentional and persistent refusal to use the name and gender by which the student identifies is a violation of this policy and may subject an employee to discipline, up to and including possible termination.

#### Change of Official School Records

Charter School records required by law to include the student's legal name and/or gender will be changed by the School upon the student or former student's presentation of appropriate documentation to the School Office. Any current or former student may present to the Executive Director or designee responsible for student records a copy of a court order or birth certificate identifying a change of the student's legal name and/or gender. The student's records will be changed accordingly.

#### Confidentiality

School employees should not disclose a student's transgender status or sexual orientation to other individuals, regardless of setting, including to other School personnel or (in the case of middle School, junior high School, and high School students) the student's parents/guardians, unless they have a legitimate need to know or unless the student has authorized such disclosure. Action in violation of such student confidentiality may subject an employee to discipline, up to and including possible termination and, for certificated personnel, a report to the Professional Standards Commission.

**Commented [AH3]:** Grade Level Specific Content

When contacting the parent/guardian of a transgender student, School personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student or parent/guardian has specified otherwise.

#### Training

The Charter School may conduct staff development or awareness activities for students or parents on transgender issues or gender diversity. However, in regard to such activities, the School and its personnel shall not disclose the transgender status of any student without permission of that student and their parent(s)/guardian(s).

#### Dress Codes

The Charter School dress code shall be gender neutral in all situations, including attire during the traditional school day, School activities including dances and prom, and graduation. The School will allow students to dress in a manner that is consistent with their gender identity within the constraints of the dress codes and any other rules regarding student attire.

Students may wear clothing or accessories that voice their views on lesbian, gay, bisexual, and transgender (LGBT) issues, regardless of viewpoint, provided these conform to the dress code; are not a disruption to the educational environment; and are not obscene, threatening, lewd, or vulgar.

#### School Dances

The Charter School shall not impose different or unique practices or rules for same sex couples who attend and/or participate in School activities, including dances. This includes such matters as prohibition of attendance of same sex student couples, limitations of public displays of affection only applicable to same sex couples, discounted couples tickets, requiring dance court titles that correspond to birth sex, and other such distinctions.

#### Safe Environment

It is the responsibility of the Charter School to ensure all students, including LGBT students, have a safe School environment. Discrimination, harassment, bullying, or sexual harassment complaints involving LGBT students shall be handled in the same manner as other discrimination, harassment, bullying, and sexual harassment complaints.

Cross References:	2140	Student and Family Privacy Rights
	3255	Student Dress
	3280	Equal Education, Nondiscrimination, and Sex Equity
	3290	Sexual Harassment/Intimidation of Students
	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3575	Student Data Privacy and Security
Legal References:	20 U.S.C. §§ 1681 - 82	Title IX of the Education Amendments of 1972
	I.C. § 33-133(1)(j)(ii)	Student Data – Items Not to be Included in a Student’s Educational Record

Other Reference: Idaho High School Activities Association Rules & Regulations, Rule 11-3 Transgender Student Participation  
Idaho High School Activities Association, Current Rules and Regulations Manual Rule 11-3: Transgender Student Participation (available at [https://idhsaa.org/asset/19-20Manual\\_Complete.pdf](https://idhsaa.org/asset/19-20Manual_Complete.pdf)) (last accessed November 11, 2019)

**Commented [AH4]:**  
Grade Level Specific Content

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

Relationship Abuse and Sexual Assault Prevention and Response

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

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

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Executive Director or Board.

Students or third parties may also be referred to law enforcement officials. Should the School or any of its' employees have reason to believe that a child under 18 years of age has been abused, abandoned, or neglected or has been subjected to conditions which would reasonably result in abuse, abandonment, or neglect, the School shall follow appropriate reporting requirements pursuant to the Child Protective Act. Employees shall also report the incident to the Charter School's Title IX coordinator or deputies, as described in Policy 3085.

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

The Board shall review this policy annually.

**[OPTIONAL]**

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

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



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

Such remediation during or following an investigation may include:

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

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

Cross Reference:	3085	Sexual Harassment, Discrimination and Retaliation Policy
	3085P	Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions

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

Policy History:

Adopted on:  
Revised on:  
Reviewed on:

Sexual Harassment/Intimidation of Students

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

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

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

Students who believe that they may have been sexually harassed or intimidated should contact a counselor, teacher, Title IX coordinator, or administrator who will assist them in the complaint process per Policy 3085 and Procedure 3085P. Supervisors or teachers who knowingly condone, or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline.

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

Any individual seeking further information should contact the Executive Director for the name of the current Title IX Coordinator for the School. The Executive Director shall ensure that the

student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the School's compliance efforts.

An individual with a complaint alleging a violation of this policy which does not fall within the scope of allegations addressed by Procedure 3085P shall follow the Uniform Grievance Procedure.

Cross Reference:	§ 4120	Uniform Grievance Procedure
	§3085	Sexual Harassment, Discrimination and Retaliation Policy
	§3085P	Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions

Legal References:	20 U.S.C. §§ 1681 - 82	Title IX of the Education Amendments of 1972
	34 C.F.R. Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (Implementing Title IX)
	I.C. § 67-5909	Commission on Human Rights - Acts Prohibited
	I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

STUDENTS

3290F

Harassment Reporting Form for Students

{{School\_Name}}

Date \_\_\_\_\_

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

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

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

\_\_\_\_\_

Describe the incident(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s), time(s), and place(s) the incident(s) occurred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

If so, name the witnesses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

If yes, what action did you take? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Signatures of parents/legal guardian \_\_\_\_\_

{{Full\_Charter\_Heading}}

## STUDENTS

3295

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

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

**Commented [AH1]:**  
Reference to Transportation Program

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

### Discipline

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

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

### Notification

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

### Procedures

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

### Reporting

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

The Board shall review this policy annually.

Cross References:	3330	Student Discipline
	4175	Required Annual Notices
	5265	Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying
Legal References:	20 U.S.C. §§ 1681 - 82	Title IX of the Education Amendments of 1972
	34 C.F.R. Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (Implementing Title IX)
	I.C. § 18-917	Assault And Battery – Hazing
	I.C. § 18-917A	Student Harassment — Intimidation — Bullying
	I.C. § 33-205	Attendance at Schools - Denial of School Attendance
	I.C. § 33-512	District Trustees - Governance of Schools
	I.C. § 33-1631	Requirements for Harassment, Intimidation and Bullying Information and Professional Development
		I.C. § 67-5909 Commission on Human Rights - Acts Prohibited
	IDAPA 08.02.03.160	Safe Environment and Discipline

### Policy History:

Adopted on:

Revised on:

Reviewed on:



{{Full\_Charter\_Heading}}

STUDENTS

3295F

COMPLAINT FORM

{{School\_Name}}

Date \_\_\_\_\_

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

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

Who was responsible for the incident(s)? \_\_\_\_\_

\_\_\_\_\_

Describe the incident(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s), time(s), and place(s) the incident(s) occurred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

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

If so, name the witnesses: \_\_\_\_\_

\_\_\_\_\_

Is there any evidence of the incident(s) (i.e. letters, photos) ☐ yes ☐ no

If so, please describe: \_\_\_\_\_  
\_\_\_\_\_

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

If yes, what action did you take: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Signature of parents/legal guardian: \_\_\_\_\_

{{Full\_Charter\_Heading}}

## STUDENTS

3295P

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

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

#### Definitions

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

grounds, School property, at any School-sponsored activity, on School-provided transportation or at any official School bus stop, and that has the effect of:

**Commented [AH1]:**  
Reference to Transportation Program

- A. Harming a student or damaging a student's property;
  - B. Knowingly placing a student in reasonable fear of harm to the student or damage to the student's property; or
  - C. Is sufficiently severe, persistent, or pervasive so that it creates an intimidating, threatening, abusive, or hostile educational environment.
6. "Cyber bullying" includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs through the Charter School's computer network and the internet, whether accessed on campus or off campus, during or after School hours or through any private electronic device done when the student is present at School. In the situation that cyber bullying originated from a non-School computer, but has been brought to the attention of School officials, any disciplinary actions shall be based on whether the conduct is determined to be reasonably expected to materially and substantially interfere with or disrupt educational environment of the School or impinge on the rights of other students at School and/or in violation of School policy or state law. The Administration shall, at their discretion, contact local law enforcement.
7. "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin, gender identity and expression, or sexual orientation.

#### Retaliation/False Charges

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

#### Confidentiality

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

### Policy Distribution

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

### Complaint Procedures

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

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

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

- Step I: Any hazing, harassment, intimidation, bullying, or cyber-bullying information (complaints, rumors, etc.) shall be presented to the building principal or Executive Director. Complaints against the building principal shall be filed with the Executive Director. Complaints against the Executive Director shall be filed with the Board Chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step II: The School official receiving the complaint shall promptly investigate or refer the complaint to an appropriate colleague or outside party for investigation. Parents will be notified of the nature of any complaint involving their student. The School official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The School official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined. Due to the requirements of the Family Educational Rights and Privacy Act, it will often not be possible to provide complainants and parents with detailed information on disciplinary actions taken against another student.
- A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Executive Director or their designee.
- Step III: If the complainant is not satisfied with the decision at Step II, he or she may submit a written appeal to the Executive Director or designee. Such appeal must be filed within ten working days after receipt of the Step II decision. The Executive Director

or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The Executive Director or designee shall provide a written decision to the complainant's appeal within ten working days.

Step IV: If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within ten working days after receipt of the Step III decision. The Board shall, within 20 working days, conduct an informal review at which time the complainant shall be given an opportunity to present the complaint and the School's administration to respond if they so desire. The course and conduct of this proceeding shall be informal and shall be at the sole discretion of the Board. The Board shall provide a written decision to the complainant within ten working days following completion of the informal review.

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

#### Documentation and Reporting

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

#### Procedure History:

Promulgated on:

Revised on:

Reviewed on:

Bullying Awareness Week

The {{School\_Name}} is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing, or bullying by students, staff, or third parties is strictly prohibited and will not be tolerated in the School. It is important that the students and parents have awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause, which may include the increased risk of teenage suicide.

Therefore, the School hereby designates the \_\_\_\_\_ **[EXAMPLE: second]** week of \_\_\_\_\_ **[EXAMPLE: September]** of each year Bullying Awareness Week.

The Executive Director or designee shall designate certain activities for Bullying Awareness Week. The objectives for the activities for Bullying Awareness Week should include, but are not limited to:

1. Recognizing that bullying is a serious issue that has damaging effects for our society;
2. Recognizing that bullying is not an acceptable part of how we should treat each other;
3. Teaching students and staff the School's policy on bullying and the consequences;
4. Helping students and staff recognize that bullying behaviors have different forms;
5. Recognizing the tremendous leadership potential of our youth;
6. Celebrating and recognizing those who are making a difference in addressing bullying;  
and
7. Preparing for further work that needs to be done in the future.

Cross References:	§ 3295	Hazing, Harassment, Intimidation, Bullying,
	§ 4120	Cyberbullying Uniform Grievance Procedure
Legal References:	20 U.S.C. §§ 1681 - 82	Title IX of the Education Amendments of 1972
	34 C.F.R. Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (Implementing Title IX)
	I.C. § 18-917A	Student Harassment — Intimidation — Bullying
	I.C. § 67-5909	Commission on Human Rights - Acts Prohibited
	I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on:  
Revised on:  
Reviewed on:



Drug Free School Zone

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

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

1. All dangerous controlled substances as so designated and prohibited by Idaho law;
2. All chemicals which release toxic vapors;
3. All alcoholic beverages;
4. Tobacco products;
5. Any prescription or patent drug, except those for which permission to use in School has been granted pursuant to Board policy;
6. “Look-alikes”;
7. Anabolic steroids;
8. Any other illegal substances so designated and prohibited by law.

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

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

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

The Board shall review this policy annually.

Cross Reference:     § 3330                     Student Discipline.

Legal References:     Pub. L. 101-226             The Anti-Drug Abuse Act of 1986, Title IV,  
   Subtitle B: The Drug-Free Schools and  
   Communities Act of 1986 (as amended)

I.D.A.P.A. 08.02.03.160   Safe Environment and Discipline

Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3305

### Prohibition of Tobacco Possession and Use

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

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

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

### Definition

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

Cross References:   § 3300  
                              § 3330

Drug Free School Zone  
Student Discipline

Legal References:   I.C. § 39-5703

Prevention of Minors' Access to Tobacco -  
Possession, Distribution or Use by a Minor

I.D.A.P.A. 08.02.03.160 Safe Environment and Discipline

### Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3310

### Gangs and Gang Activity

The Board is committed to ensuring a safe and orderly environment, where learning and teaching may occur without physical or psychological disruptions, unlawful acts, or violations of Charter School regulations. Gang activities create an atmosphere of intimidation in the entire School community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive to the process of education and School activities. Groups of individuals which meet the definition of gangs below shall be restricted from School grounds or School activities.

### Definitions

“Gang” shall refer to any group of three or more persons, whether formal or informal, that has a common name or common identifying sign or symbol, and associate together to advocate, conspire, or commit:

1. One or more criminal acts; or
2. Acts which threaten the safety or well-being of property or persons, including, but not limited to, harassment and intimidation.

It also includes gangs as defined in Idaho Code.

Students on School property or at any School-sponsored activity shall not:

1. Wear, possess, use, distribute, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or representative of any gang;
2. Display tattoos which may be affiliated with any gang and/or representative of any gang;
3. Engage in any act, whether verbal or nonverbal, including gestures or handshakes, showing membership in or affiliation with any gang and/or that is representative of any gang; or
4. Engage in any act furthering the interest of any gang or gang activity, including, but not limited to:
  - A. Soliciting membership in or affiliation with any gang;
  - B. Soliciting any person to pay for protection or threatening another person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
  - C. Painting writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on School property; or

- D. Engaging in violence, extortion, or any other illegal act or other violation on School property.

Violations of this policy shall result in disciplinary action, up to and including suspension, expulsion, and/or notification of police.

Cross Reference:      3255                      Student Dress

Legal References:      *Stephenson v. Davenport Community Sch. Dist.*, 110 F.3d 1303 (8<sup>th</sup> Cir. 1997).

I.C. § 33-506	District Trustees - Organization and Government of Board of Trustees
I.C. § 33-512	District Trustees - Governance of Schools
I.C. § 18-8501, <i>et seq.</i>	Idaho Criminal Gang Enforcement Act
I.C. § 18-8502	Idaho Criminal Gang Enforcement Act - Definitions
IDAPA 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on:

Revised on:

Reviewed on:

Substance and Alcohol Abuse

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

The School's desire is to create an environment where students feel safe from the many harmful influences that are prevalent in our society. For those students that come forward and voluntarily disclose using and/or being under the influence of alcohol and/or drugs while on School property or at a School function, prior to the School having reasonable suspicion, the Charter School will provide counseling to any such student and make recommendations for referral to appropriate agencies for screening and assessment. The parent/legal guardian or custodian of the student will be notified immediately and the School will cooperate with and work with the parent in the establishment of plan to assist the student in whatever means are deemed necessary and appropriate. The student's parent/guardian or custodian will be notified of available opportunities for counseling for the student. Only persons on a "need to know" basis may receive information regarding a voluntary disclosure, except when deemed reasonably necessary to protect the health and safety of others. The incident shall be reported to law enforcement.

The mere fact that a student previously disclosed use of alcohol or a controlled substances, in and of itself, shall not establish reasonable suspicion at a later date.

If the School has reasonable suspicion (based upon reliable information received or the personal observations of staff) to believe that a student is using or is under the influence of alcohol or a controlled substance and the student has not voluntarily disclosed such use or influence, the School may take whatever action is deemed appropriate, including but not limited to, notifying the parent/legal guardian, notifying local law enforcement, suspension, and/or expulsion. The following shall be used as a guide in determining what procedures may be followed when this occurs, however, the specific procedure may, in large part, depend upon the circumstances in each case:

1. Upon reasonable suspicion, the student will be asked if he or she has used and/or is under the influence of alcohol and/or drugs;
2. If the student admits to the use, the student's parent/legal guardian will be immediately called;

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

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

The Board shall review this policy annually.

Cross References:	3330	Student Discipline
	3340	Corrective Actions and Punishment.
	3360	Discipline of Students with Disabilities
	3370	Searches and Seizures
	4175	Required Annual Notices
Legal References:	Pub. L. 101-226	The Anti-Drug Abuse Act of 1986, Title IV, Subtitle B: The Drug-Free Schools and Communities Act of 1986 (as amended)
	I.C. § 33-210	Attendance at Schools —Students Using or Under the Influence of Alcohol or Controlled Substances
	IDAPA 08.02.03.160	Safe Environment and Discipline.

#### Policy History:

Adopted on:  
Revised on:  
Reviewed on:



## STUDENTS

3330

### Student Discipline

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

1. Habitual truancy;
2. Incurigibility;
3. Academic dishonesty;
4. Conduct continuously disruptive of School discipline or of the instructional effectiveness of the Charter School;
5. Conduct or presence of a student when the same is detrimental to the health and safety of other pupils;
6. Using, possessing, distributing, purchasing, or selling tobacco products;
7. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend School functions and are treated as though they had alcohol in their possession;
8. Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. Students who are under the influence are not permitted to attend School functions and are treated as though they had drugs in their possession;
9. Assembly or public expression that advocates the use of substances that are illegal to minors or otherwise prohibited within this policy;
10. Using, possessing, controlling, or transferring a weapon in violation of the “Possession of Weapons in a School Building” section of this policy;
11. Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon;
12. Disobeying directives from staff members or School officials and/or rules and regulations governing student conduct;
13. Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct;

14. Causing or attempting to cause damage to, or stealing or attempting to steal, School property or another person's property;
15. Engaging in any activity that constitutes disorderly conduct, an interference with School purposes or an educational function or which is disruptive to the educational environment;
16. Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants;
17. Hazing – For purposes of this policy, the term “hazing” shall have the meaning set forth in Idaho Code;
18. Initiations;
19. The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the School;
20. Harassment, intimidation, cyber bullying, or bullying as defined in Idaho Code and Charter School policy.

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

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

#### Traditional Disciplinary Measures

Traditional disciplinary measures include, but are not limited to:

1. Expulsion;
2. Suspension;
3. Detention, including Saturdays;
4. Clean-up duty;
5. Loss of student privileges;
6. Loss of bus privileges (if applicable);
7. Notification to juvenile authorities and/or police;
8. Temporary removal from the classroom;

9. Meeting with the student and the student's parents; and
10. Restitution for damages to School property.

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

### Alternative Disciplinary Measure

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

Alternative discipline includes, but is not limited to:

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

### Consequences for Harassment, Intimidation, and Bullying

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

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

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

### Gun-Free Schools

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

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

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

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

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

As used in this section of this Policy only:

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

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

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

This section of this policy does not apply to:

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

#### Delegation of Authority

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

#### Nondiscrimination

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

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

## Notification

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

The Board shall review this policy annually.

Cross References:	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3340	Corrective Actions and Punishment
	4175	Required Annual Notices
	4320	Disruption of School Operations
Legal References:	18 U.S.C. § 921	Firearms – Definitions
	18 U.S.C. § 922(q)(2)	Unlawful acts - Possession of Certain Firearms in School Zones
	18 U.S.C. § 930	Possession of Firearms and Dangerous Weapons in Federal Facilities
	20 U.S.C. § 7961	Gun-Free Requirements
	29 U.S.C. § 701, et seq.	Section 504 of the Rehabilitation Act of 1973
	I.C. § 33-205	Attendance at Schools - Denial of School Attendance
	I.C. § 18-917	Assault And Battery - Hazing
	I.C. § 18-917A	Student Harassment — Intimidation — Bullying
	I.C. § 18-3302D	Possessing Weapons or Firearms on School Property
	I.C. § 18-3302I	Threatening Violence on School Grounds
	I.C. § 33-1224	Powers and Duties of Teachers
	I.C. § 33-1631	Requirements for Harassment, Intimidation and Bullying Information and Professional Development
	IDAPA 08.02.03.109.05	Special Education
	IDAPA 08.02.03.160	Safe Environment and Discipline
Other Reference:	Office of Civil Rights Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline	

## Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3335

### Academic Honesty

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

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

Commented [AH1]:  
Grade Level Specific Content

### Cheating

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

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

10. Submitting work previously presented in this course or in another course.

### Plagiarism

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

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

Cross References: 4175

Required Annual Notices

### Policy History:

Adopted on:

Revised on:

Reviewed on:



## STUDENTS

3340

### Corrective Actions and Punishment

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

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

1. "Temporary Suspension" is the exclusion from School or individual classes for a specific period of up to five school days.

The Executive Director or the principal of the School may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation, or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the School. Prior to suspending any student, the Executive Director or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the School by the Executive Director or principal who suspended him or her on reasonable conditions prescribed by the Executive Director or principal. The Board of Directors shall be notified of any temporary suspensions, the reasons for them, and the response to them.

2. "Extended Temporary Suspension" is the exclusion from School or individual classes for an additional ten school days. Only the Executive Director or the Board can extend an initial temporary suspension.
3. "Prolonged Temporary Suspension" is the exclusion from School or individual classes for an additional five school days. Only the Board can extend a temporary suspension for an additional five days and only upon a finding that immediate return to School attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare, or safety.
4. "Expulsion" is the exclusion from School. Only the Board has the authority to expel or deny enrollment to any pupil who is an habitual truant, who is incorrigible, whose conduct is such as to be continuously disruptive of School discipline or of the instructional effectiveness of the School, or whose presence is detrimental to the health and safety of other pupils or who has been expelled from another charter school or school district in the State of Idaho or any other state. The School will provide written notice of any student who is expelled or denied enrollment to the prosecuting attorney within five days of the Board's actions.

No pupil shall be expelled nor denied enrollment without the Board having first given written notice to the parent/guardian of the pupil stating the grounds for the proposed

expulsion or denial of enrollment and the time and place where such parent/guardian may appear to contest the action of the Board. The notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his or her own behalf, and to cross-examine any adult witnesses who may appear against him or her. Within a reasonable period of time following such notification, the Board of Directors shall grant the pupil and his or her parents/guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the Board shall allow a reasonable period of time between notification and the hearing to allow the pupil and his or her parents/guardian to prepare their response to the charge.

5. "Discipline" constitutes all other forms of corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period and exclusion from any other type of activity conducted by or for the School. Discipline shall not adversely affect specific academic grade, subject, or graduation requirements, as long as all required work is performed.

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

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

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

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

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

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

Cross Reference:	3330	Student Discipline
	3360	Discipline of Students with Disabilities
Legal Reference:	20 U.S.C. §§ 1400 – 82	Individuals with Disabilities Education Act (IDEA)
	I.C. § 33-205	Attendance at Schools - Denial of School Attendance
	I.C. § 33-512	District Trustees - Governance of Schools
	I.C. § 33-1631	Requirements for Harassment, Intimidation and Bullying Information and Professional Development

Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3340P

### Corrective Actions and Punishment

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

### Suspension

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

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

### Expulsion

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

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

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

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

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

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

#### Procedure History:

Promulgated on:  
Revised on:  
Reviewed on:

## STUDENTS

3345

### Use of Restraint, Seclusion, and Aversive Techniques for Students

#### Conduct of Employees Directed Toward Students

The use by appropriately trained Charter School personnel towards or directed at any student of any form of restraint or seclusion as defined in this policy, is prohibited except in circumstances where proportional restraint or seclusion of a student is necessary when a student's conduct creates a reasonable belief in the perspective of a School employee, that the conduct of the student has placed the student, the employee, or any other individual in imminent danger of serious bodily harm.

The employee or any employee who is a witness to this event shall immediately seek out the assistance of the School's administration or, if such administrator is not available, a certificated or classified employee with special training in seclusion and restraint, if available. Upon the arrival of such individual, the administrator or if no administrator is available, the most senior trained individual on seclusion or restraint shall take control over the situation.

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

Regardless of employee training status, no School personnel shall use any form of aversive technique against any School student.

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

1. The employee shall immediately report to their building principal, in writing, the following information:
  - A. The date the event occurred;
  - B. The circumstances leading to the event;
  - C. The student involved; and
  - D. Other witnesses or participants to the event.
2. The building principal shall notify the Executive Director's office of the event, providing the Executive Director's office with a copy of the report of events.
3. The building principal shall ascertain if any of the School's video equipment captured the event on a recording. If such event was captured on recording, the principal shall take all

best efforts to maintain a copy of the recording and provide such to the Executive Director's Office for the Executive Director's official records of the event.

4. The Executive Director or designee shall ascertain the special needs status of the student involved in the seclusion or restraint and shall ascertain and maintain documentation as to whether or not such events were consistent with or contraindicated due to the student's psychiatric, medical, or physical condition(s).
5. The Executive Director or designee of the Executive Director shall notify the parent/legal guardian of the subject student of the situation and the event of restraint or seclusion via telephone and provide the parent/legal guardian with the name and telephone contact information of the building principal where the parent may obtain additional information regarding the event.
6. The Executive Director or designee of the Executive Director shall provide the parent/legal guardian of the student with written notice of the event of restraint or seclusion of their student.
7. The Executive Director's office shall maintain documentation of events of restraint and seclusion and shall prepare any and all necessary reports to legal entities upon whom such reports are or may become due pursuant to State and federal regulations.

#### Training of School Personnel

As part of the training and preparation of each certificated administrator, certificated teacher, and in-building classified employee of the School, the following shall occur:

1. Training of personnel on proper situations and events leading to student seclusion and intervention, including possible preventative alternatives to seclusion and restraint, safe physical escort, de-escalation of student crisis situations, and positive behavioral intervention techniques and supports;
2. Training of personnel in crisis/conflict management and emergency situations which may occur in the School setting, including examples and demonstrations of proper activities and techniques and trainers observing employee use of proper activities and techniques in the training setting;
3. Techniques to utilize to limit the possibility of injury to the student, the employee, and any third party in the area;
4. Information on the School's student seclusion areas in each respective School building to which the employee is assigned;
5. Training in CPR and basic first aid; and
6. Provision of the employee with a copy of this policy.



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

### Designated Locations

Each School building in which students are present must have a building designated location for student seclusion.

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

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

### Definitions

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

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

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

**Aversive Technique:** Physical, emotional, or mental distress as a method of redirecting or controlling behavior.

### Annual Review

On an annual basis, the Executive Director or designee shall review this policy and make a determination as to whether or not any modifications or amendments to this policy are necessary and should be proposed to the Charter School's Board.

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

Cross Reference:      § 3360

Discipline of Students with Disabilities

Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3350

### Detention

For minor infractions of School rules or regulations, or for minor misconduct, staff may detain students. Students may be required to attend Saturday detention for up to four hours.

Preceding the assessment of such punishment, the staff member shall inform the student of the nature of the offense charged, and/or the specific conduct that allegedly constitutes the violation. The student shall be afforded an opportunity to explain or justify his or her actions to the staff member. Parents must be notified prior to a student serving after-School detention.

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

### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3360

### Discipline of Students with Disabilities

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

ISBA recommends use of the guidelines developed by the Idaho Department of Education in its *Idaho Special Education Manual*. As of the development of this amended policy, the most recent version of this manual is 2017. Please refer to Chapter 12, Discipline, of the manual. The manual can be found on the internet by going to the Special Education section of the State Department website or by accessing the following link: <http://www.sde.idaho.gov/sped/sped-manual/>

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3365

### Student Sex Offenders

#### Definition

“Student sex offender” shall mean a student who has been adjudicated delinquent or convicted of and placed on probation for a dangerous offense, such as sexual conduct with a minor, sexual assault, molestation of a child, or continual sexual abuse of a child.

#### Notification to Charter School

The Superintendent of Public Instruction is required by State law to notify a school regarding the enrollment of a registered juvenile sex offender. The Superintendent of Public Instruction is also required to notify a school of the offender's probationary status or treatment status, if known.

#### Educational Placement

The Executive Director or his or her designee shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Executive Director or designee shall consider such factors as the safety and health of the student population. The Executive Director or designee shall develop guidelines for managing each student sexual offender in the School. **[OPTIONAL]** **If the Executive Director or designee determines that, in the best interest of Charter School, the student sexual offender should be placed in an alternative educational setting, the Charter School shall pay for the costs associated with this placement.** Nothing in this section shall affect the Board's rights and duties under Idaho Code § 33-205.

An IEP team shall determine the educational placement of a student sexual offender with a disability. The student with a disability is entitled to all the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act. The IEP team shall develop procedures for managing each student sexual offender with a disability that attends the School. If the IEP team determines that the student sexual offender should be placed in an alternative educational setting, the Charter School shall pay for the costs associated with this placement.

#### Staff

Staff members are to be alert to and inform School officials of any behavior by a juvenile offender that creates an abnormal risk to members of the School community. However, each circumstance involving a student probationary juvenile offender attending the School shall be evaluated on a case-by-case basis. Whenever possible without placing other students or adult members of the School community at risk, reasonable efforts should be made to continue the student's education, to provide supportive services, and to avoid any acts of harassment or

vigilantism against the student. Although federal and State laws and rules permit the release of certain information concerning a student registered sex offender, discretion should be exercised when discussing or disseminating information about the student. Whenever possible, the School community should encourage and support timely and appropriate intervention toward the expected outcome that a juvenile offender's conduct will be rectified so the student will commit no further offense and will develop into a responsible, self-controlled adult.

Legal References:	I.C. § 18-8301, <i>et seq.</i>	Sexual Offender Registration Notification and Community Right-To-Know Act
	I.C. § 18-8402	Juvenile Sex Offender Registration Notification and Community Right-To-Know Act – Findings
	I.C. § 18-8403	Juvenile Sex Offender Registration Notification and Community Right-To-Know Act - Definitions
	I.C. § 18-8408	Juvenile Sex Offender Registration Notification and Community Right-To-Know Act - Providing List To Superintendent Of Public Instruction
	I.C. § 18-8412	Juvenile Sex Offender Registration Notification and Community Right-To-Know Act - Exemption from Civil Liability
	I.C. § 18-8413	Juvenile Sex Offender Registration Notification and Community Right-To-Know Act - Penalties for Vigilantism or Other Misuse of Information
	I.C. § 33-205	Attendance at Schools - Denial of School Attendance

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3370

### Searches and Seizure

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

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

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

Commented [AH1]:  
Grade Level Specific Content

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

### Students

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

### Seizure of Property

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

### Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3370P

### Searches and Seizure

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

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

### Procedure History:



Promulgated on:  
Revised on:  
Reviewed on:

Extracurricular and Co-Curricular Participation Policy

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

General Definitions for Extracurricular and Co-Curricular Participation Policy

Unless the context otherwise requires, in this policy:

“Extracurricular Activities” means School authorized activities which take place outside of the regular school day and do not involve class credit, including (but not limited to) athletics, student groups or organizations, and community activities for which high school letters are awarded.

“Co-Curricular Activities” are School authorized activities held in conjunction with a for-credit class, but taking place outside of the regular school day including, but not limited to, debate, drama, drill team, band, or choir.

“Activity Suspension or Suspension from Extracurricular or Co-Curricular Activities” means that suspended students shall not travel, dress in uniform, or associate or participate with the team or group at its scheduled event(s). Suspended students may be allowed to participate in practices and meetings; however, the principal or designee may deem it necessary for students to be withheld from practices or meetings for the duration of the suspension.

“Controlled Substances” include (but are not limited to) opiates; opium derivatives; hallucinogenic substances, including cocaine; and cannabis and synthetic equivalents or the substances contained in the plant; any material, compound mixture, or preparation with substances having a depressant effect on the central nervous system; and stimulants.

“Drugs” include any alcohol or malt beverage, any inhalant, any tobacco product, any controlled substances, any illegal substance, any abused substance, any look-alike or counterfeit drug, any medication not approved and registered by the School authorities and/or any substance which is intended to alter mood, and/or any substance which is misrepresented and sold or distributed as a restricted or illegal drug.

“Drug Paraphernalia” is defined as any or all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivation, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting,

ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in this policy.

“Emergency Activity Suspension” is defined as imposition of an activity suspension by a principal or his or her designee prior to an informal hearing when it is necessary to protect the health and safety of the individual(s) involved and immediate action is appropriate.

“Event” is defined as a match, game, meet, or other competitive event, including regional and/or state tournaments, and competitions. “Event” is also defined as any band or choir performance(s).

“Knowingly Present” shall mean that a student attended a gathering of two or more individuals at which one or more of the attendees other than the student at issue were using or in possession of drug paraphernalia, controlled substances, drugs, pornography, alcohol, or tobacco and the student knew or reasonably should have known that such use or possession was occurring.

“Minor Infraction” shall mean a minor deviation from acceptable behavior or stated student expectations which occurs while the student is engaged in the extracurricular or co-curricular activity and which is not material or substantial. Students will be given notification of the first minor infraction. Students and parents will be given notification of the second minor infraction through a conference and will be informed that a third minor infraction may result in activity suspension.

“Major Infraction” shall mean a material or substantial deviation from acceptable behavior or stated student expectations which occurs while the student is engaged in the extracurricular or co-curricular activity, including but not limited to insubordination toward or non-compliance with the person in charge of the activity, verbal or physical abuse, hazing, fighting, and refusal of a student to identify him or herself to School personnel upon request.

“On any School premises or at any School sponsored activity, regardless of location” includes, but not is limited to buildings, facilities, and grounds on the School campus, School buses (if applicable), School parking areas; and the location of any School sponsored activity. “On any School premises or at any School sponsored activity, regardless of location” also includes instances in which the conduct occurs off the School premises but impacts a School related activity.

“Scholastic Year” is defined as the period of time beginning with the first day of the fall extracurricular and co-curricular activities season and ending with the last day of school.

“School Days” include only those days when School is in session.

#### Eligibility Requirements for Extracurricular and Co-Curricular Participation

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

probationary period, they do not have a GPA of at least 2.0, they shall not be allowed to take part in any extracurricular or co-curricular activity until they have a GPA of at least 2.0.

#### Extracurricular or Co-curricular activity Suspension

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

At the beginning of each semester, teachers or coaches of co-curricular courses will identify for students how participation in the co-curricular activity impacts their course grade. Co-curricular students who are suspended as a result of this policy will have their co-curricular course grade affected only if the reason for the suspension was related to course work or course expectations. Students who miss a co-curricular activity because of a suspension may ask to do, or be required to do, alternative assignments or special projects to make up the missed activity.

1. **Activity Suspension as a Result of a School Suspension:** A student will be immediately suspended from all extracurricular and co-curricular activities when he or she receives a suspension from School, not including an in-School detention, for any reason.

Consequences:

- A. The activity suspension is automatic, is for the duration of the School suspension, and runs concurrent with the School suspension; and
  - B. This type of activity suspension cannot be appealed.
2. **Activity Suspension for Repeated Minor Infractions or a Major Infraction During an Activity:** A student may be suspended from an extracurricular or co-curricular activity when he or she commits a third minor infraction, or a major infraction, while engaged in an extracurricular or co-curricular activity on any School premises or at any School-sponsored activity, regardless of location. The coach or advisor will recommend suspension to the Principal.

Consequences:

- A. The incident will be reviewed pursuant to the Informal Hearing Process in Section 5 of this policy;
  - B. If the evidence supports the recommendation, the student may be given an activity suspension for a period of time up to and including the remainder of the season or duration of the activity in that scholastic year for that activity only; and
  - C. If the activity suspension exceeds nine school days, the parent/guardian may request an appeal as outlined in the Appeal Process at Section 4 of this policy.

3. **Activity Suspension for Criminal Conduct or Drug Use in Any Location During the Scholastic Year:** A student may be suspended from extracurricular and co-curricular activities when he or she has been arrested or it reasonably appears to the School that he or she has violated criminal law, other than infractions or minor traffic violations; or has been involved with drug paraphernalia, controlled substances, or drugs, including alcohol or tobacco, in any location, either on or off campus, during the scholastic year, in any of the following ways: attempting to secure or purchase; using, or having reasonable suspicion of having used; possession; intending or attempting to sell or distribute; selling or giving away; or being knowingly present when any of the above are used, possessed, or consumed.

Consequences:

A. Knowingly Present

- I. First Violation: When a student violates the “knowingly present” prohibition in this policy for the first time during a scholastic year, the School resource officer (“SRO”), principal, or athletic director:
  - a. Will hold a conference with the student;
  - b. Will notify the student’s parent/guardian and the student of the violation;
  - c. May arrange a conference with the parent/guardian and the student; and
  - d. Will inform the student and parent/guardian of consequences for future violations of the policy.
- II. Second Violation: When a student violates this “knowingly present” prohibition of this policy for the second time during a scholastic year, he or she is subject to the consequences outlined below in part 3.B “Other Violations” of the policy.

B. Other Violations

- I. The incident will be reviewed pursuant to the Informal Hearing Process in Section 5 of this policy. If the evidence supports the accusation, the student may be suspended from all extracurricular and co-curricular events for a period of 21 calendar days.
- II. The suspension will be reduced to a 14 calendar day period if:
  - a. In the case of criminal conduct, the student receives counseling which has been approved by a School counselor; or
  - b. In the case of drug, alcohol, or tobacco use, the student agrees to and completes

- i. A drug/alcohol/tobacco assessment provided by the School (no cost) or the community (the family incurs the cost); and/or
- ii. A drug/alcohol/tobacco education group, provided or facilitated by the School, and/or the community.

III. If no event is scheduled during the period of the suspension, the student will be withheld from the next scheduled event.

IV. If the student notifies School personnel (self-reports) concerning his or her criminal conduct or drug use prior to the personnel's knowledge of the incident(s), the principal or athletic director may reduce the length of the activity suspension.

V. On the occasion of a subsequent infraction during a scholastic year, and if the evidence supports the accusation, the principal or athletic director will bar the student from any form of extracurricular or co-curricular activity for the balance of the scholastic year.

VI. All students who receive an activity suspension for criminal conduct or drug use shall be reported to the Executive Director or designee and, if applicable, to the appropriate law enforcement agency.

VII. The parent/guardian may request an appeal as outlined in the Appeal Process at Section VII of this policy, with either a first or second offense.

- 4. **Infractions Which Occur on Out-of-School Trips:** During an out-of-School trip, if the authorized person in charge of the activity determines that a student should be sent home early because of criminal conduct, drug use, or a major infraction, the authorized person will notify the parent/guardian, and ask him or her to take charge of the return of the student. The parent/guardian will assume any expenses incurred for the return of the student.
- 5. **Informal Hearing Process:** Prior to giving an activity suspension to a student, the principal or athletic director shall grant the student an informal hearing on the reasons for the activity suspension and the opportunity to challenge those reasons unless an emergency activity suspension is necessary. If an emergency activity suspension is necessary, an informal hearing will be held as soon as possible after the emergency ceases to exist.
- 6. **Student travel to or from an extracurricular or co-curricular activity:** Unless other travel arrangements are authorized, students will board the bus at the School and will return to the point of origin in the bus. There will be no stops along the designated route to pick up or discharge students.

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

The activity must provide at least one instructor, coach, or adult sponsor for each bus on a special trip. The bus driver will be responsible for the safe operation of the bus. The sponsor will be responsible for supervision of students and enforcement of bus rules. Any adult designated by the principal as a sponsor will have such authority.

Students must follow all school bus rules with this exception: Food and drink not in glass containers will be allowed on the bus with permission of the principal. However, any debris must be cleaned up at the end of the trip and before students leave the bus.

If a student causes a disruption or hazard on the bus, a hearing will be held with the principal, driver, instructor, coach, adult sponsor, parent/guardian, and student. The driver, instructor/coach/adult sponsor, parent/guardian, and the student will have the opportunity to share with the principal their perceptions of the problem. If the principal finds that there has been an infraction of bus rules, he will take the following action:

- A. On the first infraction, the student will be warned that following any further infraction he or she will be declared ineligible for transportation to the extracurricular or co-curricular activities for one event;
- B. On the second infraction during a semester, the student will be declared ineligible for transportation to the extracurricular or co-curricular activity for two events; and
- C. On the third infraction during a semester, the student will be declared ineligible for transportation to the extracurricular or co-curricular activities for the remainder of the semester.

Based on the severity of the problem as it relates to respect and safety for others, the principal may bypass step #1 and/or step #2 above and immediately declare the student ineligible for transportation for two weeks or for the remainder of the semester.

## **7. Appeal Process:**

- A. This appeal process may be used by students and their parent/guardian only in those instances where an activity suspension or transportation to extracurricular or co-curricular activities exceeds nine school days.
- B. The parent/guardian must request an appeal in writing within two school days from the notification of the activity suspension decision.
- C. The Executive Director will appoint a three member panel composed of certificated staff members who have not been involved in the disciplinary action

in question. The hearing panel will notify the student and the parent/guardian of the date, location, and time of the hearing; the student will have an opportunity to present additional evidence regarding the circumstances of the suspension or reasons to reduce the length thereof. The appeal must be scheduled within five school days of the request.

- D. If the panel determines that the evidence reviewed at the appeal supports the suspension, the suspension of the student from extracurricular and/or co-curricular activities shall be continued.
  - E. The student and the parent/guardian will be notified in writing of the panel's findings and determination with respect to the student suspension from extracurricular and/or co-curricular activities within two school days of the panel's decision.
  - F. The panel's determination is final, and is not appealable to the Executive Director or Board of Directors.
8. Elementary Students: Students in kindergarten through sixth grade who are in violation of this policy may have the length of the activity suspension reduced by the principal or other authorized administrator.

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

Policy History:

Adopted on:

Revised on:

Reviewed on:



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## STUDENTS

3390

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

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

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

#### Policy Coverage

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

Commented [AH1]: Grade Level Specific Content

#### Policy Duration

This policy is in effect each school year from the date of the first practice for fall activities until the last day of school or activities, whichever is later. Violations are cumulative, through the student's period of attendance in grades 7-8 and in grades 9-12. The Administration shall publish the participation rules annually in the activities and student handbooks.

Commented [AH2]:  
Grade Level Specific Content

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

Notification of determinations regarding student chemical use violations will be provided to the student and parent/guardian by telephone where possible, and also by mail. At this time, the student and parent/guardian shall be notified of the type of discipline that will be administered.

#### Appeal Process

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

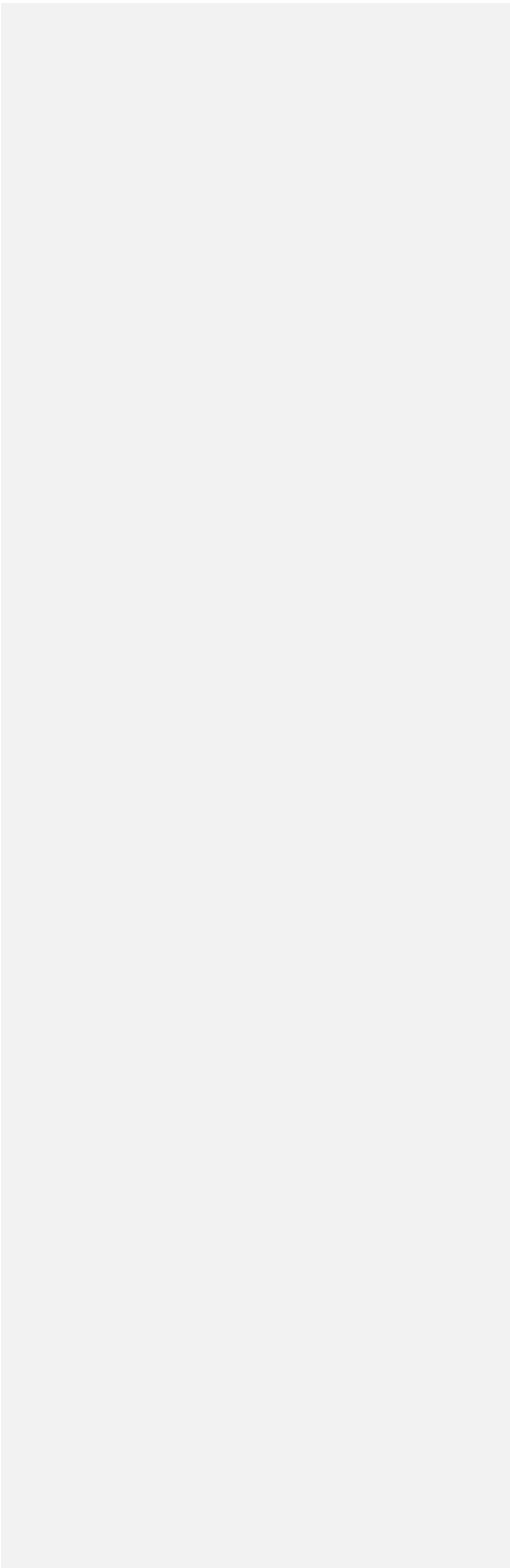
Legal Reference: I.C. § 33-512 District Trustees - Governance of Schools

#### Policy History:

3390-1

(ISBA 9/18 UPDATE)

Adopted on:  
Revised on:  
Reviewed on:



{{Full\_Charter\_Heading}}

## STUDENTS

3400

### Extracurricular Activities Drug-Testing Program

The Charter School has a strong commitment to the health, safety, and welfare of its students. Results of studies throughout the United States indicate that education alone, as a preventive measure, is not effective in combating substance abuse. Our commitment to maintaining the School's extracurricular activities as a safe and secure educational environment requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students involved in extracurricular activities.

#### Purpose

The drug-testing program is not intended to be disciplinary or punitive in nature. Students involved in extracurricular activities need to be exemplary in the eyes of the community and other students. It is the purpose of this program to prevent students from participating in extracurricular activities while they have drug residues in their bodies, and it is the purpose of this program to educate, help, and direct students away from drug and alcohol abuse and toward a healthy and drug-free participation. No student shall be expelled or suspended from School as a result of any verified positive test conducted by his or her School under this program, other than as stated herein.

#### Scope

Participation in extracurricular activities is a privilege. This policy applies to all School students in grades 9-12 who wish to participate in extracurricular activities that are listed in the current student handbook and any other School-sponsored extracurricular activities not listed.

Commented [AH1]: Grade Level Specific Content

#### Consent Form

It is mandatory that each student who participates in extracurricular activities sign and return the Consent Form prior to participation in any extracurricular activity. Failure to comply will result in non-participation.

Each extracurricular participant shall be provided with the Consent Form (3400F), which shall be dated and signed by the participant and by the parent/guardian. In so doing, the student is agreeing to participate in the random drug-testing program at the School.

#### Testing Procedures

1. The selection of participants to be tested will be done randomly by the principal or administrative designee, and selections will be made from time to time throughout the school year. Names will be drawn from one large pool of those agreeing to be tested.

Testing may occur on a different day, Monday through Saturday. This variable schedule will keep students conscious of the possibility of being tested at any time during the year. Each student will be assigned a number that will be placed in the drawing.

2. If the student shows signs of reasonable suspicion, the principal or administrative designee may call the student's parent/guardian and ask that the student be tested. Factors will include, but are not limited to, excessive discipline problems and/or excessive absences from School. Also, a parent/guardian may request testing of his or her student.
3. No student will be given advance notice or early warning of the testing. In addition, a strict chain of custody will be enforced to eliminate invalid tests or outside influences.
4. Upon being selected for a urinalysis test under this policy, either by random draw, reasonable suspicion, request of a parent/guardian, or a follow-up test, a student will be required to provide a sample of fresh urine, according to the quality control standards and policy of the laboratory conducting the urinalysis.
5. All students will remain under School supervision until they have produced an adequate urine specimen. If unable to produce a specimen, the student will be given up to 24 ounces of fluid. If still unable to produce a specimen within two hours, the student will be taken to the principal's office and told he or she is no longer eligible for any of the extracurricular activities. In addition, the student's parent/guardian will be telephoned and informed the student is unable to produce a sample for the testing procedure and that he or she may be tested at a later date to be reinstated for eligibility.
6. There is a head strip on each of the specimen bottles indicating the validity of the urine specimen by temperature. All specimens registering below 90.5 degrees Fahrenheit will be invalid. If this occurs, another specimen must be given by the student.
7. If it is proven that tampering or cheating has occurred during the collection, the student will become ineligible for all the extracurricular activities for the remainder of the School year. This will be reported to the parent/guardian.
8. Immediately after the specimen is taken, the student may return to class with an admit slip or pass with the time he or she left the collection site. The principal or administrative designee must note the time and sign the pass.
9. The specimens will then be turned over to the testing laboratory, and each specimen will be tested for alcohol, nicotine, and street drugs (which may include all drugs listed as controlled substances under the laws of the State of Idaho). Also, performance enhancing drugs such as steroids may be tested for.
10. The laboratory selected must follow the standards set by the Department of Health and Human Services. It must be certified under the auspices of the Clinical Laboratory Improvement Act (CLIA) and the Joint Commission of Accreditation of Healthcare Organizations (JCAHO).

### Chain of Custody

1. The certified laboratory will provide training and direction to those who supervise the testing program, set up the collection environment, and guarantee specimens and supervise the chain-of-custody. To maintain anonymity, the student's number, not name, will be used.
2. The principal or administrative designee will be responsible for escorting students to the collection site. The student should bring all materials with him or her to the collection site and should not be allowed to go to his or her locker. The administrator should not bring all the students drawn from the pool to the collection site simultaneously. Calling four or five students at a time allows the collections to be carried out quickly and avoid causing students to wait a long time, thereby creating a loss of important time from class. Athletes may be called after school, including during practice time.
3. Before the student's urine is tested by the laboratory, students will agree to fill out, sign, and date any form which may be required by the testing laboratory. If a student chooses, he or she may notify the administrator that he or she is taking a prescription medication.
4. A sanitized kit containing a specimen bottle will be given to each student. The bottle will remain in the student's possession until a seal is placed upon the bottle. The student will sign that the specimen has been sealed. The seal may be broken only by the lab testing the specimen.
5. If the seal is tampered with or broken after leaving the student's possession and prior to arriving at the lab, the specimen is invalid. The student will be called again as soon as possible. The student will remain eligible for extracurricular activities subsequent to a retest.
6. The supervisor obtaining the urine specimen will be of the same gender as the student. Students will be instructed to remove all coats and wash their hands in the presence of the supervisor prior to entering the restroom. The door will be closed so that the student is by him or herself in the restroom to provide a urine specimen. The supervisor will wait outside the restroom. The student will have two minutes to produce a urine specimen. The commode will contain a blue dye so the water cannot be used to dilute the sample. The faucets in the restrooms will be shut off.
7. After it has been sealed, the specimen will be transported to the testing laboratory by lab personnel. The testing laboratory will report the results to the principal or administrative designee.
8. In order to maintain confidentiality, the container which contains the urine specimen to be tested will not have the name of the student on the container. Instead, the student's random identification number will appear on the container. Also, the results sheet for the urinalysis will be mailed to the principal/administrative designee with no name attached; only the student's random identification number will appear on the results sheet.

### Test Results

1. This program seeks to provide needed help for students who have a verified positive test. The students' health, welfare, and safety will be the reason for preventing students from participation in extracurricular activities.
2. The principal or administrative designee will be notified of a student testing positive (if the test shows that drug residues are in the student's system after using at least two different types of analyses). The principal or administrative designee will notify the student and his or her parent/guardian. The student or his or her parent/guardian may submit any documented prescription, explanation, or information that will be considered in determining whether a positive test has been satisfactorily explained.
3. In addition, the student or parent/guardian may appeal by requesting that the urine specimen be tested again by the certified laboratory at a cost to the student or his or her parent/guardian.
4. If the test is verified positive, the principal or administrative designee will meet with the student and his or her parent/guardian at the School. The student and parent/guardian will be given the names of counseling and assistance agencies that the family may want to contact for help. The student will be prevented from participating in extracurricular activities until after a follow-up test is requested by the principal/administrative designee and the results are reported.
5. A follow-up test will be requested by the principal or administrative designee after such an interval of time that the substance previously found would normally have been eliminated from the body. If this follow-up test is negative, the student will be allowed to resume extracurricular activities. If a second positive result is obtained from the follow-up test or any later test of that participant, the same previous procedure shall be followed. In addition, the School reserves the right to continue testing, at any time during the remaining school year, any participating student who tested positive and did not make satisfactory explanation.
6. Information on a verified positive test result will be shared on a need-to-know basis with the student's coach or sponsor. The results of negative tests will be kept confidential to protect the identity of all students being tested.
7. Drug testing result sheets will be returned to the principal or administrative designee, identifying students by number and not by name. Names of students tested will not be kept in open files or on any computer. Result sheets will be locked and secured in a location to which only the principal and/or administrative designee has access.

### Financial Responsibility

1. Under this policy, the School will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial follow-up drug tests. Once a student has a verified positive test result and has subsequently tested negative from a follow-up test, any future

follow-up drug test that must be conducted will be paid for by the student or his or her parent/guardian.

2. A request on appeal for another test of a positive urine specimen is the financial responsibility of the student or his or her parent/guardian.
3. Counseling and subsequent treatment by non-School agencies are the financial responsibility of the student or his or her parent/guardian.

#### Confidentiality

Under this drug-testing program, any staff member, coach, or sponsor of the Charter School who may have knowledge of the results of a drug test will not divulge to anyone the results of the test or the disposition of the student involved, other than in the case of a legal subpoena being made upon that person in the course of a legal investigation. Once again, this will underscore the School's commitment to confidentiality with regard to the program.

#### Other Rules

Apart from this drug-testing program, the Idaho High School Activities Association and the coaching staff/sponsor of each sport/activity have their own training rules and requirements. Coaches/sponsors have the necessary authority to enforce those rules. Any student who violates a rule or requirement as a member of a team or activity will be subject to the consequences as defined in those rules and requirements.

Legal References: *Vernonia School Charter School 47J v. Acton*, 515 U.S. 646 (1995).  
*Todd v. Rush County*, 139 F.3d 571 (7th Cir.).

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

STUDENTS

3400F

{{School\_Name}}'s Extracurricular Activity Consent Form

I have received and have read and understand a copy of the {{School\_Name}}'s Policy 3400 "Extracurricular Activities Drug-Testing Program". I desire that \_\_\_\_\_ participate in this program and in the extracurricular program of {{School\_Name}} and hereby voluntarily agree to be subject to its terms for the entire high school career (grades 9-12). I \_\_\_\_\_ accept the method of obtaining urine specimens, testing, and analyses of such specimens and all other aspects of the program. I agree to cooperate in furnishing urine specimens that may be required from time to time.

Commented [AH1]: Grade Level Specific Content.

I further agree and consent to the disclosure of the sampling, testing, and results provided for this program. This consent is given pursuant to all State and federal statutes and is a waiver of rights to nondisclosure of such test records and results only to the extent of the disclosures in the program.

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Parent/Guardian Signature

\*\*\*\*\*

I, \_\_\_\_\_, have decided **not** to participate in any extracurricular activities sponsored by {{School\_Name}} for the remainder of this school year. In order for me to participate in the extracurricular activity program at a later date, I understand that I must submit to urinalysis.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date



{{Full\_Charter\_Heading}}

## STUDENTS

3410

### School Sponsored Student Activities

#### Student Organizations

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

#### Social Events

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

Commented [AH1]: Grade Level Specific Content

#### Extracurricular Activities

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

Commented [AH2]:  
Grade Level Specific Content

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3420

### Student Fund Raising Activities

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

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3430

### Distribution of Fund Drive Literature through Students

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

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

Cross Reference:      § 4310

Contact with Students

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3440

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

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

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

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

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

The School may require, as a condition of graduation, issuance of a diploma or certificate, or 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 School be returned.

Legal Reference: I.C. § 33-603

Payment of Fees or Returning of Property

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3450

### Student Vehicle Parking

Commented [AH1]: Grade Level Specific Content

Students are permitted to park on School premises as a matter of privilege, not of right. Patrols and inspections may be conducted without notice, without student consent, and without a search warrant. Students are required to unlock vehicles for reasonable inspection when instructed to do so by an administrator. Failure to cooperate may result in the loss of permission to drive a vehicle onto campus, in-school suspension, or short-term suspension from school. In cases involving drugs, alcohol, or firearms the local sheriff or police may be called.

Students will be permitted to park their vehicle in the School parking lot provided they have:

1. A current vehicle insurance policy;
2. A driver's license; and
3. Vehicle registration.

Additional parking requirements include:

1. Students must complete the Student Vehicle Parking form prior to parking on School grounds;
2. Automobiles are restricted to parking in spaces marked for parking. All automobiles inappropriately parked are subject to being towed without additional warning and at owner's expense;
3. The {{School\_Name}} assumes no responsibility for automobiles left in the lot overnight;
4. The {{School\_Name}} is not responsible for theft or damage to automobiles parked in the student parking lot;
5. The student parking lot is off limits during normal class time, except when the student has written permission from an administrator; and
6. Students are prohibited from loitering in the parking lot. Students must enter the building immediately upon arrival.

Any violation of this policy shall result in the following:

1. First Offense: Conference between the administration and student.
2. Second Offense: Conference between the administration, parent/guardian, and student.
3. Third Offense: Loss of right to drive and park on campus.

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

**STUDENTS**

**3450F**

Student Vehicle Parking Application

\_\_\_\_\_  
Student Name (please print)

\_\_\_\_\_  
Age

\_\_\_\_\_  
School

\_\_\_\_\_  
Student Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Vehicle Make

\_\_\_\_\_  
Model

\_\_\_\_\_  
Year

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

\_\_\_\_\_  
Student's Driver's License No.

\_\_\_\_\_  
Insurance Co. Name

\_\_\_\_\_  
Insurance Agent's Name

\_\_\_\_\_  
Insurance Policy No.

\_\_\_\_\_  
Name of Car Owner

I certify, by my signature below, that the above information is true. I agree that my being able to operate and to park a vehicle on Charter School property is a privilege conditioned on my willingness to have that vehicle subject to search by School authorities at any time the vehicle is on School property when, in the judgement of the building administrator, a reasonable suspicion of a violation of Idaho law or School policies or rules exists. I also understand that it is my responsibility to obey the speed limit on School grounds, to operate the car safely going to and from the School and School events, to park in designated areas, and to maintain legally required insurance on the vehicle. Finally, I understand that any violation of this agreement or other School rules can lead to the revocation of all parking privileges. I further understand that motor vehicles in violation of the School's Student Vehicle Parking policy may be subject to towing.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

I, the parent/legal guardian of \_\_\_\_\_ hereby verify the information supplied above and understand and agree with the rules pertaining to the operation of a vehicle by students of the Charter School.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

School-Related Foreign Travel By Students

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

When contemplating approval of foreign travel by students, the Executive Director shall take into account any travel warnings or cautions of the U.S. Department of State. The Executive Director shall seek advice concerning foreign travel from the School's legal counsel and insurance carrier.

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

Trip Plan Submission/Proposal

All student activities involving travel shall be authorized by the Executive Director or the Executive Director's designee. Each trip's authorization shall be based on the written rationale of the travel's educational value as well as the safety and welfare of the students involved.

Requests for trips must be submitted to the Executive Director no later than eight weeks in advance of the trip.

Trips should be scheduled as much as possible during non-school hours and days, such as spring or summer break, so that absences from other instructional programs are kept to a minimum.

The teacher(s) responsible for the trip shall submit a list of participants to the School nurse so that provisions for any special medical problems and/or precautions can be provided.

Advertising, including the distribution of materials, **[will/will not]** be allowed during the School day.

Private groups and organizations may not use the School in any way to promote their activities.

The Executive Director will develop procedures for trips, including the approval process, and procedures to be used in case of accident, illness, and student conduct violations.

The trip proposal must be in writing and contain the following elements:

1. Identify the purpose of the trip and an outline of anticipated educational experiences and/or course of study to be followed;
2. Identify the names of students and chaperones attending the trip;
3. Identify and plan for any special medical needs of student and chaperones attending the trip;
4. Identify adequate liability insurance to protect the School, Board Members, chaperones, teachers, and students;
5. Submit an itemized statement of costs, including transportation, meals, and accommodations; and
6. Submit an itemized statement of costs as appropriate to the School-sponsored trip, such as passport and visa expenses, costs of a personal nature, and optional trip insurance.

The Executive Director may enforce restrictions regarding the date, length of time, and the chaperone/student ratio as a condition of approval.

Students participating in the trip during school hours are permitted and expected to make up any school work missed. The student's absence shall be recorded as "excused." The total number of school days missed due to the trip must be included in the written proposal.

A plan must be developed for the administration of medication for any student requiring such assistance.

The proposal must include the names and numbers of chaperones, including both male and female chaperones if the proposal is for a mixed group of students.

In developing the proposal for the extended trip, the trip organizer will perform the following duties:

1. Hold at least one pre-trip meeting with students and parents/guardians;
2. Provide to the Executive Director, students, parents/guardians, and chaperones with detailed written information about the trip and all activities;
3. Provide detailed information on the responsibilities and rules for the students and chaperones;
4. Discuss Charter School policy regarding student conduct while on School-sponsored activities;
5. Establish a curfew and enforce strict compliance with this curfew. Chaperones will be required to perform periodic checks to ensure that students are following the curfew requirements;
6. Perform periodic checks to ensure strict compliance with all School rules and policies; and
7. Refrain from using tobacco and consuming alcoholic beverages or drugs while on the extended trip.



### Pre-Trip Meetings

Pre-trip meetings involving students and their parents, as appropriate, shall be scheduled to assure that all plans are clearly understood. Pre-trip meetings shall not occur until approval from the Executive Director has been received.

### Chaperones

Trip chaperones must include at least one certified staff member from the School sponsoring the trip. Depending on the number of students involved, additional certified staff and/or parents/guardians of students going on the trip may be necessary. Chaperones shall be selected by the trip teacher/advisor. Chaperones are under the supervision of the trip teacher/advisor.

A student will be permitted to stay in the same motel/hotel room with a chaperone only if the chaperone is the student's parent/guardian. Students whose parents/guardians are not serving as chaperones will share rooms with same-sex students only.

Chaperones will agree to the following duties:

1. Supervise and be responsible for students during the entirety of the trip;
2. Ensure that students follow all legal and School requirements;
3. Establish a procedure for room checks and monitor compliance; and
4. In all ways model the behaviors expected of Charter School students.

Any adult convicted of any sex or drug related offenses may not serve as a chaperone. The School reserves the right to request background checks on chaperones.

The safety, protection, and supervision of Charter School students are the sole purposes for adult chaperones accompanying School students on foreign trips. Agreeing to serve as a chaperone is accompanied by an understanding that the established rules and policies will be followed.

The certified staff member serving as the trip organizer will carry a roster of students who are on the trip along with emergency information on each student.

Children who are not a part of the group participating in the trip may not accompany parents when the parents serve as chaperones.

All trips must be adequately supervised with a minimum of one adult per ten students. Groups with both male and female participants must have supervision of at least one male and one female adult.

### Student Conduct

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

Students and their parent/guardian are expected to be knowledgeable about the School's policy on student conduct. Trips are considered an extension of the classroom and all rules and policy pertaining to a School-sponsored activity must be followed.

Students and their parent/guardian will read and sign a code of conduct. The code of conduct will be prepared by the Executive Director and will be reviewed during the pre-trip meetings. Students who violate any School policy during an extended trip may be disciplined, including, but not limited to, being sent home at the parent/guardian's expense.

### Permission

All students must return a permission slip for the trip, signed by a parent/guardian, before they will be allowed to participate in the trip.

### Fundraising

Fundraising drives may be allowed to defray costs, however, all fundraisers must be pre-approved by the building principal.

### Responsibilities

The responsibilities of the principal or Executive Director include:

1. Obtaining and retaining on file written parental permission for students who are under the age of 18;
2. Signing any contractual agreement with a public carrier or any other service provider;
3. Assuring that all plans and arrangements are provided to and understood by the students and their parents; and
4. Setting student and chaperone conduct rules.

The responsibilities of the trip organizer include:

1. Communicating conduct rules of students and chaperones to parents/guardians, students, and chaperones. Setting behavior expectations for students and chaperones;
2. Carrying a list of the names of students and chaperones participating and their emergency information, and submitting a copy of the list to the building principal prior to the trip;
3. Notifying the building principal of any emergency situation, such as an accident involving student(s), a student missing from the group, etc.; and
4. Identifying and providing to parents an emergency plan.

### Cancellation of Trips

Cancellation of trips may occur due to weather, safety, world events, or local School need. Trips will be cancelled only under circumstances under which appropriate School authorities believe it is reasonably cautious and prudent to do so in order to ensure the safety of students and staff or

to ensure the effective operation of the School. In such cases, every effort will be made to provide as much advance notice as possible.

The School is not responsible for financial losses to students and parents due to cancellation of trips.

The authority to cancel trips rests with the Executive Director or the Executive Director's designee.

#### Report of Trip Conclusion

Following the trip, the trip organizer shall prepare and present a summary and evaluation of the trip to the Executive Director and building principal. The Board may request a summary and evaluation be presented to the Board.

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

Student Health/Physical Screenings/Examinations

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

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

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

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

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

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

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

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

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

### Abortion-Related Counseling and Referrals Prohibited

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

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

Cross References: 4175 Required Annual Notices

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

#### Policy History:

Adopted on:

Revised on:

Reviewed on:

Screening Students and Staff for COVID-19

To fulfill the Board's duty to protect the health and safety of students the District may choose to offer testing or self-testing for COVID-19 for the students and/or employees of the District. Any test intended only for screening of people without symptoms will be used only for that purpose.

The Board directs the Superintendent to create procedures to ensure records related to COVID-19 screening of students and employees are kept confidential.

A COVID-19 test shall only be administered or provided for self-administration upon receipt of a form signed by the employee to be tested or by the parent/guardian of the student to be tested. This form shall note that the signer:

1. Consents to the administration of the test;
2. Consents to the sharing of information regarding the test with any individuals the information is to be shared with, including the employee or student and/or parent/guardian;
3. **[INCLUDE IF APPLICABLE] Acknowledges that while the school will make best efforts to provide privacy, may not be possible for the District to offer full and complete privacy at all times with regard the administration of COVID-19 tests; and**
4. Acknowledges that this testing activity is not the provision of medical care by the District.

Screening Employees for COVID-19

The District may ask all employees who will work on District property or at a District event whether they have symptoms associated with COVID-19 and may ask if they have been tested for COVID-19. The District may also require employees to have their temperature taken before entering District property or a District event or activity. Any employee who refuses to answer such questions or refuses to have their temperature taken may be barred from entering District property or any District event or activity. Any employee's answers to such questions, their temperature, and the results of any other test shall be kept confidential.

The District may require the screening of:

1. A specific employee if the District has a reasonable belief that he or she has been exposed to COVID-19 and/or is exhibiting symptoms of it; or
2. All District employees.

The District may choose to offer voluntary screening of District employees for COVID-19. When feasible, this will be through self-administered tests which may be picked up by

employees. The District shall ensure that such tests are properly stored at the school site or other District building until they are collected by the employee.

Training on how to self-administer the test shall be provided by contracted medical personnel and shall be documented with a form signed by each employee to be screened. This form shall also confirm that the employee is self-administering the test and that no other District employee administered the test to them. Staff shall follow these test instructions as well as appropriate health and safety precautions included in the training. Adult District employees shall not self-administer any COVID-19 test in the presence of any student at school.

If an employee requests a reasonable accommodation related to the screening, such request shall be addressed as described in Policy 5120. Any injury that may occur on District property in the course of administering or self-administering a screening shall be addressed in accordance with Policy 5460.

Prior to providing any test, the employee shall be required to provide written consent for the District to obtain the employee's testing information.

#### Screening Students for COVID-19

The Board directs the Superintendent to establish a written COVID-19 screening procedure, which shall be shared with participating students and their parents/guardians. Such procedure shall explain the purpose behind the testing program and how test results will be provided.

Any testing of students for COVID-19 shall be voluntary.

Such form shall also include a liability waiver and release associated with the self-administration indicating the District is not warranting the test product or warranting the testing quality or results accuracy.

Testing of students shall be conducted in as private a manner as feasible.

District employees may only administer COVID-19 screenings to students if the employees are specifically trained medical personnel. The District shall document such training before any employee begins administering tests.

Anyone performing testing activities shall wear appropriate personal protective equipment.

The District may conduct such testing in partnership with a local medical provider.

Cross References:      8610                      Health Insurance Portability and Accountability Act

#### Policy History:

Adopted on:  
Revised on:  
Reviewed on:



**Full District Heading**

## STUDENTS

3503FC

COVID-19 Screening Consent Form, Waiver of Liability, and Agreement to Indemnify and Hold Harmless

## What is This Form?

The School District has partnered with **[Crush the Curve Idaho OR other testing provider]** to provide COVID-19 testing for its educational community. We are seeking your consent to test your child for COVID-19 infection. By signing below, you are indicating that you voluntarily consent, on behalf of your child, to this procedure for the detection of COVID-19.

## What is the Test?

If you consent, your child will receive a diagnostic test for the COVID-19 virus. Collecting a specimen for testing involves inserting a small swab, similar to a Q-Tip, into the nose and/or collecting saliva (spit).

### Required Information

Student First Name	Student Middle Name	Student Last Name
Student Grade	Student Date of Birth	

Student Gender:            Male            Female            Other/Prefer Not to Answer

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

School Name: \_\_\_\_\_

Parent/Guardian Address: \_\_\_\_\_

Parent/Guardian Phone Number: \_\_\_\_\_

cell	home	work

Parent/Guardian Email Address: \_\_\_\_\_

Preferred Way to Contact:      phone      email

## Notification of Information Sharing

The law allows some information about your child to be shared with and among certain Idaho state agencies and their contracted service providers, including those listed below. This information will be shared only for public health purposes, which may include notifying close contacts of your child if they have been exposed to COVID-19 and taking other steps to prevent the further spread of COVID-19 in your school community. Information about your child that may be shared with these agencies and service providers conducting COVID-19 testing includes your child's name and COVID- 19 test results, date of birth/age, gender, race/ethnicity, school name(s), teacher(s), classroom/cohort/pod, enrollment and attendance history, and after-school or other program participation, names of other family members or guardians, address, telephone number, cell phone number, and email address. Sharing of information about your child will only be done in accordance with applicable law protecting student privacy and the security of your child's data. By signing below, you consent to the disclosure of such information as requested, recommended, or required by federal, state, and local public health authorities.

- Idaho Department of Health and Welfare
- Local/Regional Public Health District
- Idaho State Department of Education
- Contracted service providers for COVID testing

#### Waiver of Liability

By signing below, I agree, on behalf of myself, my child(ren), and my spouse/co-parent of child(ren) to release and waive any claim arising from the election for my child to receive this voluntary screening which may arise against the School District, its contracted services providers for COVID testing, and/or these entities' designated medical providers and staff members. Additionally, I agree, on behalf of myself, my child(ren), and my spouse/co-parent of child(ren), to release and waive any claim that might arise against the School District, its contracted services providers for COVID testing, and/or these entities' designated medical providers and staff members for any risks, side effects, or complications resulting from the testing.

Additionally it is acknowledged, by my signature below, that the laws of the state of Idaho provide for numerous immunities for School Districts should something occur to a student or to the family of a student as a result of activities on School District property. In addition to this Waiver, these immunities remain intact.

#### Agreement to Indemnify and Hold Harmless

On my behalf, and on behalf of my children and/or members of my family, I will advance no claim and I hereby release, covenant not to sue, discharge, defend, indemnify, and hold harmless the School District; its contracted service providers for COVID testing; and/or these entities' employees, agents, and representatives, of and from all claims arising from the election for my child to receive this voluntary screening, including all liabilities, claims, actions, damages, costs, or expenses of any kind arising out of or relating thereto. I understand and agree that this release Agreement includes any claims based on the actions, omissions, or negligence of the School

District, its contracted service providers for COVID testing, their employees, agents, and representatives.

Authorization to Test

By signing below, I attest that I authorize healthcare providers affiliated with the above-named School or School District and/or **[Crush the Curve Idaho OR other testing provider]** (including school nurses, school nurse teachers, physicians, or other medical actors and agents) to test my child for COVID-19. I will contact the school nurse to revoke this authorization if I wish for testing activity to cease. By signing this form, I am attesting that I have the requisite legal authority and power to make the decisions for, and on behalf of, the student named above that I am making on this form.

By signing below, I acknowledge and agree that while the School or District will make best efforts to provide privacy, may not be possible for the District to offer full and complete privacy at all times with regard the administration of COVID-19 tests. I further acknowledge and agree that this testing activity is not the provision of medical care by the District.

---

Signature of Parent/Guardian

---

Date

---

Print Name of Parent/Guardian

---

Name of Child/Student

---

Signature of 2nd Parent/Guardian

---

Print Name of Parent/Guardian

{{Full\_Charter\_Heading}}

## STUDENTS

3505

### Concussion Protocol

Many students within the {{Full\_Charter\_Name\_Number}} participate in extra-curricular activities of a nature whereby physical injury may result. Though the School takes care to ensure all extracurricular activities are as safe as practicable, it is not possible to remove all danger from such activities, and the School acknowledges that concussions may result. The purpose of this policy is to prepare a procedure for addressing situations in which student concussions have occurred, or are suspected to have occurred.

This policy only applies to organized athletic league or sport in which any Charter School middle school, junior high school, or high school student participates as a athlete or youth athlete. For the purposes of this policy, athlete or youth athlete means an individual who is 18 years of age or younger and who is a participant in any middle school, junior high school, or high school athletic league or sport. A School athletic league or sport shall not include participation in a physical education class.

**Commented [AH1]:**  
Grade Level Specific Content

### Pre-Season Education

The administration and coaches will work to ensure that athletes, youth athletes, parents, volunteers, and assistant coaches are educated about concussions. Prior to being allowed to engage or participate in any School athletic league or sport, as discussed above:

1. Each student desiring to participate in such School athletic league or sport, and the student's parents/guardians, shall be provided notice of or copies of any concussion guidelines or information available from the State Department of Education and the Idaho High School Activities Association, and also this policy.
2. Each student desiring to participate in such School athletic league or sport, and the student's parents/guardians, shall acknowledge that they have been provided the guidelines or information available from the State Department of Education and the Idaho High School Activities Association, as well as this policy, and have had the opportunity to review and have reviewed such information. Further, each student and the student's parents/guardians shall sign an applicable waiver for participating in such School athletic league or sport.
3. The signed waiver and acknowledgment of review of the appropriate information shall be returned to the School.
4. **[Optional]** As part of any required pre-athletic league or sport participation medical examination or physical, the medical provider performing the examination shall check for signs of previous concussions. Such medical provider shall indicate whether signs of

previous concussions are indicated, and whether the student should or should not be allowed to participate in the School athletic league or sport.

5. **[Optional]** The athlete will be required to obtain a pre-season baseline concussion (or similar) test before being allowed to participate in a School athletic league or team. Such test must be performed at least once annually, and shall be at the student's expense. The School must be provided with written confirmation that the test was completed by a qualified and trained health care professional, though the results of the testing shall not be provided to the School.

Athletes will not be allowed to participate in School athletic leagues or sports until the above steps are accomplished.

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

#### Protocol on Suspected Concussion

If, during any School athletic league or sport practice, game, or competition, an athlete exhibits signs or symptoms of a concussion, makes any complaint indicative of a possible concussion, or a coach, assistant coach, volunteer coach, or other School Charter School employee has reason to believe a concussion has occurred, such student shall be removed from play or participation in the practice, game, or competition. According to the Centers for Disease Control and Prevention, and for the purposes of this policy, signs observed by coaching staff which could be indicative of a concussion include if the student:

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

According to the Centers for Disease Control and Prevention, and for the purposes of this policy, symptoms reported by the athlete which could be indicative of a concussion include:

1. Headache or "pressure" in head;
2. Nausea or vomiting;
3. Balance problems or dizziness;
4. Double or blurry vision;
5. Sensitivity to light;

6. Sensitivity to noise;
7. Feeling sluggish, hazy, foggy, or groggy;
8. Concentration or memory problems;
9. Confusion; or
10. Does not “feel right” or is “feeling down”.

Coaches should not try to judge the severity of the injury themselves. Health care professionals have a number of methods that they can use to assess the severity of concussions. Coaches should record the following information, if possible, to help health care professionals in assessing the athlete after the injury:

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

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

Authorization to return to play must be in writing, and must be provided to the School prior to the student being returned to play. If the authorization is signed by a licensed health care professional trained in the evaluation and management of concussions, such authorization must also be countersigned by the directing physician.

Legal Reference:      I.C. § 33-1625                      Youth Athletes – Concussion and Head Injury Guidelines

Other References:    <http://www.idhsaa.org/medicine/concussion.aspx>  
<http://www.cdc.gov/headsup/index.html>  
[http://www.cdc.gov/headsup/basics/concussion\\_symptoms.html](http://www.cdc.gov/headsup/basics/concussion_symptoms.html)

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

STUDENTS

3505F1

Acknowledgement of Receipt of Concussion Guidelines

Commented [AH1]: Grade Level Specific Content per 3505

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

I, (print name) \_\_\_\_\_, acknowledge that I am the parent or guardian of the student (below); that I have received from the Charter School information related to student athlete concussions, including information from the State Department of Education, the Idaho High School Activities Association, and School Policy 3505; and have had the opportunity to review and have reviewed such information. I understand that participation in School athletics leagues or sports is dangerous, and hereby agree to waive all liability against {{Full\_Charter\_Name\_Number}}, its employees, agents, and Board Members, related to any injury or damages that student may experience or incur as a result of participation in such School athletics leagues or sports.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Student's Signature**

I, (print name) \_\_\_\_\_, acknowledge that I am a student of {{Full\_Charter\_Name\_Number}}, or otherwise am allowed to participate in School athletics leagues or sports; that I have received from the School information related to student athlete concussions, including information from the State Department of Education, the Idaho High School Activities Association, and School Policy 3505; and have had the opportunity to review and have reviewed such information. I understand that participation in School athletics leagues or sports is dangerous, and accept the risk of the potential consequences of such dangers.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

{{Full\_Charter\_Heading}}

## STUDENTS

3505F2

Commented [AH1]: Grade Level Specific Content, per 3505

### Authorization to Return to Play or Participate in Student Sports

I hereby state that I am a:

- \_\_\_\_ Physician licensed pursuant to chapter 18, title 54, Idaho Code.
- \_\_\_\_ Physician's assistant licensed pursuant to chapter 18, title 54, Idaho Code.
- \_\_\_\_ Advanced practice nurse licensed under section 54-1409, Idaho Code.
- \_\_\_\_ A licensed health care professional trained in the evaluation and management of concussions who is supervised by a directing physician licensed under chapter 18, title 54, Idaho Code. My directing physician is \_\_\_\_\_, his or her license number is \_\_\_\_\_, and address is:

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

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

\_\_\_\_\_  
Signature Date License No.

\_\_\_\_\_  
Address

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



## STUDENTS

3510

### Student Medicines

#### Assistance in Self Administration of Medicines to Students

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

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

#### Administering Medicines to Students

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

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

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

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

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

#### Emergency Administration of Medicines

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

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

**[Optional:** Training as to the administration of medication in the situation of an emergency, for the administrator or designated staff member, shall be done by the School's nurse or other licensed health care practitioner to assure such individuals have knowledge as to how to give emergency medication to students orally or by injection. Records shall be retained as to the individuals trained, the identification of the trainer and the date of training activities.]

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

#### Self-Monitoring and Treatment of Diabetes

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

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

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

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

- B. The prescribed dosage;
  - C. The time(s) at which or the special circumstances under which medication should be administered;
  - D. The length of time for which medication is prescribed;
  - E. The possible side-effects of the medicine;
  - F. Actions to take in the event of an emergency, including if the medication does not improve the child's breathing or allergic reaction;
  - G. Contact information for the physician and parent/guardian; and
  - H. If applicable, a list of the child's asthma triggers or allergies.
3. The School's administration and appropriate teachers and School personnel are informed that the student is self-administering prescribed medication. Such notification shall be done in a manner so as to best preserve the privacy of the student and the student's medical condition to the extent appropriate.

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

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

The Board or Board designee will inform the parents/guardians of the pupil in writing that the Charter School and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil, absent any negligence by the School, 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 School, its employees, or its agents, or in the absence of such nurse, to the School administrator.

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

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

As used in this section:

1. "Medication" means an epinephrine auto-injector, a metered dose inhaler, or a dry powder inhaler or insulin, insulin delivery system and/or supplies or equipment necessary for diabetes monitoring and/or treatment prescribed by a physician and having an individual label;
2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician; and

3. A student who is permitted to self-administer medication pursuant to this section shall be permitted to possess and use the prescribed medication at all times.

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

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

#### Handling and Storage of Medicines

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

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

No more than a 45 school day supply of a medication for a student will be stored at the School. All medications, prescription and nonprescription, will be stored in their original containers. Access to all stored medication will be limited to persons authorized to administer medications or assist in the self-administration of medications. Each School will maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

### Disposal of Medication

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

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

### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

**STUDENTS**

**3510F1**

Authorization for Self-Administered Medication

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

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

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

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

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

\_\_\_\_\_  
Date

.....

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

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

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

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

\_\_\_\_\_

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

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

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

\_\_\_\_\_

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

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

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

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

\_\_\_\_\_ **Under the supervision of a School nurse**

Medication should be: \_\_\_\_\_ Stored in the Health Office

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

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

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

\_\_\_\_\_  
Date

{{Full\_Charter\_Heading}}

**STUDENTS**

**3510F2**

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

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

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

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

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

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

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

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

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

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



Food Allergy Management

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

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

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

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

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

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

Administrative regulations may address the following components:

1. Identification of students with food allergies and provision of School health services;

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

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

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

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

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

Cross References:	2400	Special Education
	2410	Section 504 of the Rehabilitation Act of 1973
	3510	Student Medicines
	3510F1	Authorization for Self-Administered Medication
	3510F2	Indemnification/Hold Harmless Agreement for Self-Administration of Medication

Legal Reference:	29 U.S.C. § 701, <i>et seq.</i>	Section 504 of the Rehabilitation Act of 1973
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Policy History:

Adopted on:

Revised on:

Reviewed on:

Food Allergy Management — Background

**THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO BE ADOPTED AS A POLICY OR PROCEDURE.**

A food allergy is an abnormal, adverse reaction to a food that is triggered by the body's immune system. It is different from a food intolerance, which does not involve the immune system and is not life-threatening. Allergic food reactions can span a wide range of severity of symptoms. The most severe and potentially life threatening reaction is anaphylaxis. Anaphylaxis refers to a collection of symptoms affecting multiple systems in the body, the most dangerous of which are breathing difficulties and a drop in blood pressure. Eight foods (peanuts, tree nuts, milk, eggs, soy, wheat, fish, and shellfish) account for more than 90% of all food allergies, while peanuts and tree nuts together account for more than 90% of severe and fatal allergic reactions to food. Exposure may occur by eating the food or by food contact. Severe allergic reactions can occur within minutes of ingestion, but a reaction can be delayed for up to two hours. Some reactions are "biphasic" in nature with an initial period of symptoms, then a symptom free period of two to four hours followed by severe shock-like symptoms.

The most commonly prescribed medications for the treatment of anaphylaxis are epinephrine, with brand names that include, but are not limited to, EpiPen®, EpiPen Jr®, and Twinject®. Delaying use of epinephrine during an allergic reaction can be fatal.

If a student has a severe or life-threatening allergy or an allergy that impairs a major life activity, their condition may qualify as a disability and may be covered under the Federal Americans with Disability Act (ADA), and Section 504 of the Rehabilitation Act of 1973. The student's physician usually makes this determination. In some circumstances, the Individuals with Disabilities Education Act may also apply.

While some schools have sought to protect students with life-threatening allergies by banning allergen-containing foods from school grounds, such bans are often controversial and difficult to enforce. In many cases, simply designating and maintaining particular lunchroom tables, desks, classrooms, or other specific areas of a School as allergen-free is sufficient. Allergen management is often easier for students of middle-school age or older, as they are able to take greater responsibility for avoiding allergens.

{{Full\_Charter\_Heading}}

**STUDENTS**

**3515F**

**Emergency Care Plan**

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
School: \_\_\_\_\_  
Grade: \_\_\_\_\_

Known Allergies: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Asthmatic? Yes:\* \_\_\_\_\_ No: \_\_\_\_\_

*\*Higher risk for severe reaction*

Insert  
Student's Picture

## STEP 1: TREATMENT

NOTE: Different symptoms may occur with any reaction and the severity of symptoms can change rapidly. Delay in treatment can be fatal. A high level of vigilance must be maintained for any symptoms exhibited by a student with food allergies. **Act quickly!**

### Symptoms

Select the medication to be given in each circumstance (To be determined by physician authorizing treatment).			
Food allergen has been ingested, but no symptoms:	Epinephrine:		Antihistamine:
MOUTH: Itchy, tingling, or swelling of lips, tongue, mouth	Epinephrine:		Antihistamine:
SKIN: Hives, itchy rash, swelling of the face or extremities	Epinephrine:		Antihistamine:
GUT: Nausea, abdominal cramps, vomiting, diarrhea	Epinephrine:		Antihistamine:
THROAT: Tightening of throat, hoarseness, hacking cough	Epinephrine:		Antihistamine:
LUNG: Shortness of breath, repetitive coughing, wheezing	Epinephrine:		Antihistamine:
HEART: Thready pulse, low blood pressure, fainting, pale, blue	Epinephrine:		Antihistamine:
OTHER:	Epinephrine:		Antihistamine:
If more than one of the above areas is affected	Epinephrine:		Antihistamine:

**Dosage (to be determined by physician authorizing treatment)**

**Epinephrine:** (circle one)    EpiPen EpiPen Jr.    Twinject 0.3 mg    Twinject .15mg

Inject intramuscularly (see following page for instructions)

**Antihistamine:** \_\_\_\_\_  
(medication/dose/route)

**Other:** \_\_\_\_\_  
(medication/dose/route)

**Important: Asthma inhalers and antihistamines cannot be depended on to replace epinephrine in anaphylaxis.**

**STEP 2: EMERGENCY CALLS**

**Important: Even if a parent or guardian cannot be reached, do not hesitate to medicate or take the child to a medical facility.**

1. Call 911. State that an allergic reaction has been treated and additional epinephrine may be needed. Send someone to meet the emergency services personnel at the School entrance and direct them to the site of the incident. The student will need to be transported to the hospital for further observation.

2. Notify the School nurse and School principal. Normally the administrator or their designee will make the rest of the emergency calls.

3. Dr. \_\_\_\_\_ Phone Number: \_\_\_\_\_

4. Parent: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Parent: \_\_\_\_\_ Phone Number: \_\_\_\_\_

5. Emergency Contacts:

Name/Relationship: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Name/Relationship: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Doctor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Epinephrine Directions

The following staff members have been trained to use the epinephrine auto-injectors:




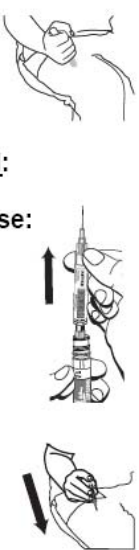
Name: \_\_\_\_\_ Room: \_\_\_\_\_

Name: \_\_\_\_\_ Room: \_\_\_\_\_

Name: \_\_\_\_\_ Room: \_\_\_\_\_

Name: \_\_\_\_\_ Room: \_\_\_\_\_

Name: \_\_\_\_\_ Room: \_\_\_\_\_

EpiPen® and EpiPen® Jr. Directions	Twinject™ 0.3 mg and Twinject™ 0.15 mg Directions
<ul style="list-style-type: none"><li>▪ Pull off gray activation cap.</li></ul>  <ul style="list-style-type: none"><li>▪ Hold black tip near outer thigh (always apply to thigh).</li></ul>  <ul style="list-style-type: none"><li>▪ Swing and jab firmly into outer thigh until Auto-Injector mechanism functions. Hold in place and count to 10. Remove the EpiPen® unit and massage the injection area for 10 seconds.</li></ul>	 <ul style="list-style-type: none"><li>▪ Pull off green end cap, then red end cap.</li><li>▪ Put gray cap against outer thigh, press down firmly until needle penetrates. Hold for 10 seconds, then remove.</li></ul> <p><b>SECOND DOSE ADMINISTRATION:</b> If symptoms don't improve after 10 minutes, administer second dose:</p> <ul style="list-style-type: none"><li>▪ Unscrew gray cap and pull syringe from barrel by holding blue collar at needle base.</li><li>▪ Slide yellow or orange collar off plunger.</li><li>▪ Put needle into thigh through skin, push plunger down all the way, and remove.</li></ul> 

Once the EpiPen or Twinject is used, call 911. Take the used unit with you to the emergency room. Plan to stay for observation at the emergency room for at least 4 hours.

{{Full\_Charter\_Heading}}

## STUDENTS

3515P

### Food Allergy Management

#### Medical Plans of Care

There are several written documents individualized for a particular student with a severe or life-threatening food allergy which may be used to address the student's needs throughout the school day. These may be developed with input from a core team, which may include the student (if appropriate), the student's parent/guardian, the principal or his or her designee, the student's teacher, the School nurse, the cafeteria manager, the counselor, transportation staff, coaches, and other personnel deemed necessary to make decisions about food allergies. Medical plans of care may include the:

**Commented [AH1]:**  
School cafeteria mention.

**Emergency Care Plan:** A medical plan of care distributed to all School personnel who have responsibilities for the care of the student. This plan specifically describes how to recognize a food allergy emergency and what to do when signs or symptoms of these conditions are observed. In the event the student reports exposure to a food allergen or shows symptoms of anaphylaxis, he or she may be treated according to the Emergency Care Plan. This plan may be developed from information provided by the student's physician and parent/guardian prior to the student's entry to school, or immediately after the student is diagnosed with a severe allergy. Similar plans may also be developed for staff members with severe allergies.

**Individualized Healthcare Plan:** A medical plan of care that may be developed by the School nurse in collaboration with the student's health care provider and core team to provide written direction for School personnel to follow in accommodating the student's needs throughout the day. It may address conduct and use of allergen-containing products in the classroom, the cafeteria, the library, at recess, on field trips, during extracurricular activities, and in other environments the student will face during the school day or during Charter School-sponsored activities. The plan may describe functional problem areas, set goals for overcoming problems, list tasks or interventions to meet the goals, and identify staff members responsible for implementing the plan. This plan may be developed prior to the student's entry to School or immediately after the student is diagnosed with a severe or life-threatening allergy. Input from the core team may be sought before changes are made to this plan. Similar plans may also be developed for staff members with severe allergies.

**Commented [AH2]:**  
School cafeteria mention.

If a student's severe or life-threatening allergy is determined to be a disability, it may also be addressed in a Section 504 Service Agreement and/or in the Related Services Component of their Individualized Education Program (IEP).

A complete set of a student's current medical plans of care related to food allergies may be maintained by the School nurse. The Executive Director or building principal may also require that copies of the Emergency Care Plan be kept in other places where they may be needed.



The School nurse may provide information or copies of the different components of a student's medical plans of care to appropriate personnel, including teachers, cafeteria staff, Charter School staff supervising School-sponsored extracurricular activities, and others who may be involved in the implementation of the medical plans of care. Such information may be provided to substitute teachers along with contact information for the School nurse.

**Commented [AH3]:**  
School cafeteria mention.

#### Students with Disabling Special Dietary Needs

When a student's food allergy is identified, evaluated, and determined to be a disabling condition, the School shall make appropriate accommodations, substitutions, or modifications for such students in accordance with the applicable policies relating to students with disabilities.

In such cases, the student may be required to have a written medical statement signed by a licensed physician to be included with the student's Individualized Healthcare Plan. The medical statement may identify:

1. The student's dietary disability;
2. An explanation of why the disability restricts the student's diet;
3. The major life activity(ies) affected by the disability;
4. The food(s) to be omitted from the student's diet; and
5. The food or choice of foods that must be provided as the substitute.

#### Students with Non-Disabling Special Dietary Needs

The Charter School may, at its discretion, make appropriate accommodations, substitutions, or modifications for students who have a special dietary need but who do not meet the definition of disability, such as a food intolerance or allergy that does not cause a reaction that meets the definition of a disability. The decision to accommodate such a student shall be made on a case-by-case basis.

Students who fall under this provision may be required to have a written medical statement signed by a physician, physician assistant, or certified registered nurse practitioner identifying the following:

1. The medical or other special dietary condition which restricts the student's diet;
2. The food(s) to be omitted from the student's diet; and
3. The food or choice of foods to be substituted.

#### Allergy Inservice Training

The Charter School may provide periodic training to teachers, aides, volunteers, substitutes, food service personnel, transportation personnel, and others as needed on any of the following topics:

1. Basic information such as signs, symptoms, and risks associated with food allergy and anaphylaxis;
2. Awareness of food and non-food items that might present risk;

3. Strategies that reduce risk of exposure to identified allergens throughout the school day;
4. Designation and maintenance of allergen-free zones;
5. Basic food handling procedures, including hand washing, avoiding cross-contamination, and cleaning surfaces;
6. School policies, procedures, and plans for managing students with chronic health conditions including allergies;
7. How to respond in the case of a possible severe or life-threatening allergic reaction;
8. Local emergency medical service providers;
9. Proper storage and administration of epinephrine auto-injectors, antihistamines, and other medications;
10. Strategies to manage student privacy and confidentiality while maintaining an inclusive class environment; and
11. How to deal with food allergy-related bullying.

#### Epinephrine and Other Medications

Students with severe allergies may be permitted to carry an epinephrine auto-injector with them, in accordance with Policy 3510. A student's epinephrine may also be kept in other locations where it would be easily accessible for the student, such as in their classroom, with a School employee supervising lunch or recess periods, or on their bus. Locations for storage will follow the manufacturer's guidelines. Staff may be notified of the locations of epinephrine in the School. The Executive Director or building principal may require that whenever students are present at a School, at least one person who has been trained to administer an epinephrine auto-injector also be present.

Any student who receives epinephrine at School must be immediately transported to a hospital for evaluation by a licensed healthcare provider and further observation or immediately released into the care and custody of their parent(s)/guardian(s).

#### The Cafeteria

The Executive Director or building principal may require that cafeteria staff take any of the following steps to accommodate students with severe or life-threatening allergies:

1. Prohibit specific foods;
2. Clean and sanitize kitchen surfaces and equipment to avoid cross contamination with potential food allergens;
3. Wear non-latex gloves, and change or wash gloved hands during extended use to avoid cross-contamination with potential food allergens;
4. Have photos of students with severe or life-threatening allergies placed in the kitchen, only for kitchen staff to view;
5. Make appropriate substitutions or modifications to meals served to students with serious allergies;
6. Be prepared to make food ingredient lists used in food production and service available. Maintain food labels from each food served to a child with allergies for at least 24 hours following service in case the student has a reaction from a food eaten in the cafeteria; and

**Commented [AH4]:**  
School cafeteria mention.

7. With parental approval, set up cafeteria procedures such as entering a student's allergy into computerized database. Such information would remain confidential and be shared on a need-to-know basis in compliance with federal privacy regulations.

#### Allergies and the Classroom

The School nurse, teacher, and parents of any children with severe or life-threatening allergies, may set a classroom protocol regarding the management of food in the classroom. This protocol will be communicated by the teacher to the students and parents of the affected class, and may include any of the following accommodations:

1. Parents of students with severe or life-threatening allergies may provide allergen-free snacks to be kept in the classroom and given to the student when treats are served in the classroom;
2. Students, parents, and staff may be prohibited from bringing homemade treats or specified foods for in-class consumption. Only commercially prepared treats with intact ingredient labels may be allowed in class;
3. Teachers may notify parents in writing of any School related activity that requires the use of food in advance of the project or activity;
4. Use of food for instructional lessons may be limited or eliminated;
5. Use of food or candy as part of a School project related to the curriculum may be prohibited; and
6. Allergen-containing foods may be prohibited in classrooms during after-school activities when that classroom will be used by a student with a known food allergy during the school day.

The Executive Director or building principal may require teachers to take any of the following additional steps to accommodate students with severe or life-threatening allergies:

1. Post signs indicating rules for preventing exposure to life-threatening allergens in the classroom and ensure that these rules are enforced;
2. Eliminate the use of food allergens in the allergic student's educational tools, School-provided supplies, and incentives;
3. Participate in planning students' re-entry into school after an anaphylactic reaction; and
4. Send notices to parents of students in the classroom that the classroom is a free zone with regard to a specified food.

Teachers may be required to develop and implement age-appropriate lessons on allergies for such subjects as health, family and consumer sciences, biology, and physical education. Such lessons may emphasize:

1. Support for, and inclusion of, classmates with chronic health conditions, such as food allergies;
2. Bullying prevention, including reporting harassment, hazing, and bullying to School personnel;
3. Knowledge of potential allergens and the symptoms of a potentially life-threatening reaction;
4. Differences between life-threatening allergies and food intolerances;
5. Appropriate response to emergency situations such as life-threatening allergic reactions;
6. Developmentally-appropriate self-management of food allergies; and
7. The importance of following School health policies and guidelines, such as those regarding hand washing, food-sharing, and allergen safe zones.

#### Transportation

The School bus drivers may be informed when they are transporting a student with a life-threatening allergy. The Executive Director or building principal may require bus drivers to take any of the following additional steps to accommodate students with severe or life-threatening allergies:

1. Strictly enforce a policy of no eating on the bus. Students with medically documented needs may be permitted to eat allergen-safe foods on the bus;
2. Refrain from handing out food treats; and
3. Assign seats to students, and/or seat students with life-threatening allergies immediately behind and to the right side of the bus driver.

The Executive Director or building principal may require the transportation department to send letters to parents of all students who use School transportation informing them that at least one student at the School has a life-threatening allergy, requesting that their child wash their face and hands after breakfast and before boarding the bus, and informing them of rules prohibiting students from eating on the bus.

#### Field Trips

The Executive Director or building principal may require that those organizing field trips take any of the following steps to accommodate students with severe or life-threatening allergies:

1. Take into consideration the potential for exposure to the student's food allergens when determining sites for field trips, and consider ways of avoiding allergen exposure during the field trip;
2. Notify parents of students with severe or life-threatening allergies and the School nurse as soon as possible of any upcoming field trip;
3. Allow parents of students with severe or life-threatening allergies to accompany the student on field trips;
4. Store meals for students with food allergies separately to minimize cross-contamination;
5. Ensure that students do not eat on the bus;
6. Prepare ways for participants to wash hands before and after eating, such as with hand

- wipes;
7. Appoint a School employee attending the field trip to implement any student's Emergency Care Plan if necessary, and bring all supplies necessary to do so; and
  8. Note the location of closest medical facility ahead of time.

#### Other Accommodations

The Executive Director or building principal or the designee may require that any of following steps be implemented to accommodate students with severe or life-threatening allergies:

1. Prohibit food and utensil trading and sharing, and post signs in Schools informing students that they are expected to neither trade nor share food or utensils;
2. Designate particular tables in the cafeteria, particular classrooms, areas within classrooms, or other areas as allergen-free zones. These zones may be designated by a universal symbol, and be cleaned with a separate wash bucket and cloth with Charter School-approved cleaning agents;
3. Post signs at points of entry to each School and/or on the School website advising that there are students with life-threatening allergies. Such signs may not disclose the identity of the student with the food allergy unless his or her parent has consented to that disclosure;
4. If at least one student attending the School has a known life-threatening allergy, have letters sent to all parents of children attending the School notifying them of the severity of the health threat, signs and symptoms to be aware of, and a concise list of foods and materials of concern and School policy regarding them. This will be done in a way that protects the confidentiality of the student with the life-threatening allergy. If other students or parents may be able to guess or deduce which student has the life-threatening allergy, approval of the student's parent may be sought before the letter is sent;
5. Hold Emergency Care Plan drills to assure the efficiency and effectiveness of such plans;
6. Ensure that there is at least one functioning emergency communication device, such as a walkie-talkie or cell phone, available at all times in classrooms, on field trips, at recess, during physical education class, at School-sponsored extracurricular activities, and/or on School buses (if applicable);
7. Develop a cleaning protocol to ensure the threat of allergens is minimized;
8. Prohibit the sale of particular food items in the School; and
9. Request that students refrain from bringing foods to which a student is known to have a severe or life-threatening allergy to School, and request that parents refrain from sending such foods to School. A Executive Director or building principal may completely prohibit particular food items from the School or School grounds when it is felt that the benefits of doing so would outweigh the difficulty of enforcing such a ban and the controversy such a measure is likely to provoke.

**Commented [AH5]:**  
School cafeteria mention.

### Confidentiality

The Charter School will endeavor to maintain the confidentiality of students with food allergies, to the extent appropriate and as requested by the student's parents/guardians. School staff shall maintain the confidentiality of student records as required by law, regulations, and Board policy.

### Expectations of Students with Severe or Life-Threatening Allergies and their Parents

The Board expects students with life-threatening allergies to do the following, as age appropriate:

1. Take as much responsibility as possible for avoiding allergens, including refraining from sharing or trading of foods or eating utensils with others, refraining from eating anything with unknown ingredients or a known allergen; avoid putting anything in mouth, such as writing utensils, fingers, or other foreign objects;
2. Use proper hand washing before and after eating and throughout the School day;
3. Learn to recognize personal symptoms;
4. Notify an adult immediately if they eat something they believe may contain a food to which they are allergic;
5. Notify an adult if they are being bullied, harassed, hazed, or threatened by other students as it relates to their food allergy;
6. Carry their epinephrine auto-injector with them at all times if they are permitted to do so, or know where the auto-injector is kept and who has access to it;
7. Know how to get to the nurse's office;
8. Develop an awareness of their environment and their allergen-free zones; and
9. Know their overall Individual Healthcare Plan and understand the responsibilities of the plan.

The Board encourages parents of students with serious allergies to do the following:

1. As age appropriate, teach their child to:
  - A. Not share snacks, lunches, drinks, or utensils;
  - B. Know which foods are and are not safe for them to eat, and to read labels, and understand ingredient safety;
  - C. Understand the importance of hand washing before and after eating;
  - D. Recognize the first symptoms of an allergic or anaphylactic reaction;
  - E. Communicate with School staff as soon as he or she feels a reaction is starting;

- F. Understand rules and expectations about bullying related to food allergies, and report such teasing and/or bullying;
  - G. Carry his or her own epinephrine auto-injector when appropriate, or know where the epinephrine auto-injector is kept and who has access to it;
  - H. Administer his or her own epinephrine auto-injector and be able to train others in its use; and
  - I. Develop awareness of their environments, including allergy-controlled zones.
2. Inform the School nurse of their child's allergies prior to the opening of school, or as soon as possible after diagnosis. All food allergies must be verified by documentation from physician, nurse practitioner, or physician assistant;
  3. Work with the core team collaboratively to develop the Individualized Healthcare Plan, and provide an Emergency Care Plan completed by the student's physician;
  4. Complete and submit all requested and required forms. Provide the School with current cell phone, pager, and other emergency contact numbers;
  5. Allow School health personnel to consult with the student's physician or healthcare provider, and provide current contact information for the healthcare provider;
  6. Provide the School nurse with up-to-date emergency medications so they can be placed in all required locations for the current school year. Parents may be requested to provide two or more epinephrine auto-injectors. Medications provided must meet the requirements of the School medication policy of proper labeling and expiration;
  7. Consider providing a medical alert bracelet for their child;
  8. If requested, provide "safe snacks" for their student's classroom in case of an unplanned special event. Parents may also be asked to provide a nonperishable safe lunch to be kept at School in case the student forgets to bring lunch;
  9. Review policies, procedures, and plans with the core team annually and following any allergic reaction at School; and
  10. Provide the School nurse with at least annual updates on their child's allergy status. Inform the School of any changes in the child's life-threatening allergy status and provide a physician's statement if the student no longer has food allergies.

Procedure History:

Promulgated on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3520

### Contagious or Infectious Diseases

The Charter School provides educational services to students who have enrolled at the School. Attendance at school may be denied to any child diagnosed as having a contagious or infectious disease that could make the child's attendance harmful to the welfare of other students. In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the School have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

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

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

Students who complain of illness at school may be referred to the School nurse or other responsible person designated by the Board and may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

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

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

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



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

#### Pediculosis (Head Lice)

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

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

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

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

**Commented [AH1]:**  
Reference to Transportation Program

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

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

In the interest of the health and welfare of students enrolled in the School, no student will be permitted to attend classes if they are infested with head lice or the eggs of head lice.

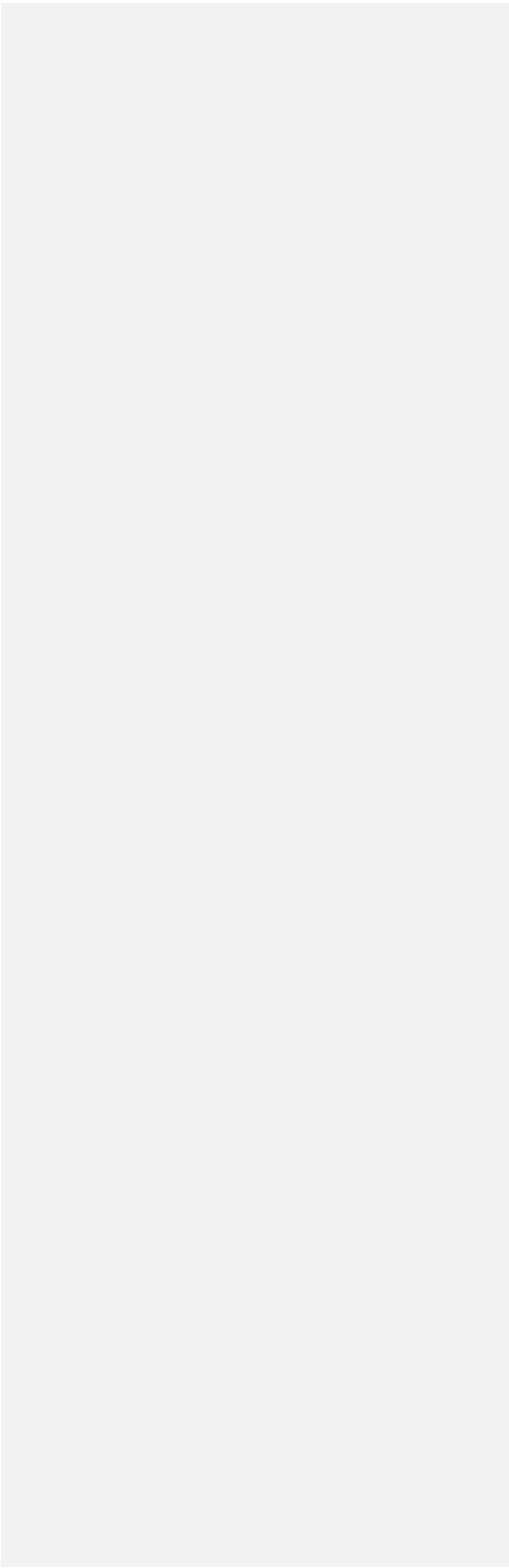
All other children in the classroom where lice or nits have been reported will be checked and given a letter to take home explaining the situation and the need for parents to inspect their children carefully. Any child who is suspected of having lice will be treated with the utmost discretion.

Legal Reference:

I.C. § 33-512 Governance of Schools

Policy History:

Adopted on:  
Revised on:  
Reviewed on:



Immunization Requirements

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

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

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

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

### Immunization Certification

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

### Intended Immunization Schedule

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

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

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

### Exemptions

1. Any child who submits a certificate signed by a physician licensed by the State Board of Medicine stating the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child is exempt from the immunization requirements;

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

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

#### Communication of Immunization Requirements and Exemptions

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

#### Reporting

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

1. Inclusive dates of the reporting period;
2. Name and address of the Charter School, and county;
3. Grade being reported and total number of children enrolled in the grade;
4. Name and title of the person completing the report form;
5. Number of children who meet all of the required immunizations listed in the tables above;
6. Number of children who do not meet all of the required immunizations listed in the tables above, but are in the process of receiving the required immunizations; and
7. Number of children who claimed exemption to the required immunizations listed in the tables above.

Legal References:	I.C. § 39-4801	Immunization Required
	I.C. § 39-4802	Immunization Exemptions
	I.D.A.P.A. 16.02.15	Immunization Requirements for Idaho School Children

#### Policy History:

Adopted on:  
Revised on:  
Reviewed on:

Suicide

Neither a charter school nor a teacher has a duty to warn of the suicidal tendencies of a student absent the teacher's or charter school's knowledge of direct evidence of such suicidal tendencies. The Board directs the Executive Director or his or her designee to draft and implement procedures relating to:

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

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

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

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

### 3. Postvention:

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

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

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

Legal References:	I.C. § 33-136	Suicide Prevention in Schools
	I.C. § 33-512B	District Trustees - Suicidal Tendencies — Duty to Warn

I.D.A.P.A. 08.02.03.160 Safe Environment and Discipline

#### Policy History:

Adopted on:

Revised on:

Reviewed on:



## STUDENTS

3540

### Emergency Treatment

The Board recognizes that the School is 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/guardian.

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

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

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

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

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

### Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3545

### Student Interviews, Interrogations, or Arrests

#### Interviews by School Administrators (Student Victims/Witnesses)

When a violation of Board policy or Charter School rule occurs, the School principal or designee may question a potential student victim or students who may have relevant information without prior consent of the parent, guardian, or legal custodian. Another adult should be present during the questioning of students.

#### Interrogations by School Administrators (Student Suspect)

In situations where a student is suspected of violating Board policy or School rule, the principal or designee may interrogate the student suspect 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, School personnel are not responsible for a police officer's compliance with the law. If a parent or student refuses to consent to police questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

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

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

The Charter School strives to maintain cooperative working relations between law enforcement, child protective authorities, and School authorities. Law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when emergency or other exigent circumstances exist, such interviews and interrogations are discouraged during the student's class time. The principal and principal's designee have the right and the obligation to take reasonable steps to prevent disruption of School operations and the educational process while at the same time cooperating with law enforcement efforts. Accordingly, the principal or designee shall work together with law enforcement officers to coordinate efforts and minimize or prevent such disruption in cases of student interviews and interrogations. In the event of disagreement, the principal or designee shall immediately contact the area administrator or Charter School legal counsel for assistance.

Before any student interview or interrogation begins regarding suspected criminal activity, the principal or designee shall ascertain that the law enforcement officer has proper identification evidencing affiliation with an identified law enforcement agency. The principal or designee shall request that all procedural safeguards prescribed by law are observed by the law enforcement officers when interviewing student witnesses or interrogating student suspects. An effort shall be made to notify the student's parent, guardian, or legal custodian in advance of the interview or interrogation regarding suspected criminal activity. Whether or not to postpone the interview or interrogation until the parent arrives is ultimately the law enforcement officer's decision. **In cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family, such parent/guardian contact would not be warranted. The Idaho Department of Health and Welfare or law enforcement may exclude School personnel from any child abuse investigations/interviews and may use a School building to conduct the interview.**

### Arrests by Law Enforcement Officers

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

When a student is removed from school by law enforcement officers for any reason, School officials will make every reasonable effort to notify the student's parent/guardian or legal custodian. The School official will document such effort in writing. Before removing the student from school, the police shall sign a release form in which they assume full responsibility for the student. If a School official has reason to believe that a student was removed from the School by

a law enforcement officer without making a valid arrest or without the consent of the student and the parent/guardian or legal custodian, the School official will attempt to immediately contact the area administrator or legal counsel.

School officials will notify the appropriate area administrator of the removal of any student from School by law enforcement under any circumstance. School officials shall request that all procedural safeguards prescribed by law are observed by law enforcement officers conducting an arrest. School personnel are not, however, responsible for an officer's legal compliance with respect to said arrest.

### Definitions

“Interview” means the questioning of a student who may be a witness or victim of an incident.

“Interrogation” means the questioning of a student suspected of violating School policy, School rule, or criminal law.

“Reasonable Grounds to Suspect” means more than a generalized suspicion or a mere hunch, but not requiring certainty that a violation has occurred. For example, it may be based upon, among other things, direct observations or the reported observations or experiences of others. It involves a common-sense conclusion about human behavior based upon all of the circumstances presented.

“Probable Cause” means a set of probabilities grounded in factual and practical considerations, which would cause a reasonable person to believe that a violation has occurred. It requires having more evidence for than against.

Cross References:	4400	Relations with Law Enforcement and Child Protective Agencies
	4410	Investigations and Arrests by Police
	5260	Abused and Neglected Child Reporting
Legal References:	I.C. § 6-904(1)	Tort Claims Against Governmental Entities
		Exceptions to Governmental Liability
	I.C. § 16-1605	Child Protective Act: Reporting of Abuse, Abandonment or Neglect
	I.C. § 16-1606	Child Protective Act: Immunity
	I.C. § 16-1607	Child Protective Act: Reporting in Bad Faith-Civil Damages
	I.C. § 16-1631	Child Protective Act: Authorization for Department to Act
	I.C. § 20-516	Juvenile Corrections Act — Apprehension and Release of Juveniles — Detention

Other References: Idaho Att'y Gen. Ann. Rpt. 93-2 (1993) (available at <https://www.ag.idaho.gov/content/uploads/2017/12/1993.pdf>) (last accessed November 18, 2019)

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

**STUDENTS**

**3545F1**

Student Arrest Form

**Form for Signature of Arresting Officer**

I, \_\_\_\_\_, a duly sworn peace officer and member of the  
\_\_\_\_\_ Department, \_\_\_\_\_,  
have asked that \_\_\_\_\_, a student in the  
\_\_\_\_\_ School, be surrendered to me,  
and pursuant thereto have taken said student into my custody and am assuming full responsibility  
for the student's arrest.

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

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

Time: \_\_\_\_\_

Badge Number: \_\_\_\_\_

**School Action**

Date and time parents notified. If more than one attempt is made, include such information here:

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

\_\_\_\_\_  
Signature of Administrator

*One copy each shall be made for:*

- 1. School records;*
- 2. Parent mailing;*
- 3. The police officer; and*
- 4. The witnessing administrator*

{{Full\_Charter\_Heading}}

**STUDENTS**

**3545F2**

Student Interview Form

**Form for Signature of Interviewing Officer**

I, \_\_\_\_\_, a duly sworn peace officer and member of the  
\_\_\_\_\_ Department, \_\_\_\_\_,  
have asked that \_\_\_\_\_, a student in the  
\_\_\_\_\_ School, be made available for  
interview

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

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

Time: \_\_\_\_\_

Badge Number: \_\_\_\_\_

**School Action**

Date and time parents notified. If more than one attempt is made, include such information here:

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

\_\_\_\_\_  
Signature of Administrator

*One copy each shall be made for:*

1. *School records;*
2. *Parent mailing;*
3. *The police officer; and*
4. *The witnessing administrator*

{{Full\_Charter\_Heading}}

## STUDENTS

3550

### Removal of Student During School Hours

The Board recognizes its responsibility for the proper care of students during school hours. Students shall not be removed from the Charter School grounds, any School building, or School function during school hours except by a person duly authorized in accordance with School procedures. Before a student is removed or excused, the person seeking to remove the student must present, to the satisfaction of the principal, evidence of his or her proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone unless the request is approved by the principal. The Executive Director is directed to establish procedures for the removal of a student during school hours.

Cross Reference:      § 4400

Relations with the Law Enforcement and Child  
Protective Agencies

#### Policy History:

Adopted on:

Revised on:

Reviewed on:



## STUDENTS

3550P

### Removal of Student During School Hours

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

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

### Procedure History:

Promulgated on:

Revised on:

Reviewed on:

## STUDENTS

3560

### Video Surveillance

The Board believes that the use of video taping equipment can make positive contributions to the health, safety, and welfare of all students, staff, and visitors to the Charter School, as well as safeguard School facilities and equipment. Having carefully weighed and balanced the rights to privacy of students, staff, and visitors against the School's goal of ensuring the safety of every student, employee, and visitor while they are on School property and also the goal of safeguarding School facilities and equipment, the Board hereby authorizes the use of video cameras on Charter School property as follows:

Video surveillance shall be used to promote order, to maintain the security, health, welfare, and safety of all staff, students, and visitors on School property, and to safeguard School facilities and equipment.

The School shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on School property. Additionally, notices shall be posted on or about Charter School property alerting those on School property that the School is utilizing video surveillance.

Review of any video recordings is restricted to those who have a security, safety, or a legitimate educational interest.

Video recordings may become a part of a student's educational record or a staff member's personnel record. The School shall comply with all applicable State and federal laws related to record maintenance and retention. Video tapes that are records of student and/or staff behavior shall be secured in a locked file until the tapes are either reused or erased. The video tape shall be considered a student and/or staff record and shall be subject to current law for the release of student record information and/or personnel record.

Video surveillance may be used for investigations of criminal activity by appropriate law enforcement agencies and may be used by the School to investigate violations of School policy.

Students or staff in violation of Board policies, administrative regulations, building rules, or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement agencies.

Video cameras may be installed in public locations as deemed appropriate by the Executive Director, and shall not be installed in areas with a reasonable expectation of privacy.

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

Cross-Reference: 3570

Student Records

Legal References:    20 U.S.C. § 1232g, *et seq.*    Family Education Right to Privacy Act (FERPA)  
                             34 C.F.R. Part 99    Implementing FERPA  
                             I.C. § 18-6701, *et seq.*    Communications Security  
                             I.C. § 33-512    District Trustees - Governance of Schools  
                             *Books v. Logan*, 127 Idaho 484, 903 P.2d 73 (1995);  
                             *Rife v. Long*, 127 Idaho 841, 908 P.2d 143 (1995).

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3563

### Student-Tracking Safety Devices

Because of student privacy concerns, the Charter School requires listen-in technology to be disabled while any student tracking device is at school, on School-provided transportation, and at school events. The Charter School prohibits unauthorized audio or visual recordings or transmission of audio or images of other students.

A parent/guardian shall obtain approval from the Executive Director or his or her designee before operating a student-tracking safety device or other electronic device with recording or listen-in capability, such as AngelSense, at school or at a school-sponsored event. Any parent/guardian receiving permission to use an electronic device with listen-in capability may be requested to enter into a user agreement with the School to define the scope and limits of such use.

Legal References:     20 U.S.C. § 1232g, *et seq.*     Family Education Right to Privacy Act (FERPA)

34 C.F.R. Part 99     Implementing FERPA

### Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3565

### Termination of Driving Privileges

Commented [AH1]: Grade Level Specific Content

In the event an enrolled student fails to meet the State enrollment and attendance requirements, the Charter School principal or designee will provide written notification on a form provided by the Idaho Department of Education to the student and parent/guardian of the School's intent to request that the Idaho Department of Transportation suspend the student's driving privileges, because the student has dropped out of school (and has not otherwise enrolled in another public/private school, home schooling educational program, course of preparation for the GED, a college or university, a post-secondary vocational program, or job training program or other educational activity approved by the Board) or has failed to comply with the enrollment and attendance requirements found in Idaho Code.

The student and parent/guardian will have 15 calendar days from the date of receipt of the above-mentioned notice to request a hearing before the School principal or designee for the purpose of reviewing the pending suspension of driving privileges. The requested hearing will be held within 30 calendar days after the receipt of the request.

The School principal or designee may grant a hardship waiver of the requirements of this policy for any student for whom a personal or family hardship requires that the student have a driver's license for his or her own or family member's employment or medical care. The principal or designee will take into account the recommendations of teachers, other School officials, guidance counselors, or academic advisors prior to granting a waiver. Such a hardship waiver must be requested by the student or the student's parent/guardian at the initial hearing.

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

Legal References:	I.C. § 33-211	Attendance at Schools —Students' Drivers' Licenses
	I.C. § 49-110	Motor Vehicles - Definitions
	I.C. § 49-303	Motor Vehicle Driver's Licenses - What Shall Not Be Licensed
	I.C. § 49-303A	Motor Vehicle Driver's Licenses - Driver's License or Permits Issued to Certain Persons under the Age of Eighteen Years
	I.C. § 49-305	Motor Vehicle Driver's Licenses -Instruction Permits — Commercial Learner's Permit — Temporary Licenses — Motorcycle Endorsement Instruction Permit
Persons		

I.C. § 49-310

Motor Vehicle Driver's Licenses – Applications  
of Persons under the Age of Eighteen Years

I.C. § 49-326

Motor Vehicle Driver's Licenses -Authority of  
Department to Suspend, Disqualify or Revoke  
Driver's License and Privileges

Policy History:

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3570

### Student Records

Charter School student records are confidential, and information from them shall not be released other than as provided by law. Federal and State laws grant certain rights to parents and students, 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 School may release directory information as permitted by law, but parents shall have the right to object to the release of information regarding their child. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all high school students, unless the parent(s) notifies the School not to release this information.

The Executive Director shall implement this policy consistent with State and federal law and may develop administrative procedures to assure compliance with State and federal law. The Executive Director or a designee shall inform staff members of this policy, and shall inform students and their parents of it, as well as their rights regarding student School records.

Cross References:	3575	Student Data Privacy and Security
	4175	Required Annual Notices
	4260	Records Available to the Public
	8605	Retention of District Records
Legal References:	20 U.S.C. § 1232g, <i>et seq.</i>	Family Education Right to Privacy Act (FERPA)
	Pub. L. 114–95	Every Student Succeeds Act (ESSA)
	34 C.F.R. Part 99	Implementing FERPA
	I.C. § 33-133	Idaho Student Data Accessibility, Transparency, and Accountability Act - Definitions — Student Data — Use and Limitations — Penalties
	I.C. § 33-209	Attendance at Schools — Transfer of Student Records — Duties
	I.C. § 32-717A	Divorce Actions - Parents' Access to Records and Information

### Policy History:

Adopted on:

Revised on:

Reviewed on:

Student Records

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

*This notification will be distributed annually, and may be distributed by any means likely to reach the parent(s)/guardian(s). The Charter School shall effectively notify parents and eligible students who are disabled and those whose primary or home language is not English.*

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

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

Family Educational Rights and Privacy Act (FERPA)

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

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

Students less than 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 Charter School 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.

When the student reaches 18 years of age, or is attending an institution of post secondary education, all rights and privileges accorded to the parent become exclusively those of the student.

2. **The right to request an 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 Charter School 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 Charter School decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the Charter School 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. Such notice shall be in writing and provided within a reasonable period of time after the hearing. 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 Charter School 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 Charter School 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 Charter School discloses education records without consent to officials of another charter school or 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:

- A. Academic grades of their child; or
- B. 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.**

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

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

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

- 6. **The right to request that that information not be released to military recruiters and/or institutions of higher education.**

Pursuant to federal law, the Charter School is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

Parent(s)/guardian(s) or eligible students may request that the School not release this information, and the School will comply with the request.

**7. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Charter School 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

{{Full\_Charter\_Heading}}

## STUDENTS

3570F2

### Permission to Use Likeness

I hereby authorize {{Full\_Charter\_Name}} permission to use my likeness in a photograph, image, motion picture, video recording, and/or sound recording, for use in any and all of its publications, including website entries, social media or to otherwise publish, circulate and disseminate said photographs, images, motion pictures, video recordings, and/or sound recordings or any duplication or facsimile thereof for any lawful purpose they deem proper. I recognize and consent that my name may or may not be attached or utilized in relation to the publication of any such photograph, image, motion picture, video recording, and/or sound recording and consent to the same.

By making such authorization, I hereby relinquish and assign to {{Full\_Charter\_Name}} all right, title and interest I may have in the photographs, images, motion pictures, video recordings, and/or sound recordings, negatives, reproductions or copies, including, but not limited to, the right to copyright the same used by them. In addition, I waive the right to inspect or approve the finished product, including written or electronic copy, wherein my likeness or voice appears; and waive any right to royalties or other compensation arising or related to the use of such photographs, images, motion pictures, video recordings, and/or sound recordings.

I understand that {{Full\_Charter\_Name}} and their employees, agents, officers, and owners cannot warrant or guarantee that any further dissemination of my image or voice will be subject to control by {{Full\_Charter\_Name}}. I hereby hold harmless and release and forever discharge {{Full\_Charter\_Name}} and their employees, agents, officers and owners, from all claims, demands, and causes of action which I, my heirs, representatives, executors, administrators, or any other persons action on my behalf or on behalf of my estate have or may have by reason of this authorization.

I am 18 years of age and am competent to contract in my own name. I have read this release and assignment before signing below and I fully understand the contents, meaning, and impact of this release.

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

Printed Name: \_\_\_\_\_

If the person signing is under age 18, there must be consent by a parent or guardian, as follows:

I hereby certify that I am the parent or legal guardian of \_\_\_\_\_. I have read the foregoing release and assignment before signing below and I fully understand the contents, meaning, and impact of this release, and do hereby sign and authorize said release and assignment on behalf of the minor child named above.

Parent/Guardian/s Signature: \_\_\_\_\_

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

Parent/Guardian's Printed Name: \_\_\_\_\_

Student's Printed Name: \_\_\_\_\_

## STUDENTS

3570P

### Student Records

#### Maintenance of School Student Records

The Charter School shall maintain a record for each student that shall contain information, including but not limited to the following:

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

Information in student files shall be maintained as described in Policy 8605.

Records for a special education student with disabilities who graduates or permanently withdraws from the School, including eligibility documentation, IEPs, consents, and written notices will, for at least six years, be maintained until such time or when the School has been given written consent from the parent(s) and/or adult former student to destroy the records or transfer the records to the parent(s) or to the student if the student has succeeded to the rights of the parents. Such written records of individual students are confidential and shall be shredded under supervision of the staff member responsible for the records if not released to the parent(s) and/or adult former student. The records manager should maintain a log that documents the date of destruction or release of records.

The School's public records custodian, in conjunction with the Executive Director and their designee shall be responsible for the maintenance, retention, or destruction of a student's records, in accordance with the School's procedure established by the Executive Director. The unique student identifier is a number issued and assigned by the State Department of Education to each student currently enrolled or who will be enrolled. The unique student

identifier shall follow the student from each district or local educational agency (LEA) or upon return to a district or LEA after an absence no matter the length of absence.

### Access to Student Records

The Charter School shall grant access to student records as follows:

1. The School or any School employee shall not release, disclose, or grant access to information found in any student record except under the conditions set forth in this policy and consistent with the provisions of State and federal law.
2. The parents of a student under 18 years of age shall be entitled to inspect and copy information in the child's School records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within 15 days of the School's receipt of such a request.

Where the parents are divorced or separated, both shall be permitted to inspect and copy the student's School records unless a court order indicates otherwise. The School shall send copies of the following to both parents at either one's request, unless a court order indicates otherwise or parental rights have been terminated by court order or parental agreement:

- A. Academic progress reports or records;
- B. Health reports;
- C. Notices of parent-teacher conferences;
- D. School calendars distributed to parents/guardians; and
- E. Notices about open houses and other major School events, including pupil-parent interaction.

When the student reaches 18 years of age, graduates from high school, marries, enters military service, or becomes legally emancipated all rights and privileges accorded to the parent become exclusively those of the student. The parents of dependent students, as defined by the Internal Revenue Service (i.e. student termed dependent for income tax purposes) may have access to student educational records if the parents establish, via either a copy of the applicable tax forms and/or a Parental Affidavit for Educational Records attesting to the student's dependent status.

Access shall not be granted to the parent or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment, or the receipt of an honor or award, if the student has waived his or her right of access, after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The School may grant access to, or release information from, student records to employees or officials of the School or the Idaho State Board of Education, provided a current, demonstrable, educational or administrative need is shown, without parental

consent or notification. Access in such cases shall be limited to the satisfaction of that need.

4. For purposes of an audit or evaluation by a federal or State-supported education program, and to comply with federal requirements related to such a program. The receiving entity must be a State or educational authority or another entity allowed by the Family Educational Rights and Privacy Act (FERPA), or must be an authorized representative of such an entity.

For each new audit, evaluation, or enforcement effort, the School shall enter into a written agreement when designating anyone other than its employee as its authorized representative. The School shall be responsible for using reasonable methods to ensure, to the greatest extent practicable, that the authorized representative

- A. Uses the personal information only for the authorized purpose;
  - B. Protects the personal information from further unauthorized disclosures or other uses; and
  - C. Destroys the personal information when it is no longer needed for the authorized purpose. Such destruction shall be effected by any specified time period set forth in the written agreement.
5. The School may grant access to, or release information from, student records without parental consent or notification to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to Charter School student records. Any such release in this regard shall be consistent with Idaho Code and Policy 3575 relating to the limitations on the release of student data.
6. The School shall grant access to, or release information from, a student's records pursuant to a court order or appropriate subpoena. In most instances, the parent/qualified student shall be given prompt written notice of such order/subpoena, a general statement of the documents which will be released, and the proposed date of release of the documentation requested. However, there are very limited circumstances under the USA Patriot Act where schools are required to disclose information without notice to the parent or student to the Attorney General of the United States upon an ex parte order in connection with the investigation or prosecution of terrorism crimes or other such specified situations when the court order prohibits disclosure (i.e. Federal Grand Jury Subpoena or Law Enforcement Subpoena wherein such order indicates disclosure is not permitted).
7. The School shall grant access to or release information from any student record as specifically required by federal or State statute.
8. The School shall grant access to, or release information from, student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be



released, and the reason for the release. One copy of the consent form will be kept in the records, and one copy shall be mailed to the parent or eligible student by the Executive Director. Whenever the School requests the consent to release certain records, the records custodian shall inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

9. The School may release student records to the Executive Director or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.
10. Prior to the release of any records or information under items 6, 7, 8, and 9 above, the School shall provide prompt written notice to the parents or eligible student of this intended action except as specified in item 6. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.
11. The School may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian shall make this decision taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. Any release that is made must be narrowly tailored considering the immediacy, magnitude, and specificity of the information concerning the emergency and the information should only be released to those persons whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals (i.e. law enforcement, public health officials, trained medical personnel). The exception is temporarily limited to the period of the emergency and does not allow for a blanket release of personally identifiable information from a student's records. The School shall notify the parents or eligible student as soon as possible of the information released; the date of the release; the person, agency, or organization to which the release was made; and the purpose of the release and the same information shall be recorded in the student's record log.
12. The School will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's School records without notice to or consent of the student's parent(s)/guardian(s).
13. The School may charge a fee for copying information in the student's records. No parent or student shall be precluded from copying information because of financial hardship. See Policy 4260 for information regarding the School copy fee schedule.
14. A log of all releases of information from student records, including all instances of access granted, whether or not records were copied, shall be kept and maintained as part of such records. This log shall be maintained for the life of the student record and shall be

accessible only to the parent or eligible student, records custodian, or other such person. The log of release shall include:

- A. Information released or made accessible;
- B. The name and signature of the records custodian;
- C. The name and position of the person requesting the release or access;
- D. The legitimate interests the parties had in requesting or obtaining the information;
- E. The date of the release or grant of access;
- F. A copy of any consent to such release; and
- G. Any additional information required by State or federal law.

### Directory Information

The Charter School may release certain directory information regarding students, except that parents may prohibit such a release. Directory information shall be limited to:

- 1. Name;
- 2. Address;
- 3. Gender;
- 4. Grade level;
- 5. Birth date and place;
- 6. Parents'/guardians' names and addresses;
- 7. Academic awards, degrees, and honors;
- 8. Information in relation to School-sponsored activities, organizations, and athletics;
- 9. Major field of study; and
- 10. Period of attendance in School.

The notification to parents and students concerning School records will inform them of their right to object to the release of directory information.

### Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the Charter School is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning School records will inform them of their right to object to the release of this information.

### Student Record Challenges

The parents may challenge the accuracy, relevancy, or propriety of the records, except for grades, and references to expulsions or out-of-school suspensions, if the challenge is made when the student's School records are being forwarded to another school. They have the right to request a hearing at which each party has:

- 1. The right to present evidence and to call witnesses;
- 2. The right to cross-examine witnesses;

3. The right to counsel;
4. The right to a written statement of any decision and the reasons therefore; and
5. The right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The School will include a statement in any release of the information in dispute.

Procedure History:

Promulgated on:

Revised on:

Reviewed on:

Student Data Privacy and Security

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

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

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

Definitions

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

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

**Data Breach** is the unauthorized acquisition of PII.

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

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

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

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

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

### Collection

The Charter School 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 Charter School shall provide parents, legal guardians, or eligible students, as applicable, the ability to review their child's educational records.

The Executive Director or designee, is responsible for granting, removing, and reviewing user access to student data. An annual review of existing access shall be performed.

Access to PII maintained by the School shall be restricted to:

1. The authorized staff of the School who require access to perform their assigned duties; and
2. Authorized employees of the State Board of Education and the State Department of Education who require access to perform their assigned duties; and
3. Vendors who require access to perform their assigned duties.

### Security

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

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 School 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.

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

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

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

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

Cross Reference:	§§ 3570 – 3570P § 4175	Student Records Required Annual Notices
Legal References:	20 U.S.C. § 1232g, <i>et seq.</i> 34 C.F.R. Part 99 I.C. § 33-133	Family Education Right to Privacy Act (FERPA) Implementing FERPA Idaho Student Data Accessibility, Transparency, and Accountability Act - Definitions — Student Data — Use and Limitations — Penalties

Policy History:

Adopted on:

Revised on:

Reviewed on:

**Alternative 1: More Detailed**

Relations with Non-custodial Parents

Access to Students

The parent with whom the student primarily resides shall be recognized by the Charter School as the custodial parent unless a current legal document or signed parental agreement indicates otherwise. Unless there are specific court-imposed restrictions on custody or visitation, such as:

1. A final divorce decree;
2. Interim orders, in the case that the parents are separated; or
3. A restraining order,

the non-custodial parent, upon written request, may visit the child briefly at School. If restrictions are made relative to these rights, the custodial parent will be required to submit a certified copy of all relevant court orders, to the Executive Director, which curtails these specific rights.

While both parents, absent a court document described above can visit the student at School, only the custodial parent has the right to remove the student from School property. Only a verified note from the custodial parent will be cause for exception to this provision. If School personnel anticipate possible student abduction, law enforcement personnel are to be notified immediately.

Access to Student Records

Unless informed otherwise, the {{School\_Name}} assumes that there are no restrictions regarding the non-custodial parent's right to be kept informed of the student's school progress and activities. If restrictions are made relative to these rights, the custodial parent will be required to submit to the Executive Director a certified copy of all relevant court orders which curtail these specific rights. Otherwise, the non-custodial parent, upon written request may view the student's educational, medical, or similar records maintained in such student's cumulative record, receive School progress reports, and have an opportunity to conference with the student's teacher(s).

The custodial parent has the responsibility to keep the School office informed as to the address of the student's primary residence, in a manner determined by the School, and how he or she may be contacted at all times. The School reserves the right to request verification in the form of a certified court document from any party presenting legal documents.



Policy History:  
Adopted on:  
Revised on:  
Reviewed on:

Relations with Non-custodial Parents

Whenever possible and legal, the {{School\_Name}} recognizes the value of providing information to non-custodial parents regarding School purposes and activities pertaining to their child. The School also recognizes that many divorced parents continue to share caregiving and custody and that each parent, under legal and practical circumstances, should have equal access to information regarding their child's School progress and activities.

Therefore, upon written request to their child's School principal, the School will subsequently and routinely mail to that parent copies of all School information which is normally sent home with the child. This will include mailings of copies of report cards, and class and School newsletters during the school year in which the request is made. Non-custodial parents and parents with shared custody not normally receiving materials from the School may annually request this service.

Parents restricted by court order will not be given access to School information regarding their child. Challenges to a parent's access to information will be referred to and investigated by the Executive Director. Individuals initiating challenges must provide documentation regarding court orders prohibiting access to information.

Legal Reference:	20 U.S.C. § 1232g, <i>et seq.</i>	Family Education Right to Privacy Act (FERPA)
	34 C.F.R. Part 99	Department of Education Regulations Implementing FERPA

Policy History:

Adopted on:

Revised on:

Reviewed on:

{{Full\_Charter\_Heading}}

## STUDENTS

3610

### Records of Missing Children

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

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

Legal Reference: I.C. § 18-4511

School Duties — Records of Missing Child —  
Identification upon Enrollment — Transfer of  
Student Records

### Policy History

Adopted on:

Revised on:

Reviewed on:

## STUDENTS

3620

### Transfer of Student Records

#### Receiving School

Within 14 days after enrolling a transfer student, the School shall request directly from the student's previous school a certified copy of his or her record and exercise due diligence in obtaining the copy of the record requested.

#### Forwarding School

A certified copy of the permanent or cumulative file of any student and the file containing special education records of any student shall be forwarded by mail, or electronically, to a local educational agency or accredited school in which the student seeks to or intends to enroll within ten days after receipt of a written or electronic request, except as provided in Policy 3610 Records of Missing Children. The files that are forwarded must include information concerning violent or disruptive behavior or disciplinary action, however, such information shall be contained in a sealed envelope, marked as "confidential" and addressed to the principal or other administrator of the receiving school.

Cross References: §§ 3570 - 3570P  
§ 3610

Student Records  
Records of Missing Children

Legal References: I.C. § 18-4511  
  
I.C. § 33-209

School Duties — Records of Missing Child —  
Identification upon Enrollment — Transfer of  
Student Records  
Attendance at Schools — Transfer of Student  
Records — Duties

#### Policy History:

Adopted on:

Revised on:

Reviewed on: