

1005.0 - EDUCATION AND DISCIPLINE

Education is not only a right but also a privilege and must be guarded by appropriate behavior. Administrators and teachers also have rights and duties. The teacher is required by law to maintain a suitable environment for learning and administrators have the responsibility for maintaining and facilitating the educational program. The principal is authorized by statute to suspend students for just cause. The teacher has the authority to suspend students from class for just cause. The following rules, regulations, and due process procedures are designed to protect all members of the educational community in the exercise of their rights and duties.

1005.1 - Freedom From Abuse

A. Corporal Punishment

Definition: Corporal punishment shall be defined as any physical punishment of students by a teacher or administrator to include spanking, shaking, slapping, hitting, pushing, squeezing of arms, neck, etc., or other actions designed to impose or to be interpreted to impose physical pain upon the recipient.

Corporal punishment as defined above is an unacceptable method of discipline for any student in School District 91.

Certified employees of every school district shall be free from abuse as provided in Section 18-912 (33-1222) Idaho Code. All employees must be respected as they perform and direct their assigned roles and duties.

State Law 33-512 states that the Board of Trustees shall "prescribe rules for the disciplining of unruly or insubordinate students." While the Board does not adhere to the belief that corporal punishment is an effective method of discipline, reasonable force may be used when it has been determined that no other effective means are available to:

1. Quell a disturbance;
2. Prevent an act that threatens physical injury to any person;
3. Obtain possession of a weapon or other dangerous object within a student's control;
4. Defend oneself or others;
5. Protect property;
6. Remove a disruptive student from school premises, a school motor vehicle, or a school-sponsored activity;
7. Prevent a student from harming himself or herself;

8. Protect the safety of others; and
9. Maintain order and control.

1005.2 - Criminal Acts Defined

A. General Rules of Conduct

Violation of these standards may be grounds for expulsion or suspension.

The following activities are among those defined as "criminal" under the laws of the state of Idaho and the city of Idaho Falls. In addition to serving as grounds for suspension or expulsion from school district attendance, students should also know that these activities carry a potential for court action if remanded to civil proceedings. Any perpetrator of a criminal act will be referred to the appropriate legal authority. The list is partial only, and "criminal acts" are not necessarily limited to the following:

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| 1. ARSON | The intentional setting of fire. |
| 2. ASSAULT | Physical threats or violence directed at any student or school employee. |
| 3. BURGLARY OR THEFT | Stealing of school or personal |
| 4. EXPLOSIVES,
POSSESSION OF | Explosives including firecrackers |
| 5. EXTORTION, BLACKMAIL,
OR COERCION | Obtaining money or property by violence or threat of violence, or forcing someone to do something against his/her will by force, or threat of force. |
| 6. FALSE ALARMS OR
BOMB THREAT | Instigating or taking part in false alarms or a bomb threat. |
| 7. FIREARMS,
POSSESSION OF | Firearms are prohibited on school property or at school sponsored events. |
| 8. LARCENY | Theft |
| 9. LOITERING | A person who disrupts the educational process, or whose presence is detrimental to the morals, health, safety academic learning, or discipline of the pupils, or who loiters in schoolhouses or on school grounds is guilty of a misdemeanor. (Idaho Code, Section 33512). |
| 10. MALICIOUS MISCHIEF | Property damage. |
| 11. RECKLESS | Driving cars in a dangerous manner near school grounds or during school activities. |
| 12. RIOTING | Disruptive behavior on the part of groups of students. |
| 13. ROBBERY | Stealing from an individual by force or threat of force. |

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| 14. SALE, USE, OR POSSESSION OF ALCOHOLIC BEVERAGES OR ILLEGAL DRUGS. | |
| 15. TRESPASS | Being present in an unauthorized place or refusing to leave when ordered to do so. |
| 16. TRUANCY | Truancy from school or from class. |
| 17. UNLAWFUL INTERFERENCE WITH SCHOOL AUTHORITIES | Interference with school personnel by force, or by violence. |
| 18. WEAPONS, POSSESSION OF | Possessing, handling, or transmitting any object which may be reasonably considered a weapon at any educational function or school event is prohibited. |

1005.3 - Disruptive Actions

Additional grounds for suspension or expulsion also exist in a number of areas classified as "disruptive actions". The administration may deny attendance at any of the schools through suspension for any disruptive action. They may recommend to the Board the expulsion of a student for just cause.

Idaho law provides for denial of school attendance in Idaho Code, Section 33-205: "Denial of school attendance at any of its schools, by suspension or expulsion, to any pupil who is a habitual truant or who is incorrigible, or whose conduct in the judgment of the Board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school. Any pupil having been suspended or expelled may be readmitted to the school by the Board of Trustees upon such reasonable conditions as may be prescribed by the Board; but such readmission shall not prevent the Board from again suspending or expelling such pupil for cause."

The Board considers the following actions as some examples of disruptive actions:

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| 1. FIGHTING | Fighting or aggressive behavior directed toward another person in a threatening manner. |
| 2. GAMBLING | Gambling or possessing gambling devices on school premises or during school activities. |
| 3. HAZING | Requiring another student to perform humiliating or unnecessary tasks by using coercion of any type. (Initiations are prohibited.) |
| 4. INCORRIGIBILITY | Unmanageable or unruly behavior. |
| 5. INSUBORDINATION | Failing to comply with reasonable directions of teachers, administrators, |

6. LACIVIOUS LITERATURE or supervisory personnel. Possessing or distributing lascivious literature or materials on school premises or during school activities.
7. PROFANITY Cursing, using profane or vulgar language.
8. CONTROLLED SUBSTANCES Use of tobacco or possession of any controlled substances by students is not permitted on school property.
9. TARDINESS Habitual tardiness to classes.
10. UNSAFE BEHAVIOR Not observing rules of good conduct and safety. Actions which may be potentially dangerous include: failure to observe good rules of conduct on school buses, school grounds, in lunchrooms, and at school activities.
11. SCHOLASTIC DISHONESTY (Cheating) Completion of homework, tests, and/or other grade assignments in a manner that misrepresents the student's understanding and mastery of the subject matter.
12. COMPUTER INTRUSION OR MISUSE Unauthorized use of school computers or intrusion into personnel files or records within any computer system.
13. GANGS / GANG ACTIVITY
Adopted: 5/9/2006

No person, group, or organization may establish a fraternity, sorority, or other secret club or society (e.g. gangs) whose membership is comprised in whole or in part of students enrolled in the District's schools, or to solicit a student in any of the District's schools to become a member of such organization; and no student enrolled in the District shall be or become a member, or pledge him/herself to become a member of such organization.

For the purpose of the preceding section a gang, fraternity, sorority or secret society shall be interpreted as any organization the active membership of which is comprised in whole or in part of pupils enrolled in public elementary or secondary schools, and which exists or perpetuates itself wholly or partly by selecting members on the basis of the decision of its membership rather than upon the basis of the right of any pupil, qualified by the rules and regulations of the school, to be a member. The definition shall not be construed to include organizations institutionally sponsored by agencies of public welfare, such as the Boy Scouts of America, Girl Scouts of America, Campfire Girls DeMolay, the YMCA and YWCA, and similar organizations.

All gangs and gang activities, including, but not limited to creating intimidation or fear, wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign gestures, codes, or other evidence of membership or affiliation, including graffiti, in any gang is prohibited on any school premises or at any District sponsored activity, regardless of location shall include but not be limited to buildings, parking lots, facilities, grounds, buses, and other vehicles. This includes instances in which the conduct occurs off the District premises, but impacts a District related activity.

Disciplinary action for violation of this policy may include up to suspension and/or expulsion.

1005.4 - Dress and Appearance

Dress and appearance must not present health or safety problems or pose potential disruption of the educational process as adjudged by school personnel.

1005.5 - Refusal to Identify Self

All persons must, upon request, correctly identify themselves to proper school authorities in the school building, on school grounds, or at school sponsored events.

1005.6 - Cooperation With School Personnel

Students must obey the lawful instructions of school district personnel.

1005.7 - Off-Campus Events

Students at school-sponsored, off-campus events shall be governed by school district rules and regulations and are subject to the authority of school district officials. Failure to obey the rules and regulations and/or failure to obey lawful instructions of school district officials shall result in loss of eligibility to attend school-sponsored, off-campus events and/or other such disciplinary action as adjudged appropriate.

1005.8 - Student Rights And Responsibilities

1. Student Conduct

All students of Idaho Falls School District No. 91 while on district property, including busses, or at any school sponsored activity, regardless of location, are expected to obey District officials, protect property, maintain order and decorum, avoid excessive physical contact, fighting, and public displays of affection and conduct themselves in a positive manner.

Students have the responsibility to know, respect, and abide by the rules and regulations of the school district.

Definitions:

- a. **District Officials** – Include, but is not limited to the Superintendent, Directors, school principals, vice-principals, teachers, coaches and designated chaperones.
- b. **District Property** – shall include, but not be limited to buildings, facilities, and grounds on the District campus, school busses, District parking areas, and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a District related activity.

Adopted _____ Reviewed: _____ Revised: 5/12/2009

Legal Reference: IC 33-506
IC 33-512

2. Acts of Social Violence (Bullying, Cyber bullying, Intimidation, Hazing and Harassment)

It is the policy of Idaho Falls School District 91 Board of Trustees to maintain a safe school environment for all students, employees, and visitors while attending school, riding the school bus, and attending district-sponsored activities on school premises or at other locations. Acts of Social Violence include but are not limited to: Bullying, Cyber bullying, Intimidation, Hazing, and Harassment (peer, racial, color, and national origin, sexual orientation, religious, disability, and sexual), regardless of the specific nature of the students' behavior, is disruptive to a safe school environment and will not be tolerated.

It shall be a violation of this policy for any District student, employee, or visitor to bully, haze, intimidate, or harass another individual, while on any school premises or at any school sponsored activity, regardless of location. Violation of this policy may be subject to school disciplinary action even if the threat is not substantial, direct, or specific enough to constitute a violation of state or federal law.

Other Policies for Federal Requirements

If the bullying, hazing, or harassment allegations fall within the areas protected by federal law, one or more of the following policies may also apply: Civil Right Grievance #3211, #5212, Section 504 Hearing #3212, or Sexual Harassment #3232, #5211, #4418.

Reporting

It is everyone's responsibility to eliminate the behavior prohibited by this policy. Anyone who believes he/she has knowledge of a person or persons affected by a violation of this policy should immediately report it to a District official.

District personnel receiving a report of a violation of this policy shall report the matter to the building principal, supervisor or designee immediately. If the complaint involves the principal, supervisor or designee, District personnel must immediately report the matter to the superintendent. If the complaint involves the superintendent, District personnel must immediately report the matter to the school board president.

District personnel witnessing a violation of this policy shall take immediate action to stop the inappropriate behavior and report the matter to the building principal or other appropriate District personnel.

District personnel who fail to report or fail to take action to stop violations of this policy may face disciplinary action up to and including dismissal.

Investigation

The Superintendent, principal or designee shall conduct a thorough investigation of any allegation of bullying, hazing or harassment within ten (10) working days of receipt of the allegation, except in extraordinary circumstances, as determined by the individual assigned to investigate. All investigations with sufficient evidence to support the allegations require a written report.

Confidentiality

Because of the possible sensitive nature of the allegations, any investigation for violations of this policy shall be conducted, to the extent possible and within legal constraints, to protect the privacy of the complainant, victim and the accused. In instances where the allegation involves suspected child abuse, harm to self or harm to others, the District official must report the case to the proper authorities as required by law.

Discipline for violations of this policy:

- for an employee, may involve actions up to and including dismissal.
- for a visitor, may involve actions up to and including future prohibition from entering any school premises or attending any school sponsored activity, regardless of location.
- for a student, may involve actions up to and including suspension, and/or expulsion.

Discipline shall be appropriate to the offense, age and status of the individual.

The Superintendent or designee shall submit the case to the appropriate law enforcement agency when the charges warrant such action.

Insufficient Evidence

If there is insufficient evidence to support the allegations, no report of the allegation shall be placed in an accused or complaining employee's personnel record or in an accused or complaining student's permanent record.

False Accusation

If the investigation discloses that the complaining individual knowingly or in a malicious manner falsely accused another of bullying, hazing, or harassment, the complaining individual may be subject to disciplinary action as stated above.

Retaliation

District students, employees, or visitors shall not retaliate against an individual who in good faith reports, associates with the individual reporting, participates in the investigation, or investigates a violation of this policy. Any person engaged in retaliatory actions may be subject to disciplinary action as stated above.

Prevention

The Superintendent or designee shall develop procedures to:

- implement or review actions taken to prevent bullying, hazing or harassment.
- follow up with victims of violations of this policy to ensure preventive actions were effective.

DEFINITIONS:

- a. **Bullying** means a student or groups of students repeatedly use their personal power with the clear intention to hurt another student or group of students. Bullying may include, but not limited to physical (hitting, pushing, punching, cornering), verbal (calling names or insults, threatening, telling cruel jokes), and indirectly (isolating, rejecting, excluding, ranking or rating, giving hateful looks,). Bullying often occurs without apparent provocation. Bullying is **not** playful teasing between relatively equal individuals.

An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

- b. **Cyber bullying** is an aggressive, intentional act carried out by an individual or group using electronic forms of contact. These include but are not limited to:

- i. **Text message bullying** involves sending unwelcome texts that are threatening or cause discomfort.
 - ii. **Picture/video-clip bullying via mobile phone cameras** is used to make the person being bullied feel threatened or embarrassed, with images usually sent to other people.
 - iii. **Phone call bullying via mobile phone** uses silent calls or abusive messages.
 - iv. **Email bullying** uses email to send bullying or threatening messages.
 - v. **Chat room bullying** involves sending menacing or upsetting responses to children or young people when they are in a web-based chat room.
 - vi. **Bullying through instant messaging (IM)** is an Internet-based form of bullying where students are sent messages as they conduct real-time conversations online.
 - vii. **Bullying via websites** includes the use of defamatory blogs (web blogs), personal websites and online personal polling sites.
- c. **Prohibited Behavior** - Students attending district schools are prohibited from engaging in the following behaviors:
- i. Physical abuse against a student, including, but not limited to, hitting, pushing, tripping, kicking, blocking, or restraining another's movement; causing damage to another's clothing or possessions; and another's belongings.
 - ii. Verbal abuse against a student, including, but not limited to, name calling, threatening, taunting, and malicious teasing.
 - iii. Psychological abuse against a student, including, but not limited to, spreading harmful or inappropriate rumors regarding another, drawing inappropriate pictures or writing inappropriate statements regarding another, and intentionally excluding another from groups, or similar activities.
 - iv. Bullying also includes any act of retaliation taken against:
 - Any person bringing a complaint of bullying
 - Any person assisting another person in bringing a complaint of bullying, or
 - Any person participating in an investigation of an act of bullying.
- d. **Hazing** includes but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health, or safety of a student for the purpose of initiation or as a condition or precondition of

attaining membership in, or affiliation with, any District-sponsored activity or grade level attainment such as but not limited to:

- i. Compelled ingestion of any drink, alcoholic beverage, drug, or controlled substance;
- ii. Forced exposure to the elements;
- iii. Requiring total or substantial nudity on the part of the person;
- iv. Requiring, encouraging, authorizing or permitting another to be subject to wearing or carrying any obscene or physically burdensome article;
- v. Physical assaults upon the person;
- vi. Offensive physical contact with the person;
- vii. Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests;
- viii. Transportation and abandonment of the person;
- ix. Forced prolonged exclusion from social contact;
- x. Confinement to unreasonably small, unventilated, unsanitary or unlighted areas;
- xi. Sleep deprivation;
- xii. Assignment of pranks to be performed;
- xiii. Any forced activity that could adversely affect the mental or physical health or safety of a student; or
- xiv. Any other activities intended to degrade or humiliate.

The term hazing, as defined in this section does not include customary athletic event/ activity or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any group or organization. The term “hazing” does not include corporal punishment administered by officials or employees of the District Board Policy 1005.1, Freedom from Abuse. For the purposes of the definition, any activity described in the definition shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

- e. **Harassment** involves any conduct by a student—whether verbal, written, graphic, or physical—relating to another student’s race, national origin, religion, sexual orientation, color, disability, or sex that is sufficiently severe, pervasive, or persistent as to:
 - i. Interfere with or limit the ability of a student to participate in the or benefit from the district’s programs or activities;
 - ii. Create an intimidating, threatening, or abusive educational environment;

- iii. Substantially or unreasonably interfere with a student's academic performance; or
- iv. Otherwise adversely affect a student's educational opportunities.
- v. Harassment also includes an act of retaliation:
 - Any person bringing a complaint of harassment;
 - Any person assisting another person in bringing a complaint of harassment;
 - Any person participating in an investigation of an act of harassment.
- vi. Actions that may constitute harassment may include, but are not limited to:
 - Physical acts (i.e. aggression or assault, battery, damage to property, intimidation, vandalism, implied or overt threats of violence);
 - Verbal acts (i.e. demeaning jokes, bullying, taunting, hazing, intimidation, hate speech, slurs, derogatory nicknaming, innuendoes, or other negative remarks);
 - Visual acts (i.e. graffiti, slogans or visual displays such as cartoons or posters depicting derogatory sentiments); or
 - Criminal acts (acts in violation of Idaho Criminal codes or Idaho Human Rights Commission Code)

On district premises or at any District sponsored activity, regardless of location: shall include, but not limited to buildings, facilities, and grounds on the District campus, school buses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the district premises but impacts a District related activity.

District official includes, but not limited to, teacher, school counselor, school nurse, coach, activities director, principal, and assistant principal, or District administrator.

Adopted: 5/12/2009 Reviewed: _____ Revised: _____

Cross Reference: Civil Rights Grievance #3211
Section 504 Hearing #3212
Student Conduct #3230
Sexual Harassment #3232
Assault and/or Battery #3237
Technology Use #3239
Corporal Punishment #3270
Major Disciplinary Violations #3272
Safe and Secure Learning/Work Environment #3310
Child Abuse #3330
Gangs #3234
Disruptive Employee or Public Conduct #5234

Legal Reference:	IC 18-917 Hazing Title IX of the Education Amendments of 1972 Title VII of the Civil Rights Act of 1964, 42 U.S.C. 200e-2(a) <i>Franklin v. Gwinnett Co. Public Schools</i> , 112 S. Ct. 1028 (1992) IC 16-1619 Reporting of abuse, abandonment or neglect <i>Gebser v. Lago Vista Independent School District</i> , 118 S. Ct. 1989 (1998) <i>Mentor Savings Bank v. Winson</i> , 477 U.S. 57 (1986) <i>Elison v. Brandy</i> , 924 F.2d872 (9th Cir. 1991) Hazing IC 18-917
Handbook reference:	Elementary Student Planner Secondary Student Planner

3. Freedom of Speech and Assembly

- A. Students are entitled to verbally express their personal opinions. Such verbal opinions shall not interfere with the freedom of others to express themselves. The use of obscenities of any kind, inflammatory statements, or personal attacks is prohibited.
- B. All student meetings in school buildings or on school grounds may function only as a part of the formal educational process or as authorized by the principal.
- C. Students have the freedom to assemble peacefully. There is an appropriate time, place and manner for the expression of opinions and beliefs. Demonstrations which interfere with the operation of the school or classroom are inappropriate and prohibited.
- D. Official school publications such as school newspapers and yearbooks are under the jurisdiction of the Board of Trustees as are all other programs. Student editors may not advocate any doctrine, political position, or view that is not in harmony with established Board Policy or practice. Students have the responsibility to refrain from libel and obscenity, and to observe the rules of responsible journalism.

Adopted: _____ Reviewed: _____ Revised: 5/12/2009

1005.9 - Drug Free School Policy

In harmony with the federal regulations established by the Drug Free Workplace act of 1988, School District 91 is committed to the concept of having a drug free student environment. It is the intent of the Board of Trustees that programs and activities be planned and carried out by the professional staff that will enable the School District to achieve this goal.

The primary focus of this program shall be educational in nature with instruction geared to discourage student experimentation of any mood altering substance. A companion focus of the district's program shall be one that is aimed to assist students who have made

unacceptable choices regarding any controlled substance. A necessary part of the latter focus is an attitude among teachers and other staff members that one of our responsibilities is to assist those students who need help in overcoming their potentially addictive behaviors.

The Board of Trustees believe that it is possible to have a totally drug free environment in the school setting. If a student cannot, or will not commit to responsible behavior to help achieve this goal, several sanctions may be imposed as a disciplinary measure. They include, but are not limited to, the following:

- A. Parent or guardian contacted
- B. Referral to internal assistance, such as counselors and/or health professionals
- C. Referral to an outside agency for chemical dependency assessment
- D. Suspension from school
- E. Expulsion from school

1005.10 - Referral Policy

- 1.0 When there is reasonable cause to believe that a student illegally uses, sells, distributes, or possesses drug paraphernalia, drugs, alcohol, or other mood-altering substances in school, on or adjacent to school property or at school functions, the student will be subject to the disciplinary procedures contained in this regulation.
- 2.0 As used in this regulation, reasonable cause shall mean the existence of specific observable evidence or behaviors that can be described.
- 2.1 Observable behaviors may include chronic attendance problems, sleeping in class, erratic behavior, inappropriate comments, drop in grades, defiance of or disrespect toward authority, or motor coordination problems. Possession of alcoholic beverages, drugs or drug paraphernalia is also considered as evidence.
- 2.2 Evidence shall include, but not be limited to, smell of alcohol or other mood-altering substances, impaired speech, impaired coordination or other recognizable characteristics unusual for the particular student.
- 3.0 Offenses for elementary students shall be cumulative from grades K-6 and offenses for secondary students shall be cumulative from grades 7-12.

1005.11 - Procedure

The district will train staff to identify drug, alcohol, and mood-altering substance use (IMPACT training). Staff will refer such information through appropriate building procedures (Building CORE teams). To develop reasonable cause for taking action, the following procedures may be indicated.

- 1.0 Documented behaviors or indicators of drug, alcohol, or mood-altering substance use.
 - 1.1.1 IMPACT Student Referral form and IMPACT Teacher Response form.
 - 1.1.2 Possession of alcohol or other illegal drugs.
- 2.0 All procedures are to be performed with discretion and documented.
- 3.0 Refusal to submit to a request to any of the procedures may result in disciplinary action.

1005.12 - Elementary Disciplinary Procedure

- 1.0 First Offense for Use or Possession (Grades K-6)
 - 1.1 Parent or guardian will be contacted.
 - 1.2 Student will be suspended for 5 days.
 - 2.1 Suspension may be modified if the student participates in and follows the recommendations of an assessment by a certified drug/alcohol agency approved by Idaho Falls School District 91. A release of information to the School District would also be required.
 - 1.3 Law enforcement agency may be contacted.
 - 1.4 If the student does not complete the recommendations of the assessment, then the remainder of the 5-day suspension will go into effect.
- 2.0 Second Offense for Use or Possession (K-6)
 - 2.1 Parent or guardian will be contacted.
 - 2.2 School Board petitioned for expulsion of student.
 - 2.1 See 1.2.1
 - 2.3 Law enforcement agency may be contacted.
 - 2.4 Child Protection Services (C.P.S.) may be contacted.
- 3.0 Third Offense for Use or Possession (K-6)
 - 3.1 Parent or guardian will be contacted.
 - 3.2 The student shall be suspended and the School Board petitioned for expulsion of the student.
 - 3.3 Law enforcement agency may be contacted.
 - 3.4 Child Protection Service (C.P.S.) will be contacted.
- 4.0 First Offense for Selling or Delivering (Grades K-6)
 - 4.1 Parent or guardian will be contacted.
 - 4.2 Law enforcement agency will be contacted.
 - 4.3 The student will be suspended and the School Board petitioned for expulsion of the student.
 - 4.3.1 See 1.2.1
 - 4.4 C.P.S. may be contacted.

1005.13 - Secondary Discipline Procedure

- 1.0 First Offense for Use or Possession (Grades 7-12)
 - 1.1 Parent or guardian will be contacted.
 - 1.2 Law enforcement agency may be contacted.
 - 1.3 Student shall be suspended for 5 days.
 - 1.3.1 Suspension may be modified if the student participates in and follows the recommendations of an assessment by a certified drug/alcohol agency approved by Idaho Falls School District 91. A release of information to the School District would also be required.
- 2.0 Second Offense for Use or Possession (Grades 7-12)
 - 2.1 Parent or guardian will be contacted.
 - 2.2 Law enforcement agency may be contacted.

- 2.3 School Board petitioned for expulsion of student.
 - 2.3.1 See 1.3.1
- 3.0 Third Offense for Use or Possession (Grades 7-12)
 - 3.1 Parent or guardian will be contacted.
 - 3.2 The student shall be suspended and the School Board petitioned for expulsion.
 - 3.3 Law enforcement agency may be contacted.
- 4.0 First Offense for selling and/or delivering alcohol or drugs (Grades 7-12)
 - 4.1 Law enforcement agency will be contacted.
 - 4.2 Parent or guardian will be contacted.
 - 4.3 The student shall be suspended and the School Board petitioned for expulsion.

1005.14 - Interrogation

Individual pupils may not be interrogated by any person, except an employee of the school district, without the approval of the principal. Officials representing the Idaho Department of Health and Welfare will be allowed access to students upon proper notification to the building principal.

No principal shall grant such an interview unless he/she deems it essential to the welfare of the child, or to the immediate health and safety of others, or as may be required by court order, or as authorized by a parent or guardian of the student in advance of the interview.

1005.15 - Due Process

All students will be accorded rights as guaranteed under the constitution. When an incident of misconduct occurs, a student shall be given written or oral notice of any charges against him/her and an opportunity to present his/her version of the incident in question. Supervisors must give each student the opportunity, either oral or written, to defend himself/herself against the charges of misconduct prior to disciplinary action which may lead to suspension or expulsion. Such procedures must be reasonable, fair, and lead to reliable determination of the factual issues involved.

A. Right to Appeal

The right to appeal is discussed under the "Due Process" of this policy. Additionally, the following shall govern the right to appeal:

1. Any appeal concerning a disciplinary action shall be scheduled for review within ten (10) school days from the receipt of such appeal. At the time of the hearing, the student, his/her parent or guardian, or his/her attorney shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as deemed reasonable. All hearings regarding disciplinary matters will be closed to the public unless mutually agreed by both parties.
2. Following the hearing, a report of findings will be made within ten (10) school days.

3. If necessary, a hearing may be rescheduled to hear arguments on the case, Such rescheduling is intended to accommodate schedule conflicts of legal counsel, parents and/or guardians, trustees, or school officials. In such an occurrence, the hearing shall be rescheduled within ten (10) school days or as mutually agreed by all parties.
4. The student being disciplined has the right to appeal any decision of a hearing to its next highest authority up to and including the Board of Trustees. During the appeal process, disciplinary action shall be suspended.
5. Any record of disciplinary proceedings of an exonerated student will be deleted from his/her school record.

1005.16 - Procedural Rules and Regulations

A. Examples of Disciplinary Action

This list of disciplinary actions which may be taken by the principal (or designee) or under his/her direction is intended to be suggestive and not conclusive nor sequential since all disciplinary action should fit the misbehavior in order to modify the behavior.

LEVEL I

Conference: a meeting with the student's parent(s) or legal guardian and school personnel to discuss the student's behavior or learning process. The schools will seek the assistance of the student's parent(s) or legal guardian(s) in helping the student.

Contact: in which student and/or parents agree to comply with required behavior management.

Detention: requiring that a student remain after school for a period of time. The student is obligated to bring materials to the detention area to work on to improve his/her academic achievement at school.

Guidance: a conversation between the student and the school personnel. The purpose of this form of meeting is to inform him/her that his/her behavior needs to change so that he/she does not violate the rights of others or to help the student improve his/her learning capabilities.

Rearrangement of School Schedule: assigning a student a new schedule of classes and/or teachers when the behavior of the student is such that the student has not conducted himself/herself in an acceptable manner.

Restriction of Extracurricular Activities: informing a student that he/she cannot participate in certain activities because of his/her past or present behavior.

School Clean-up: requiring a student to clean up certain areas of the school.

Take away free time or recess.

LEVEL II

B. Suspension

Students who cannot abide by school regulations and policies of the school district, and who disrupt the educational atmosphere or interfere with the educational processes of the school, may be suspended for a temporary period of time. One purpose of suspension is to allow time for the administrator to arrange a conference between the student, parents/guardian, and school personnel to establish a corrective procedure with cooperation between home and school. In addition, the following limitations shall apply to all suspensions:

In-school Suspension:

1. Removal of student from class or classes and temporary placement in a more restrictive in-house suspension classification.

In-school suspension is defined as temporary removal from a class or activity.

2. Suspension from a class may be initiated by the classroom teacher with concurrence of the principal. Verbal and written notification to parents or legal guardian shall be provided by the teacher.
3. Suspension from one or more classes may be initiated by the building principal provided that verbal and written notification is given to the parents or legal guardians in a timely fashion.
4. Students will be given credit for assignments completed during supervised in-school suspension.

Out-of-school Suspension:

1. No student shall be suspended from a school by a school administrator for more than five (5) consecutive days for each offense.
2. District administrators may suspend students for up to five (5) days, and Boards of Trustees may suspend students for up to seven (7) calendar days.

Legal Reference: Idaho Code, Section 33-205.

3. Students may not be allowed make-up privileges for assignments missed as a result of being suspended out-of-school.

Saturday School

Saturday school is a supervised study session held on Saturdays as an alternative to suspension from school for some students.

LEVEL III

C. District Discipline Review Committee (DDRC):

Committees composed of school personnel and patrons established for the purpose of conducting hearings of student misconduct cases referred by the school principal or designee and make referrals to the administrative staff. The DDRC will include at least one patron and one teacher who has not previously been involved in the case. A DDRC will be organized by the superintendent or designee who will serve as chairperson/facilitator. The DDRC is available if and when the building administrator determines it is an essential step.

Continuation School (Recommendation Only)

Transfer to Another School Within the District

Other Plan for Alternative Education

LEVEL IV

E. Expulsion

Expulsion is a very serious action to be taken against a student and should not be recommended unless all resources and processes have been exhausted and a conference has been held between the principal or his/her designee, and the appropriate district administrator. No recommendation for expulsion shall be made until all necessary investigations and conferences have been held at the school building level.

All expulsions are under the jurisdiction of the Board of Trustees and shall be governed in accordance with the "Due Process" procedures. Any decision by the Board of Trustees regarding an expulsion shall require:

1. that a quorum of the Board be present and,
2. that such decision be made by vote and that such vote constitute a majority of those voting.

Suspension of Special Education Students

1. Special education students may not be suspended unless the continued presence of the exceptional student in school poses a danger to himself/herself, other persons, or property, or unless there is a serious disruption of the educational process. Examples of such situations are: physical assault, or threatened assault on a teacher or another student; action taking place on school property of a criminal nature; or continuous disruptive conduct which the school has attempted and failed to control through documented changes in the child's educational program/placement.
2. The special education student may be suspended so long as:
 - a. Written notice is given to the parent or guardian and administrator(s) of the exceptional student describing the grounds for the suspension and a brief statement of the facts.
 - b. A Child Study Team meeting (due process hearing) is called to meet within five (5) school days, to review the student's Individual Education Program and to establish a satisfactory plan for readmission or alternative education.

Expulsion of Special Education Students

1. An exceptional pupil may not be expelled unless the student's continued presence in school presents a danger to himself/herself, other persons, or property. Examples of emergency situations are: physical assault or threatened assault on a teacher or another student; action taking place on school property of a criminal nature; or continuous disruptive conduct which the school has attempted and failed to control through documented changes in the child's educational program/placement.
2. If it is the judgment of the District Child Study Team that a situation exists that a school provided or supported educational program is not possible, expulsion may be recommended to the Board of Trustees.
3. After being informed of the situation, the Board of Trustees will schedule the necessary due process hearing as outlined.
4. Within ten (10) calendar days following written notice of expulsion to the parent or guardian of the exceptional pupil, the District Child Study Team will meet to review the exceptional pupil's individual educational program to include appropriate educational goals that can be carried out in a correctional or rehabilitative setting. The school district's individual education program for the exceptional pupil shall be presented to the court for determining an appropriate placement following expulsion.

Adoption: September 28, 1999

1005.17 - Education And Discipline - Student Conduct

A. Sexual Harassment

1. The Board of Trustees believes that students of the Idaho Falls School District have the right to learn in an atmosphere which is the most conducive to the achievement of their fullest potential. Moreover, the Idaho Falls School District is proud of its tradition of maintaining an educational environment in which all individuals are treated with respect and dignity. Consequently, sexual harassment of students whether verbal, physical, pictorial or written and whether engaged in by employees of the district or other students, is unacceptable and will not be tolerated. Trustees have designated the Superintendent of Schools as the official who is responsible for overseeing the full implementation of this policy. Any employee or supervisor who is made aware of an alleged incident of sexual harassment will take action to bring the matter to the attention of the most appropriate administrative authority.

2. Definitions According to the Equal Employment Opportunity Commission, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including unwanted touching, verbal comments, sexual name calling, gestures, jokes, profanity, and spreading of sexual rumors. Sexual harassment is further forbidden when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's grades, (2) submission to or rejection of such conduct by an individual is used as the basis for grades affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive learning environment. Conduct of this nature is unacceptable on school grounds, during regular or special school sessions, or at any school activity, function or event, and during transportation in a district vehicle to and from school and school-sponsored events.
 - a. Examples of conduct which may constitute sexual harassment include:
 - sexual advances
 - touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts
 - coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another
 - graffiti of a sexual nature
 - sexual gestures
 - sexual or dirty jokes
 - touching oneself sexually or talking about one's sexual activity in front of others
 - spreading rumors about or rating other students as to sexual activity or performance

- unwelcome, sexually motivated or inappropriate patting, pinching or physical contact. This prohibition does not preclude legitimate, non sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct such as teacher's consoling hug of a young student, or one student's demonstration of a sports move requiring contact with another student.
 - other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment.
3. Prevention Because prevention is the best tool for the elimination of sexual harassment, this policy will be disseminated to all employees of School District #91. Principals and supervisors are expected to take appropriate steps to make all students aware of the contents of this policy.
 4. Individuals Covered Under The Policy This policy covers all employees and students of the district. The Board of Trustees will not tolerate, condone or allow sexual harassment of its students, whether engaged in by fellow students, teachers, administrators, or any other employees of the district. The Board of Trustees encourages the reporting of all incidences of sexual harassment, regardless of who the offender may be.
 5. Confidentiality In order to protect all persons involved, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion towards, the accused as well as the complainant. Only those persons responsible for investigating and enforcing this policy will have access to confidential communications. In addition, all persons involved are prohibited from discussing the matter with anyone not directly involved in resolving the matter.
- The complainant should understand, however, that the person receiving the complaint may have a responsibility to report the incident either to a superior or to other authorities including a law enforcement agency or the Idaho State Department of Health and Welfare.
6. Reporting a Complaint: The Board of Trustees encourages students who believe they are being harassed to firmly and promptly notify the offender that the behavior is unwelcome. However, the Board recognizes that such a direct communication may not always be feasible. Therefore, students who believe they are being sexually harassed may file a verbal or written complaint with any teacher, administrator or counselor. (If the complaint involves the building principal, the complainant should report the complaint to the superintendent or any other district level administrator.)

- a. In the case of a verbal report, any district employee receiving the complaint should immediately complete a harassment complaint form and obtain the complainant's signature.
 - b. The person receiving the complaint should immediately inform the principal who will initiate an investigation.
 - c. Any student or employee who becomes aware that a student is being subjected to harassment should report the incident to a counselor or administrator.
7. No retaliation will be taken by this district or by any of its employees or students against a student who reports harassment in good faith. Any person found to have retaliated against another individual for reporting an incident of harassment may be subject to the same disciplinary action provided for harassment offenders. Those persons who assist or participate in an investigation of harassment are also protected from retaliation under this policy.
8. Investigation The principal or a designee shall take immediate steps to: (1) protect the grievant from further harassment; (2) discuss the matter with and obtain a statement from the accused; (3) obtain statements of witnesses; (4) prepare a report of the investigation.
9. Resolution Based upon this report school officials shall take immediate and appropriate action.
- (1) If a foundation for the allegation(s) exists, disciplinary action against the offending student will follow. The disciplinary action will be commensurate with the scope and the severity of the offense and may include: verbal and/or written warnings and reprimands; transfer of assignments; suspension, or recommendation for expulsion;
 - (2) If there appears to be no foundation to the allegations then no record shall be retained of the allegations.
 - (3) Bad faith allegations or the use of this policy for unintended purposes may result in disciplinary action as noted above against the accuser.

1005.18 - Harassment Complaint Form

Name of Complainant: _____

Position of Complainant: _____

Date of Complaint: _____

Name of alleged harasser: _____

Date and Place of
Incident or Incidents: _____

Description of Misconduct: _____

List any witnesses that were present: _____

Evidence of Harassment,
i.e., letters, photos: _____

Any other information: _____

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

Signature: _____

Date: _____

Received by: _____

Date: _____

1005.19 - Witness Disclosure Form

Name of Witness: _____

Position of Witness: _____

Date of Testimony/
Interview: _____

Description of
Instance Witnessed: _____

Any other Information: _____

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

Signature: _____

Date: _____

Received by: _____

Date: _____

1005.20 - Education And Discipline

A. Board Search and Seizure Philosophy

In order to maintain a quality educational atmosphere, preserve discipline and good order, and promote the safety and security of students and employees, all school property, including, but not limited to, buildings, equipment, buses, grounds, and other physical settings and equipment of Idaho Falls School District #91 is under the direct jurisdiction and exclusive control of the Board of Trustees and subject to search by members of the administrative staff.

Therefore, students are advised that it is the policy of this School District that members of the administrative staff have the authority to search the student lockers and all other school property over which the school district has control at any time, without student consent, and without a search warrant. Members of the administrative staff also have the authority to search the personal property of students when reasonable under the circumstances. This authority to search school property, or personal property of the student when appropriate, is extended to members of the teaching staff who accompany students on out-of-town activities for school-related purposes at school district expense.

SECTION 1006 - ZERO TOLERANCE FOR WEAPONS, EXPLOSIVES

1006.1 - Statement of Policy for Possession

It is the policy of the Board of Trustees of School District 91 that any student who has a firearm or explosives in their possession (either on their person, in their purse, handbag, or backpack, or in their locker) will be immediately suspended from school. The administration of the building where the offense occurred will hold a Due Process hearing within five days of the incident, and make a written recommendation for expulsion to the Board of Trustees, if appropriate. If petitioned for expulsion, the Board will hold such hearing at its next regularly scheduled meeting, or at a special meeting, if the Board deems necessary.

In addition, any student who uses other deadly or dangerous weapons as defined in federal law section 921 of title 18 of the United States Code shall be subject to the same procedures and penalties described in the above paragraph.

Any student expelled under this section may not apply for re-admission for twelve months from the date of expulsion. If re-admission is granted after proper application, it will not occur until the start of the next grading term following approval of re-admission.

1006.2 - Statement of Policy for Threats or Use

It is the policy of the Board of Trustees of School District 91 that any student who has a knife as NOT defined in Idaho Code 18-3302D in their possession (either on their person, in their purse, handbag, or backpack, or in their locker) will be immediately suspended from school. If the suspension lasts more than two days, the principal shall hold a due process hearing to determine if the student's action merits a recommendation to the Board for expulsion.

Additionally, any student who displays a knife, or uses or threatens to use any other instrument or device as a weapon, including bullying and physical violence against another student or staff member, will be immediately suspended from school. The administration will hold a Due Process hearing within five days of the incident that led to the suspension. Depending on the circumstances involved, the administration may recommend that the Board of Trustees expel the student.

1006.3 - Requirement for Parent/Student Signoff

If petitioned for expulsion, the Board will hold such hearing at its next regularly scheduled meeting, or at a special meeting, if the Board deems necessary. Any student expelled under this section may not apply for re-admission until the time period of expulsion set by the Board expires. If re-admission is granted after proper application, the student may be required to wait until the start of the next grading term following approval of re-admission.

Building administrators are required to distribute a disclosure statement regarding this policy that all high school students and all parents of students in grades K-9 must sign when the student registers for the beginning of each school year.

1006.4 - Prohibition Against Enrolling from Other School District

It is also the policy of the Board of Trustees of School District 91 that no student who has been expelled, or threatened with expulsion, by any other school district may enroll in School District 91 until such time as the penalty for said infraction would have expired had the student actually been expelled.