

STUDENTS

3285

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 the age of 18 year of age has been abused, abandoned, or neglected or has been subjected to conditions which would reasonably result in abuse, abandonment, or neglect, the School shall follow appropriate reporting requirements pursuant to the Child Protective Act.

The Executive Director is hereby directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, the definition of abuse pursuant to the Child Protective Act, reporting and investigative procedures, prevention and response procedures, and provisions to ensure notice of this policy is provided to students.

The Board shall review this policy annually.

Addressing Sexual Assault

Any person wishing to report an instance of sexual assault may submit a completed Complaint Form 3295F to the non-discrimination coordinator, the building principal.

When the Charter School becomes aware of a report of sexual violence against a student the School shall direct the nondiscrimination coordinator to investigate the incident in accordance with Policy 3210 Grievance Procedure and with Title IX of the Education Amendments of 1972.

This shall apply to sexual assaults that occur on School grounds, in the context of a School education program or activity of the School whether on School property or not, or which have continuing effects on campus on or in an off-grounds education program or activity. This shall occur regardless of whether the assault is brought to the School's attention by a student or other person making a report to a School employee, by the witnessing of an incident by a School employee, media reporting, or any other channel. The nondiscrimination coordinator shall assess whether a sexual assault has occurred based on a standard of whether it is more likely than not that the sexual assault occurred based on the preponderance of the evidence.

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.

Legal References: I.C. § 16-1601, *et seq.* Child Protective Act

IDAPA 08.02.03.160 Safe Environment and Discipline

Other References: Questions and Answers on Title IX and Sexual Violence, U.S. Department of Education Office for Civil Rights

Policy History:

Adopted on: December 10, 2019

Revised on:

Reviewed on:

Harassment Reporting Form for Students

Forrest Bird Charter School

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 _____

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.

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 § 5265	Student Discipline Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying
Legal References:	20 USC § 1681, <i>et seq.</i> 34 CFR Part 106 I.C. § 18-917 I.C. § 18-917A I.C. § 33-205 I.C. § 33-512 I.C. § 33-1630 I.C. § 67-5909 IDAPA 08.02.03.160	Title IX of the Educational Amendments Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance Hazing Student Harassment – Intimidation – Bullying Denial of School Attendance Governance of Schools Requirements for Harassment, Intimidation, and Bullying Information and Professional Development Acts Prohibited Safe Environment and Discipline

Policy History:

Adopted on: December 10, 2019

Revised on:

Reviewed on:

COMPLAINT FORM

Forrest Bird Charter School

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: _____

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:

- 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: December 10, 2019

Revised on:

Reviewed on:

STUDENTS

3296

Bullying Awareness Week

The Forrest Bird Charter School 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 first week of October 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 Reference:	§ 3210	Uniform Grievance Procedure
	§ 3295	Hazing, Harassment, Intimidation, Bullying
Legal References:	20 USC § 1681, <i>et seq.</i>	Title IX of the Educational Amendments
	34 CFR Part 106	Nondiscrimination on the Basis of Sex in
		Education Programs or Activities Receiving
		Federal Financial Assistance
	I.C. § 18-917A	Student Harassment--Intimidation--Bullying
	I.C. § 67-5909	Acts Prohibited
	IDAPA 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on:

Revised on:

Reviewed on:

NAMES, PRONOUNS, AND TITLES

3297

Forrest M. Bird Charter School (FBCS) shall strive to create a safe and welcoming environment for all students while also complying with IC 37-5909B.

No student or staff member shall be disciplined for any of the following:

1. Declining to identify the pronouns they prefer to be addressed by;
 2. Declining to refer to another person by:
 - A. Any pronoun or gendered title that is not traditionally associated with the individual's sex as indicated on the birth certificate provided to FBCS;
 - B. A name other than the individual's legal name or a derivative of it.
- However, consistent with the FBCS obligations to its students, nothing in this policy shall override IC 18-917A and Policy 3295 Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying.

For the purposes of this policy, a student's legal name is the official name provided on a student's registration form, and as identified on the student's birth certificate or applicable court order received by FBCS.

If any teacher is unwilling to use the parent-authorized name or pronouns of a student in their class:

1. The teacher shall notify the building principal.
 2. The building principal or their designee shall notify the Executive Director.
 3. The building principal shall notify the student's parent/guardian to discuss any options available to the student, such as transferring to the same class taught by another teacher or transferring to a different class. Depending upon the age of the student and the desires of the parent/guardian, the student in question may be part of these discussions.
 4. If no resolution acceptable to FBCS, teacher, and parent/guardian can be reached, the parent/guardian of the student will be offered reasonable academic accommodation as described in Policy 2425 Parental Rights.
 5. If a resolution acceptable to the School, teacher, and parent/guardian is reached, such resolution shall be documented by the School. Such documentation shall include the resolution reached and shall affirmatively detail the agreement of the parties to the resolution.
- Parental Permission

Permission shall not be required for a student to use their first, middle, or last name or a derivative of that name. For the purposes of this policy, a derivative of a name includes a

shortened or modified name that is typically used as a nickname for the person's legal name. It also includes a person's initials.

A student's parent/guardian must provide written permission for FBCS employees to use the following when referring to a student:

1. Any pronoun or gendered title that is not traditionally associated with the individual's sex as indicated on the birth certificate provided to FBCS;

2. A name other than the individual's legal name or a derivative of it.

A parent/guardian may provide such written permission when submitting a signed registration form for their student if the form contains a field for a chosen name or name the student commonly uses and/or a field where the parent can provide the pronouns the student uses. The Executive Director or their designee shall create a process for parents/guardians to provide such permission at other times of the school year or if such information is not collected on the registration form.

If there is disagreement or uncertainty about whether the name a student uses is a derivative of their legal name, the matter shall be brought to the building principal. If the principal determines that there is uncertainty about whether the name is a derivative of the student's legal name or determines the name is not a derivative of the legal name, the principal shall direct the student to the process for the student's parent/guardian to provide permission if they wish to proceed with using the name in question.

Legal References Description

IC § 18-917A Student Harassment — Intimidation — Bullying

IC § 33-1631 Requirements for Harassment, Intimidation and Bullying Information and Professional Development

IC § 67-5909 Commission on Human Rights - Acts Prohibited

Cross References

Code Description

3085 Sexual Harassment, Discrimination, and Retaliation Policy

3085 Sexual Harassment, Discrimination, and Retaliation Policy

3085 Sexual Harassment, Discrimination, and Retaliation Policy

3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying

3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying

3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying

Adopted: August 20, 2024

Reviewed:

STUDENTS

3300

Drug Free School Zone

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire 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.

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: § 3260

Student Dress

Legal References: *Stephenson v. Davenport Community Sch. Dist.*, 110 F.3d 1303 (8th Cir. 1997).

I.C. 33-506

Organization and Government of Board of Board Members

I.C. 33-512

Governance of Schools

I.C. 18-8500

Idaho Criminal Gang Enforcement Act

I.C. 18-8502

Definitions

IDAPA 08.02.03.160

Safe Environment and Discipline

Policy History:

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Revised on:

Reviewed on:

STUDENTS

3320

Substance and Alcohol Abuse

The Board recognizes that use of alcohol and drugs is a serious problem and that the presence of drugs in school is detrimental to the educational environment and harmful to the health, safety, and welfare of students and staff. Forrest M. Bird Charter School wishes 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).

Voluntary Disclosure

Forrest M. Bird Charter School shall strive to create an environment free from alcohol and illicit drugs. In the case of students who 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 school will immediately notify the student's parent/guardian, and the school will work with the parent in the establishment of a plan to assist the student in whatever means are deemed necessary and appropriate.

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.

Use of Alcohol/ Drugs Not Disclosed Voluntarily

If Forrest M. Bird Charter 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, Forrest M. Bird Charter School may take whatever action is deemed appropriate, including but not limited to suspension, and/or expulsion. The school shall notify the student's parent/legal guardian as well as local law enforcement. 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 they have used and/or are 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. 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.
5. 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. 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 may be made to the Board of Directors. The student will be entitled to full due process prior to being expelled from school.
Only persons who have a "need to know" may receive information regarding a voluntary disclosure, except when deemed reasonably necessary to protect the health and safety of others.

Resources

When a student admits to using alcohol or drugs or is reasonably suspected of doing so, the student's parent/guardian will be notified of available opportunities for counseling for the student.

When a student is expelled for such substance use, the Board may require, as a condition of readmission, that the student undergo assessment and counseling for alcohol and/or drug use if qualified Charter School staff are available to provide these services.

Forrest M. Bird Charter 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
Legal References:	PL 100-690	Drug Free Schools and Community Act of 1988 and all subsequent amendments
	I.C. § 33-210	Students Using or Under the Influence of Controlled Substances
	IDAPA 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on: December 10, 2019

Revised on: August 20, 2024
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. Incurability;
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; 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
	§ 4320	Disruption of School Operations
Legal References:	18 U.S.C. § 921	Definitions
	18 U.S.C. § 930	Possession of Firearms and Dangerous Weapons in Federal Facilities
	20 U.S.C. § 7961	Gun-free requirements
	20 U.S.C. § 8921, <i>et seq.</i>	Gun Free Schools Act
	29 U.S.C. § 701	Rehabilitation Act of 1973
	I.C. § 33-205	Denial of School attendance
	I.C. § 18-917	Hazing
	I.C. § 18-917A	Student Harassment – Intimidation- Bullying
	I.C. § 18-3302D	Possession 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. § 33-1630	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	

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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.

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.

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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.

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.

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3345

Use of Restraint, Seclusion, and Aversive Techniques for Students

It is the priority of Forrest M. Bird Charter School to promote a safe learning environment for all students and staff. The board recognizes that there may be emergency situations where it becomes necessary for a staff member to physically restrain or place a student in seclusion when the student's behavior poses an imminent risk of serious physical harm to self or others. The purpose of this policy is to ensure that all students and staff are safe in school, and that any student who may have a behavior crisis is free from the inappropriate use of physical restraint or seclusion.

The Board does not condone the use of restraint or seclusion when responding to student behavior and prohibits the use of corporal punishment and unreasonable use of physical force against a student as forms of discipline or methods of classroom governance. The Board recognizes, however, that it may be necessary to use reasonable and appropriate physical restraint and/or seclusion when it is the least restrictive intervention and when the student's behavior poses imminent danger of serious physical harm to self or others. The Board supports school-wide programs and services that promote positive student behavior to improve overall school safety and create an environment that is conducive to learning, while also minimizing the need for the use of physical restraint and seclusion and ensuring that they are only used as a last resort in an emergency.

DEFINITIONS

"Aversive technique" means physical, emotional, or mental distress as a method of redirecting or controlling behavior.

"Chemical Restraint" means using drugs or medication to control behavior; not including those prescribed by and administered in accordance with the directions of a qualified health professional.

"Crisis intervention" means implementation of a predetermined strategy to mitigate immediate harm to students or staff in a behavioral crisis.

"Corporal punishment" means knowingly and purposely inflicting physical pain on a student as a disciplinary measure.

"De-escalate" means utilizing strategically employed verbal or non-verbal interventions to reduce the intensity of threatening behavior before a crisis situation occurs.

"Emergency" means a situation in which a student's conduct creates a reasonable belief in another person that the student's conduct has placed the student or a third person in imminent danger of serious physical harm. An emergency requires an immediate intervention.

"Functional behavioral assessment (FBA)" means the evaluation process of gathering information that can be used to hypothesize about the function of student behavior to develop a behavior intervention plan (BIP) for those students demonstrating, or at risk for demonstrating, challenging behavior.

“Imminent” means likely to happen right away or within a matter of minutes.

“Mechanical Restraint” means the use of any device or equipment to restrict a student’s freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- a. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports
- b. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle
- c. Restraints for medical immobilization; or
- d. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm

“Physical escort” means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. In addition, physical restraint does not include behavioral interventions used as a response to calm and comfort (e.g., proximity control, verbal soothing) an upset student.

“Physical Restraint” means personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.

“Life-threatening physical restraint” 1) restricts airflow to a student’s lungs, whether by compressing the student’s chest or otherwise, or 2) immobilizes or reduces a prone student’s ability to freely move his or her arms, legs, or head. The use of prone (i.e., lying face down) physical restraints should be avoided.

“Positive behavioral interventions and supports” means application of a broad range of systematic and individualized strategies for achieving important social and learning outcomes, while preventing challenging behaviors by making them irrelevant, inefficient, and ineffective.

“Seclusion” means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

PROHIBITED PRACTICES

The following are prohibited under all circumstances, including emergency situations:

1. The use of restraint and seclusion, and corporal punishment, as a form of discipline, punishment, or as a method of managing classroom behavior.

2. The use of chemical restraints (i.e., drugs or medication) to control behavior or restrict freedom of movement unless it is (1) prescribed by a qualified health professional, and (2) administered as prescribed by the qualified health professional.
3. School employees may not use a life-threatening physical restraint on a student.
4. The use of physical restraint or seclusion procedures when a known psychiatric, medical or physical condition of the student would make physical restraint or seclusion dangerous for that student. For example, seclusion is inappropriate for students who are severely self-injurious or suicidal.

APPROPRIATE USE OF PHYSICAL RESTRAINT OR SECLUSION

Restraint or seclusion will only be implemented in situations where a student's behavior poses imminent danger of serious bodily harm to self or others, and not as a routine strategy to address classroom management or inappropriate behavior. School staff will implement positive behavioral interventions and supports, functional behavioral assessments and related behavior and crisis plans, and utilize constructive methods to de-escalate potentially dangerous situations.

Staff members are authorized to restrain a student or place a student in seclusion when an emergency, exists, or when a student's individualized education program (IEP), behavioral intervention plan (BIP), or crisis plan describes the specific behaviors and circumstances in which restraint and seclusion may be used as a response to imminent danger of serious physical harm to self or others.

The following applies to the use of physical restraint or seclusion:

1. Staff members will take reasonable efforts to prevent the need for the use of physical restraint or seclusion by implementing positive behavioral interventions and supports.
2. Staff members will only use physical restraint or seclusion in situations where (1) the student's behavior poses imminent danger of serious bodily harm to self or others, **and** (2) efforts at de-escalation or interventions are ineffective.
3. Staff members will utilize the least restrictive technique necessary to end the threat of imminent danger of serious bodily harm.
4. Any behavioral intervention used by staff members must be consistent with the child's rights to dignity and to be free from abuse.
5. Staff members will carefully and continuously visually monitor the student when physical restraint or seclusion is used to ensure the appropriateness of its use and the safety of the student and others.
6. Staff members will immediately terminate the use of physical restraint or seclusion as soon as it is determined the student is no longer in imminent danger of serious bodily harm to self or others, or if the student is observed to be in severe distress.
7. Staff members will document in writing each incident requiring physical restraint or incident immediately and no later than 24 hours after the event.
8. All staff members directly assigned to students or classrooms who demonstrate aggressive or dangerous behaviors will receive training in crisis management, de-escalation techniques, classroom behavior management, functional behavior assessment, behavior intervention planning, and when appropriate, the safe use of physical restraint and seclusion. Only trained personnel will employ these interventions whenever possible.

9. Staff members will review and revise behavioral strategies as appropriate to address the underlying cause of the dangerous behavior and to prevent the repeated use of physical restraint or seclusion for managing the dangerous behavior.

10. Parents will be notified verbally regarding physical restraint or seclusion as soon as possible and no later than 24 hours following the restraint or seclusion. (See "Notice to Parent/Guardian" section).

NOTICE TO ADMINISTRATOR

Staff members must notify the building principal and, if appropriate, special education director, immediately when a student is physically restrained or placed in seclusion.

OBSERVATION OF STUDENT

Seclusion will not be used unless a staff member can continuously monitor the student for visual and auditory signs of physiological distress and can communicate with the student. A staff member will maintain continuous, direct visual and auditory contact with the student throughout the duration of any physical restraint or seclusion to ensure the appropriateness of its use and the safety of the student and others.

Students will be permitted to use the restroom upon request and will be escorted to and from the restroom. Students will also be provided with water on request. Students will not be denied access to meals. If the student's level of escalation prevents the student from participating in planned mealtimes, the student will be permitted access to meals immediately as soon as the risk of serious physical danger to self or others has passed. See Time and Duration section below for information on allowable length of seclusion.

Monitoring will be conducted by a staff member who has received the required training to ensure the safety of the student and that procedures are appropriately implemented and documented.

SECLUSION AREA

If seclusion is to be employed by the district, each school building must designate a clean and safe seclusion area intended for confining a student without causing or allowing the student to harm him- or herself or others. The seclusion area will be of reasonable size; adequately lighted, ventilated, and heated/cooled; free from any objects or potential hazards that unreasonably expose the student or others to harm; permit direct, continuous visual and auditory monitoring of the student; must not be locked; and must comply with state and federal fire safety requirements. A push lock may be used with consistent monitoring but may not prevent the student from exiting the area should an emergency arise.

A staff member will visually inspect the seclusion area before and after each use to determine whether the area is clean and safe and address any concerns by cleaning the area and/or reporting the concerns to maintenance staff.

TIME AND DURATION

Physical restraint and seclusion will not be used any longer than necessary to allow a student to regain control of his/her behavior and may not exceed thirty (30) minutes.

If an emergency seclusion lasts longer than thirty (30) minutes, the following are required: additional support (e.g., change of staff, introducing a nurse or specialist, or obtaining additional expertise) and documentation to explain the extension beyond the time limit.

REINTEGRATION INTO THE CLASSROOM

Staff members will follow the steps outlined in the student's Crisis Plan to determine when the student is ready to be reintegrated into the classroom or activities. If no Crisis Plan is in place, staff members (at least two staff members) may make an independent judgment about when the student is ready to rejoin classmates or other activities. Reintegration may occur quickly, or may be very gradual, but will depend on the circumstances and the emotional state and readiness of the student to return to the normal situation.

INCIDENT REPORTING

Immediately after the student has restored emotional and behavioral control following the use of physical restraint or seclusion, a staff member not involved with the incident will visually examine the student to ascertain if any injury has been sustained during the physical restraint or seclusion.

The staff member(s) involved with the incident will complete a written incident report immediately and no later than 24 hours after the event. The building principal or designee will place a copy of the report in the student's education file.

Each staff member involved in an incident will engage in a debriefing session within two (2) days of the incident to determine what could have been done to prevent the need for the use of physical restraint or seclusion for this student specifically and for other students in similar situations.

Incident Report Requirements

The following information will be included in the incident report created after each instance of physical restraint or the use of seclusion:

1. Information about the student (i.e., name, grade, etc.).
2. If the student has a disability (IDEA or Section 504), and the type of disability.
3. The date and start and end times of the restraint or seclusion.
4. The location of the incident.
5. A description of the incident.
6. Possible events that triggered the dangerous behavior that led to restraint or seclusion.
7. Prevention, redirection, or pre-correction strategies that were used during the incident.
8. A description of the dangerous behavior that resulted in the implementation of physical restraint or seclusion.

9. A description of the restraint or seclusion strategies that were used during the incident and a log of the student's behavior during physical restraint or seclusion.
10. A description of any injuries or physical damage that occurred during the incident.
11. How the student was monitored during and after the incident.
12. A description of behaviors displayed demonstrating the student's ability to return to the educational environment.
13. The staff member(s) who participated in the implementation, monitoring, and supervision of physical restraint or seclusion and whether the person(s) had training related to restraint or seclusion.
14. The extent to which the staff member(s) adhered to state and district procedural implementation guidelines.
15. The follow-up that will occur to review or develop the student's positive behavioral interventions and supports in order to avoid the use of restraint or seclusion in the future.
16. The date and time the parent/guardian was notified.

FREQUENT USE OF RESTRAINT OR SECLUSION

Schools must follow these procedures in cases where a student is placed in physical restraint or seclusion four (4) or more times in 20 school days.

In cases where such a student requires, may require, or is being evaluated for special education services or a 504 plan, the student's planning and placement team must meet to (1) conduct or revise the student's functional behavioral assessment and (2) create or revise any applicable behavioral intervention plan, including the student's IEP or 504.

For all other students, a school administrator, at least one of the student's teachers, the student's parent, or guardian, and, if any, a mental health professional must meet to (1) conduct or revise the student's behavioral assessment, (2) create or revise any applicable behavioral intervention plan, and (3) determine if the student may require special education services.

NOTICE TO PARENT/GUARDIAN

The building principal or designee will verbally notify the parent/guardian of a student requiring physical restraint or seclusion as soon as possible and no later than 24 hours following the incident.

Verbal notice will include a brief summary of the incident and contact information for the staff member who will provide additional information. The delivery of the notice will be documented by the district.

Verbal notice will be provided via telephone or in person. In the event a staff member is unable to speak directly to the parent via telephone, a message will be left on the individual's voicemail, if available. If unable to reach the parent via telephone or leave a message on voicemail, the staff member will send an e-mail to the parent, if the e-mail address is known.

Parents/guardians will receive written, annual notice about the district's policies and procedures for restraint and seclusion. Parents/guardians will be notified within thirty (30) days of any changes to such policies and procedures.

All student handbooks in our schools will contain a statement regarding the use of restraint and seclusion consistent with this policy and outline reporting procedures.

CRISIS INTERVENTION TRAINING

The district will provide all staff directly assigned to students or classrooms with annual professional development training regarding positive behavior supports, de-escalation techniques, and classroom behavior management. This training will be recurrent and will be provided to new staff during orientation.

All staff directly serving students or classrooms with students who demonstrate aggressive or dangerous behaviors will receive annual professional development training in crisis management, de-escalation techniques, the correct use of restraints and seclusion when required, and the implementation of functional behavior assessment, behavior intervention plans, and crisis plans. This training will be recurrent and will be provided to new staff during orientation.

Restraint and seclusion techniques will only be utilized by a person who has been trained in crisis intervention. Untrained staff should request assistance from trained staff as soon as possible.

MONITORING AND REPORTING

The superintendent or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy in the district. The superintendent or designee will comply with all state and federal requirements for reporting incidents of physical restraint or seclusion.

The building principal or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy within the school.

ANNUAL POLICY REVIEW

The district will, not less than annually, review this policy and related procedures to determine the efficacy of the policy and procedures; whether modification of the policy or procedures is necessary; and whether selected school staff should receive additional training on positive behavior intervention and supports, or the proper use of restraint, seclusion, and other aversive techniques. The review must include a review of the documentation and reporting of incidents involving physical restraint and seclusion.

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

Annually, the Executive Director or designee shall submit to the Board a report containing all the following disaggregated data:

- a. The total number of incidents of seclusion during the previous school year.

- b. The total number of students (i.e. students with and without disabilities) who were involved in incidents of seclusion during the previous school year;
- c. The number of students with disabilities who were involved in incidents of seclusion during the previous school year;
- d. The number of incidents of physical restraint during the previous school year;
- e. The total number of students (i.e. students with and without disabilities) who were involved in incidents of physical restraint during the previous school year; and
- f. The number of students with disabilities who were involved in incidents of physical restraint during the previous school year.

Cross Reference: § 3360

Discipline of Students with Disabilities

Policy History:

Adopted on: December 10, 2019

Revised on: May 23, 2023

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: December 10, 2019

Revised on:

Reviewed on:

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: December 10, 2019

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. 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	Findings
	I.C. §18-8403	Definitions
	I.C. §18-8408	Providing List To Executive Director Of Public Instruction
	I.C. §18-8412	Exemption from Civil Liability
	I.C. §18-8413	Penalties for Vigilantism or Other Misuse of Information
	I.C. §33-205	Denial of School Attendance

Policy History:

Adopted on: December 10, 2019

Revised on:

Reviewed on:

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.

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: December 10, 2019

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. When feasible and when a student is under 18 years of age, the authorized administrator shall contact a student's parent/guardian prior to conducting a search of their person. When it is not feasible to contact the parent prior to a search of a student's person, the authorized administrator shall attempt to contact the parent/guardian as soon as possible following the search.
7. Any search or seizure authorized in this procedure shall be conducted in the presence of at least one adult witness as described in Policy 3370. 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.
8. 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.
9. 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 the situation to the

appropriate law enforcement agent. The administrator is not to become the agent of any public law enforcement agent.

Procedure History:

Promulgated on: December 10, 2019

Revised on: October 28, 2022

Reviewed on:

STUDENTS

3380

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. Students in 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: December 10, 2019

Revised on:

Reviewed on:

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.

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.

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 Governance of Schools

Policy History:

Adopted on: December 10, 2019

Revised on:

Reviewed on:

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.

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 (3350F), 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: December 10, 2019

Revised on:

Reviewed on:

STUDENTS

3400F

Forrest Bird Charter School's Extracurricular Activity Consent Form

I have received and have read and understand a copy of the Forrest Bird Charter School's Policy 3400 "Extracurricular Activities Drug-Testing Program". I desire that

_____ participate in this program and in the extracurricular program of Forrest Bird Charter School 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.

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 Forrest Bird Charter School 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