

SECTION 1000 - STUDENTS

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1001.0 - EQUAL EDUCATIONAL OPPORTUNITIES

1001.1 - General statement on Equal Educational Opportunities.

Unlawful discrimination against students on the basis of race, gender, color, national origin, religion, creed, marital status or disability in educational programs and activities is prohibited. The district will not discriminate against a student on the basis of sexual orientation.

1002.0 – ATTENDANCE

1002.1 – Right-to-Attend

The services of District #91 public schools are extended to any resident between the ages of five (5) and twenty-one (21.) An official birth certificate is required for proof of age for enrolling students. Idaho Code 33-201 stipulates:

- A child must be five on or before September 1 of the school year in which the child is to enroll in kindergarten.
- For a child enrolling in first grade, the age of six (6) must be reached on or before September 1 of the year in which the child is to enroll. A five-year old child who completed a private or public out-of-state kindergarten for the required 450 hours but has not reached the “school-age” requirement in Idaho shall be allowed to enter the first grade.
- Preschool services are provided to qualifying handicapped students starting on their third birthday.

Homebound instruction is available to students for reasons of accident, extended illness, or unusual handicapping condition. Homebound services must comply with state and federal regulations and will be directed by the Supervisor of Student Services.

1002.1.1 - Homeless Students

The Idaho Falls School District 91 recognizes its obligation to ensure that homeless students have access to the same educational programs and services provided to other district students. The District shall make reasonable efforts to identify homeless children within the district, encourage their enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state law and regulations. Refer to Administrative Procedures 1002.1.1 <http://vd-p.d91.k12.id.us/AdminPrd/>

Adopted: 06/28/2011 Revised: _____ Reviewed: _____

1002.2 - Required Attendance

Every child of compulsory school age, 7-16 years of age, must be in attendance in an approved school unless otherwise exempted by law.

1002.2.1. - Dis-enrollment / Re-enrollment on the Basis of Attendance

Students may be dropped from enrollment records after they miss, without their school being notified by a parent/guardian of the reason(s) for their absence, ten consecutive days of attendance. Students should be re-enrolled on the date they return to and begin attending a District #91 school.

Adopted: _____ Revised: 02/11/2014 Reviewed: _____

1002.3 - Responsibility

The goals of Idaho Falls School District 91 Attendance Policy are to: 1) Provide students with successful learning experiences in every class; 2) Increase teacher effectiveness by reducing classroom interruptions and non-attendance; 3) Provide structure for student attendance; 4) Improve communication and support parent efforts in promotion of student attendance.

Trustees and educators recognize that regular attendance is positively related to student achievement. Everyone shares in the responsibility for making school attendance a priority.

- Parents/Guardians are urged to help their child establish good attendance habits throughout the child's schooling experiences. Absences due to family convenience such as vacation and baby-sitting are strongly discouraged. Parents are responsible for verifying absences by contacting the attendance office before, the day of, or no later than the close of the second day upon the student's return to school. Parents are responsible for providing the school a current and secure day telephone number for contact regarding absences.
- Students are directly responsible for establishing good attendance habits, which place priority on being in the classroom on a regular daily basis. Days missed for personal or family convenience should be minimized. When students arrive late for classes, it affects the learning of all students. In addition, absenteeism and tardiness place a burden on teachers. Classroom interruptions, re-teaching lessons, and preparing makeup materials for absent students uses valuable teaching time and deprives all students of learning opportunities. When in school, students are required to be in class or in designated areas. (See also examples of truancy, Section 1002.4) If a student exceeds the allowable days, it becomes that student's responsibility to participate in scheduled make-up sessions. Students who are not living with a parent/legal guardian and have declared themselves emancipated may clear their own absences with an administrator.
- Teachers are responsible for structuring the class in such a way that each day is meaningful and rewarding to the students in attendance. Teachers are required to take accurate attendance and comply with building level attendance procedures. Teachers should model regular attendance.
- Administrators are responsible for establishing district and building level procedures that are needed to implement the attendance policy. School activities and related travel should be arranged to minimize negative impact on attendance. Attendance records follow a transferring student to the new school.

1002.4 – Definitions

1. **Excused Absences (VER):** An excused absence is one which has been verified by the parent/legal guardian; an absence that the parent/legal guardian knew of, approved, and cleared with the attendance office before, the day of, or no later than the close of the second day upon the student's return to school.
2. **Unexcused Absence (UNV):** An unexcused absence is one which is unverified by the parent/legal guardian; an absence in which the parent/legal guardian did not have knowledge of, or did not approve, or did not clear with attendance office before, the day of, or no later than the close of the second day upon the student's return to school. All Unexcused absences shall be included in the total absence limitation and may not be excluded through Attendance Make-up Sessions.
3. **Late Excused/Verified Absence (LTV):** An excused absence verified later than the second day of the student's return to school. All Late Excused/Verified absences shall be included in the total absence limitation and may not be excluded through Attendance Make-up Sessions.
4. **Truancy (UNX):** A student is considered truant when if they are absent:
 - a. Without the knowledge and consent of a parent/legal guardian.
 - b. Leave school without signing out at the attendance office.
 - c. Is absent from class without permission.
 - d. Obtains a pass to go to certain place and does not report there.
 - e. Comes to school but does not attend class.

All Truancies shall be included in the total absence limitation and may not be excluded through Attendance Make-up Sessions.

5. **Death in Family Absence (DIF):** An absence due to a death in the family or close friends.
6. **Medical Absence (MED):** An excused absence, due to illness or medical/dental appointment, verified by a licensed medical practitioner cleared with the attendance office before, the day of, or no later than the close of the second day upon the student's return to school. Acceptable medical verification shall be described within Administrative Attendance procedures.
7. **Absence due to Illness (ILL):** An excused absence, verified by a parent/legal guardian, as due to illness and cleared with the attendance office no later than the close of the second day upon the student's return to school.
8. **School Activity Absence (ACT):** An absence due to participation in district sponsored field trips, extra-curricular, or co-curricular activities. Activity absences for non-district sponsored extra-curricular activities may be granted upon approval of the superintendent/designee.

9. **Loss of Credit (LCA) Absence:** Any absence not specifically designated as exempt from inclusion in the total absence limitation identified in section 1002.5.
10. **LCA Exempt Absence:** Excused absences designated as Medical (MED), School Activity (ACT), or Death in Family (DIF). LCA Exempt absences will be excluded from the total absence limitation identified in section 1002.5.
11. **Habitual Truant:** any student whose parent/legal guardian has failed or refused to cause such student to be instructed as provided in Idaho Code.

1002.5 - Attendance Requirements/Loss of Credit:

1. **Elementary (Grades K-6):** Students in kindergarten through 6th grade who exceed 5 absences in a trimester will be dealt with on an individual basis through the absence review procedure set forth in AP1002 Attendance.
2. **Secondary (Grades 7-12):** Students shall lose credit for any class in which they exceed five (5) total LCA absences in a trimester class.
 - a. **Attendance Make-Up:** The total number of absences that can be made up during Attendance Make-Up Sessions (AMS) in any given class during a trimester has been set at 5 (five). Only excused absences verified by a parent/legal guardian may be excluded from the total absence limitation through AMS attendance.

Administrative Procedure 1002 <http://vd-p.d91.k12.id.us/AdminPrd/>

Adopted: 02/25/2003

Revised: 08/23/2011
08/12/2008

Reviewed: 6/2008

1002.6 - Loss of Credit Appeal: Those students, who have valid reasons to believe that all or part of their LCA absences are the result of extraordinary circumstances, may request a review of their case following the attendance appeal process set forth in Administrative Procedures 1002P Attendance.

1002.7 - Make Up Opportunities: Students may make up for credit any assignments missed due to an excused absence as set forth in Administrative Procedures 1002P Attendance.

1002.8 - Tardies: A student is tardy if he or she is not in the assigned classroom when the bell rings. Tardies which are caused by a late bus shall not be counted on the student's record. The principal or designee may also excuse student tardies because of inclement weather or other extenuating circumstances. Rules

regulating tardiness will be established at the building level following guidelines set forth in Administrative Procedures 1002P Attendance.

Administrative Procedure 1002 <http://vd-p.d91.k12.id.us/AdminPrd/>

Adopted: 02/25/2003

Revised: 08/12/2008

Reviewed: 6/2008

1003.0 - STUDENT ADMISSIONS

1003.1 - Admission Requirements

Any student entering school for the first time shall present a birth certificate or other satisfactory proof of age, and an acceptable record of immunizations against the "dread" diseases (as defined by the Idaho Department of Health).

1003.2 - Resident Student

A resident student is defined as one whose parents' legal residence is within the District land boundaries as prescribed by State statutes. Persons 18 years or older who are bona fide residents of the District may attend the school based on their residence and without regard to the residence of their parents or guardian.

1003.3 - Grade Placement

Grade placement shall be the responsibility of the principal and shall be based on general achievement, consideration being given to the mental, physical, emotional, and social maturity of the child. In general, pupils transferring into the system will be placed in the same grade level from which they transferred, but children transferring, as well as continuing pupils may be retained or advanced in grade after screening reveals that alternate placement would be to their advantage.

Open Enrollment:

Residence, for the purpose of this policy, is defined as "The domicile that is used by the parent/guardian that is secured by a signed purchase agreement, deed of trust, or rental agreement as the address for mail, telephone, registration for voting, and attendance zone for other school-aged family members."

Students whose parents or legal guardians request a transfer to a school outside the attendance area where the parents or guardian of the student reside, must annually complete an enrollment application which will be originated through the following offices:

Elementary: District Office or Elementary School.

Middle and Senior High Schools: Student's home school. Both the sending and receiving principals must approve of all transfers.

Transfers will be accepted with the following conditions:

1. Resident elementary student waiver requests from one school to another may be made providing class loads remain reasonably equal or when a student moves from a population of high enrollment to lower enrollment. Nonresident students may only waiver into elementary classes that are at or below the district class size average.
2. Open enrollment for District #91 Middle Schools and High Schools will begin April 1st and close on the second Wednesday in May for fall trimester, on the third

Wednesday in November for the second trimester, and on the third Wednesday in February for the third trimester. Available spaces will be awarded first to District #91 students and then to nonresident students set forth in AP1003.3 Grade Placement <http://vd-p.d91.k12.id.us/AdminPrd/>. Waiver requests will be responded to in writing within sixty days of the above noted deadlines. **(Please note: State law requires all waivers to be renewed annually).**

3. A student may be denied a transfer or a transfer may be revoked at the end of the grading term if his/her disciplinary and/or attendance record is excessive or if academic performance is unacceptable
4. Transfers must occur during the designated times except for disciplinary or trauma reasons as determined by the district administration.
5. All students on a waiver must be living at home or with a legal guardian, unless of legal age and living alone.
6. In the event that a student's residence changes from being within the school's attendance area to being out of the attendance area, continued enrollment will be permitted through the conclusion of the school year.
7. Students whose parents are in the process of building a residence, have a signed construction contract, or an earnest money/sales contract for the purchase of a home at the beginning of a school term will be considered a resident of that school's attendance area.
8. Transportation remains the responsibility of the parent or emancipated student.
9. Enrollment at Emerson High School is open to all students regardless of residence.
10. Students who move to District #91 who have been expelled from another school in the previous 12 months are not eligible for enrollment.
11. A nonresident student who is granted a zone waiver after the high school senior year has started may earn credits that can be transferred to his/her home high school, but may not graduate from Idaho Falls or Skyline High Schools.

NCLB School Choice

According to federal law and State Board of Education rules, students who are enrolled in an accredited traditional or charter public school are eligible to transfer to another school if their school has been identified as in school improvement, corrective action, or restructuring.

1. Parents of children attending these schools will be informed by letter of their opportunity to choose another school as early as possible. Notification will

include choice options, priority rankings, timelines, and transportation information.

2. If an eligible student exercises the option to transfer to another school they will be permitted to remain in that school until he or she has completed the highest grade in the school. However, the district is not obligated to provide transportation for the student after the end of the school year in which the student's school of origin is no longer identified for school improvement, corrective action, or restructuring.
3. Students in grades 9-12 who transfer under the NCLB School Choice Option are subject to Policy 1003.4.3.C regarding athletic eligibility.

Adopted: 03/23/2004

Adopted: 03/08/2017
08/23/2011
08/14/2007
05/13/2003

Revised: 02/08/2017
08/09/2011
08/14/2007
05/13/2003

Reviewed: 02/08/2017
07/10/2011

1003.4. C 8/14/2007

1003.4. C replaced with 1012.2 Adopted 12/9/2008

1003.4 - Class Size

The Board of Trustees of Idaho Falls School District 91 recognizes the importance of a low teacher/student ratio and strives to decrease class size where appropriate when funding and facilities permit. It is important to provide a learning environment that is positive and productive for every child in the classroom. This can best be achieved if the class enrollments are maintained at manageable levels. The Superintendent is charged with developing procedures to distribute the existing student load equitably.

Policy History:

Adopted: 06/28/2011

1003.5 - Non-Resident Students

Students whose parents or legal guardians are not legal residents of the district shall not attend school in District 91, except as the following conditions apply:

1. Students whose parents have purchased or leased a home within the School District and who will occupy such property before the end of the first quarter of the school year. Parents will assume responsibility for transportation of such children until they move into the district.
2. Students assigned to residents within School District #91 by public agencies.

3. Students whose parents move from School District #91 during the school year may continue to attend school until the end of that year with the understanding that parents will assume responsibility for transportation. Other special cases as approved by the superintendent or his/her designated representative.

In order for any pupil whose parents or legal guardians are non-residents to enroll in District #91 as a special case, the following conditions must be met:

- a. District #91 shall have received from the pupil's home district: (1) a copy of the parent's or legal guardian's request for the pupil to enroll in District #91 and (2) a letter of approval by the home district of such enrollment.
- b. The average class size or special program case load in the receiving building cannot be greater than district average.
- c. The student must be in good standing. Students, who have been expelled from another school in the last 12 months or where expulsion is imminent, will not be accepted.
- d. Transfer requests submitted after school starts will be accepted only in cases of severe hardship or trauma.
- e. Students in grades 9-12 who transfer must comply with Policy 1003.4.3.C.

Adopted: 5/13/2003

1003.6 - Dual Enrollment Statute

GENERAL:

The Board of Trustees, after review of communications of explanation from the State Superintendent of Public Instruction, the State Department of Education and the Deputy Attorney General assigned thereto and other affected parties and advisors, has promulgated the following policies to attempt to comply with and to assist in the administration and implementation of the provisions of Idaho Code, 33-203, (Dual Enrollment Statutes) consistent with other state statutes, this School Board's policies and State Board of Education Rules and Regulations. Because of the complex nature of this statute and the vague and ambiguous language contained therein, it is contemplated that these policies may have to be amended from time to time as experience dictates.

DEFINITIONS:

1003.6.1 - Dual Enrollment

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

1003.6.2 - Non-public Student

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

1003.6.3 - Primary Education Provider

That person or entity providing the majority of the nonpublic student's educational instruction outside the public school Programs or Activities.

1003.6.4 - Program and Activity

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

Optional: Program or activity shall not include testing, health, or other similar type services nor does it include incidental activities such as school dances or field trips not directly related to an academic class for which the student is properly enrolled.

1003.7 - Enrollment

Any nonpublic student wishing to enroll in a school in this district must provide evidence of residence in this district, acceptable evidence of date and place of birth, evidence of immunizations required by the State of Idaho (or suitable waiver) and must comply with the registration procedures required by the District which includes providing complete records of the student's academic history.

1003.7.1 - Registration and Procedures:

Before entering a program or activity a nonpublic student must complete registration and gain admission to a school in this district. Registration shall include in addition to routine procedures, the providing of all student records and testing information (where necessary) to qualify for admission as a nonpublic student and to identify appropriate placement for the student. Such registration and admission procedures are required even if a student is requesting dual enrollment status only for participation in an interscholastic or nonacademic activity.

1003.8 - Transportation

A nonpublic student, upon admission to a school in this district, may ride a school bus on regularly scheduled routes (including activity bus routes) and use regularly established bus stops or stops which would require no deviation from the regularly established bus route. No alteration of routes will be made to specially accommodate a nonpublic student. If a nonpublic student attends only part time, the district may furnish transportation at the regularly scheduled time closest to the time period for which a student is enrolled (i.e., morning busing for a.m. classes or afternoon busing for p.m. classes.) The district will not provide such transportation if there is no available space, if

the furnishing of such transportation would cause a deviation or alternation of the regularly established bus routes or stops or if the furnishing of such transportation would require the purchase of additional or substitute equipment.

1003.9 - Mixed Curriculum

If a nonpublic student wishes to attend activities or programs in a particular discipline, in a class or grade where the curriculum is merged or integrated, such request shall be made in writing particularizing the subject matter presentation which the student desires to attend (i.e., art instruction in a third grade class.)

The teacher and principal of that school shall, upon request, provide scheduling information to the nonpublic student. It shall be the nonpublic student's responsibility to contact the District and ascertain when such subject matter will be presented. Where certain subject matter is integrated into a mixed curriculum, no change in the presentation need be made because of a nonpublic student's request for attendance. It is also the intent of this policy to insure that the teacher's right to integrate disciplines and be flexible in planning and modifying the daily classroom presentations shall not be hindered or restricted in any way.

1003.10 - Interim Periods

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

1003.11 - Extracurricular Non-academic Activities

A nonpublic student may participate in extracurricular activities as prescribed in Idaho Code 33-203 (4) (5) (6) and Idaho High School Activities Association Rule 8-16-1.

Idaho Code <http://www.legislature.idaho.gov/idstat/Title33/T33CH2SECT33-203.htm>
IHSAA Rules <http://www.idhsaa.org/manage/articlefiles/57-Rules%20and%20Regulations%20Manual.pdf>

Adopted: _____ Revised: 05/13/2014 Reviewed: 04/08/2014

1003.12 - Class Size/Disenrollment

Pursuant to I.C. 33-203(1), if enrollment in a specific class or program reaches the maximum for the program, priority for enrollment shall be given to a student who is enrolled full time in the public school. If a class or program is full and includes a part time nonpublic student when a regular full time student transfers into the school during the semester/trimester, the district's normal enrollment procedure shall remain the same

and the nonpublic student may not be dis-enrolled to provide space for the full time student. Regular full time students will be given priority for enrollment at the start of each semester/trimester.

1003.13 - School Rules, Regulations And Policies

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

1003.13.1 - Prerequisites:

A nonpublic student must meet all prerequisites for enrollment for a program or activity which is required of public school students.

1003.14 - Graduation of Nonpublic School Students

A nonpublic student must meet all grade and other graduation requirements of this district in order to graduate and obtain a diploma from the schools of this district. In order to graduate and receive a diploma, a nonpublic school student must be a full time student of this district during that student's final two trimesters.

1003.15 - IDEA/ADA/Section 504 Students

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

1004.0 - STUDENT RECORDS

1004.1 - Records and Reports

A cumulative record for every student who enters school in this District shall be maintained from the time he enters school and continues until he leaves the District. It shall contain pertinent information on his school progress and other data which may contribute to the understanding of the child. This record is confidential and for the use of the school staff, and information relating to it shall be released only in accordance with the policies given in this section.

1004.2 - Progress and Behavior

Reports to the parents of the student's progress in school and his/her behavior shall be made at least every nine (9) weeks and more often if the school deems it necessary. This information to the parents may be in the form of a report card, a parent-teacher conference, a mid-term report, a letter, or any combination of these methods.

1004.3 - Release of Information to Parents

Upon signing a request form, the parents of any student attending school in this District shall have the right to inspect and review any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns. Where such records or data include information on more than one student, the parents of any student shall be entitled to receive, or be informed of, that part of such record or data as pertains to their child.

1004.3.1 - Release of Directory Information

Directory information is defined as information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the following:

1. Student name
2. Physical address
3. Telephone listing

Upon a request made by military recruiters or an institution of higher education, the District will provide access to secondary school students' names, addresses and telephone listings unless a parent or secondary school students requests, in writing, that directory information not be released without prior written consent.

Policy History:

Adopted: 06/28/2011

Revised: _____

Reviewed: _____

1004.4 - Hearing to Challenge School Records

The parents of any student attending school in this District shall have an opportunity for a hearing to challenge the content of their child's school records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

1004.5 - Release of Information to Persons Other than Parents

The release of personally identifiable records or files (or personal information contained therein) of students without the written consent of their parents to any individual, agency, or organization shall not be permitted, other than to the following:

1. Other school officials, including teachers within the District, who have a legitimate educational need.
2. Officials of other districts or school systems in which the student intends to enroll.
3. Emergency disclosures: An educational institution may disclose personal information about students without prior written consent to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and/or safety of students or other individuals.

1004.6 - Release of Information with Parent's Consent or Pursuant to Court Order

The release of personally identifiable records or files (or personal information contained therein) of students or persons other than those listed in the above shall only be permitted if:

1. There is written consent from the student's parents specifying the records to be released, the reasons for such release, and to whom.
2. Such information is furnished in compliance with a judicial order or pursuant to any lawfully issued subpoena, provided that the parents and the students must be notified of all such orders or subpoenas in advance of the compliance therewith by the school or district.

1004.7 - Record or Release of Information

Any person, agency, or organization desiring access to the records of a student shall be required first to sign a written form indicating specifically the legitimate educational or other interest that each such person, agency, or organization has in seeking this information. Such form shall be kept permanently with the file of the student and shall be available to the parents and to the school officials responsible for record maintenance as a means of auditing the operation of the system. The said form shall not be available for inspection by any other person, agency, or organization.

1004.8 - Limitation on Use of Information Requested

Any personal information of a student transferred to a third party shall only be on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

1004.9 - Rights of Adult Students

Whenever a student who is attending or has attended school in the District has attained 18 years of age, or is attending an institution of post-secondary education, the permission or consent of, and the rights accorded to, the parents of the student in regard to the school records of such student shall thereafter only be required of the student.

1004.10 - Informing Parents and Students of Rights

The parents of students or the students, if they are 18 years of age or older, or attending an institution of post-secondary education, shall be informed, upon request, of their rights as have been adopted by the policies of the School District in regard to the school records kept on such students. Also, copies of these policies shall be available for inspection at the schools in the District.

1004.11 - Student Data Privacy and Security Policy

The efficient collection, analysis, and storage of student information is essential to improve the education of our students. As the use of student data has increased and technology has advanced, the need to exercise care in the handling of confidential student information has intensified. The privacy of students and the use of confidential student information is protected by federal and state laws, including the Family Educational Rights and Privacy Act (FERPA) and the Idaho Student Data Accessibility, Transparency and Accountability Act of 2014 (Idaho Data Accountability Act).

Defined Terms:

Administrative Security consists of policies, procedures, and personnel controls including security policies, training, and audits, technical training, supervision, separation of duties, rotation of duties, recruiting and termination procedures, user access control, background checks, performance evaluations, and disaster recovery, contingency, and emergency plans. These measures ensure that authorized users know and understand how to properly use the system in order to maintain security of data.

Aggregate Data is collected or reported at a group, cohort or institutional level and does not contain PII.

Data Breach is the unauthorized acquisition of PII.

Logical Security consists of software safeguards for an organization's systems, including user identification and password access, authenticating, access rights and authority levels. These measures ensure that only authorized users are able to perform actions or access information in a network or a workstation.

Personally Identifiable Information (PII) includes: a student's name; the name of a student's family; the student's address; the students' social security number; a student education unique identification number or biometric record; or other indirect identifiers such as a student's date of birth, place of birth or mother's maiden name; and other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances, to identify the student.

Physical Security describes security measures designed to deny unauthorized access to facilities or equipment.

Student Data means data collected at the student level and included in a student's educational records.

Unauthorized Data Disclosure is the intentional or unintentional release of PII to an unauthorized person or untrusted environment.

Collection

- School districts and public charter schools shall follow applicable state and federal laws related to student privacy in the collection of student data.

Access

- Unless prohibited by law or court order, school districts and public charter schools shall provide parents, legal guardians, or eligible students, as applicable, the ability to review their child's educational records.
- The Superintendent, administrator, or designee, is responsible for granting, removing, and reviewing user access to student data. An annual review of existing access shall be performed.
- Access to PII maintained by the school district or public charter school shall be restricted to: (1) the authorized staff of the school district or public charter school who require access to perform their assigned duties; and (2) authorized employees of the State Board of Education and the State Department of Education who require access to perform their assigned duties; and (3) vendors who require access to perform their assigned duties.

Security

- School districts and public charter schools shall have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure.
- School districts and public charter schools shall immediately notify the Executive Director of the Idaho State Board of Education and the State Superintendent of Public Instruction in the case of a confirmed Data Breach or confirmed Unauthorized Data Disclosure.

- School districts and public charter schools shall notify in a timely manner affected individuals, students, and families if there is a confirmed Data Breach or confirmed Unauthorized Data Disclosure.

Use

- Publicly released reports shall not include PII and shall use Aggregate Data in such a manner that re-identification of individual students is not possible.
- School district or public charter school contracts with outside vendors involving student data, which govern databases, online services, assessments, special education or instructional supports, shall include the following provisions which are intended to safeguard student privacy and the security of the data:
- Requirement that the vendor agree to comply with all applicable state and federal law;
 - Requirement that the vendor have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure;
 - Requirement that the vendor restrict access to PII to the authorized staff of the vendor who require such access to perform their assigned duties;
 - Prohibition against the vendor's secondary use of PII including sales, marketing or advertising;
 - Requirement for data destruction and an associated timeframe; and
 - Penalties for non-compliance with the above provisions.
- School districts and public charter schools shall clearly define what data is determined to be directory information. (See BP 1004.3.1)
- If a school district or public charter school chooses to publish directory information which includes PII, parents must be notified annually in writing and given an opportunity to opt out of the directory. If a parent does not opt out, the release of the information as part of the directory is not a Data Breach or Unauthorized Data Disclosure.

Resources

- FERPA: <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap31-subchapIII-part4-sec1232g.pdf>
- Electronic Code of Federal Regulations pertaining to FERPA: 34 CFR Part 99 <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=11975031b82001bed902b3e73f33e604&rgn=div5&view=text&node=34:1.1.1.1.33&idno=34>
- U.S. Department of Education, Family Policy Compliance Office <http://www2.ed.gov/policy/gen/guid/fpc/index.html>

Idaho Student Data Accessibility, Transparency and Accountability Act of 2014, Idaho Code Title 33, Section 133 <http://legislature.idaho.gov/legislation/2014/S1372E1.pdf>

Policy History:

Adopted: 10/08/2014

Revised: _____

Reviewed: 09/10/2014

1005.0 - EDUCATION AND DISCIPLINE

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

1005.1 - Freedom from Abuse

A. Corporal Punishment

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

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

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

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

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

1005.2 - Criminal Acts Defined

A. General Rules of Conduct

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

The following activities are among those defined as "criminal" under the laws of the state of Idaho and the city of Idaho Falls. In addition to serving as grounds for suspension or expulsion from school district attendance, students should also know that these activities carry a potential for court action if remanded to civil proceedings.

Any perpetrator of a criminal act will be referred to the appropriate legal authority. The list is partial only, and "criminal acts" are not necessarily limited to the following:

- | | |
|---|--|
| 1. ARSON | The intentional setting of fire. |
| 2. ASSAULT | Physical threats or violence directed at any student or school employee. |
| 3. BURGLARY OR THEFT | Stealing of school or personal |
| 4. EXPLOSIVES,
POSSESSION OF | Explosives including firecrackers |
| 5. EXTORTION, BLACKMAIL,
OR COERCION | Obtaining money or property by violence or threat of violence, or forcing someone to do something against his/her will by force, or threat of force. |
| 6. FALSE ALARMS OR
BOMB THREAT | Instigating or taking part in false alarms or a bomb threat. |
| 7. FIREARMS,
POSSESSION OF | Firearms are prohibited on school property or at school sponsored events. |
| 8. LARCENY | Theft |
| 9. LOITERING | A person who disrupts the educational process, or whose presence is detrimental to the morals, health, safety academic learning, or discipline of the pupils, or who loiters in schoolhouses or on school grounds is guilty of a misdemeanor. (Idaho Code, Section 33512). |
| 10. MALICIOUS MISCHIEF | Property damage. |
| 11. RECKLESS | Driving cars in a dangerous manner near school grounds or during school activities. |
| 12. RIOTING | Disruptive behavior on the part of groups of students. |
| 13. ROBBERY | Stealing from an individual by force or threat of force. |
| 14. SALE, USE, OR POSSESSION
OF ALCOHOLIC BEVERAGES
OR ILLEGAL DRUGS. | |

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

1005.3 - Disruptive Actions

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

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

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

- | | |
|-------------------------|--|
| 1. FIGHTING | Fighting or aggressive behavior directed toward another person in a threatening manner. |
| 2. GAMBLING | Gambling or possessing gambling devices on school premises or during school activities. |
| 3. HAZING | Requiring another student to perform humiliating or unnecessary tasks by using coercion of any type. (Initiations are prohibited.) |
| 4. INCORRIGIBILITY | Unmanageable or unruly behavior. |
| 5. INSUBORDINATION | Failing to comply with reasonable directions of teachers, administrators, or supervisory personnel. |
| 6. LACIVIOUS LITERATURE | Possessing or distributing lascivious literature or materials on school premises or during school activities. |

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

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

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

All gangs and gang activities, including, but not limited to creating intimidation or fear, wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign gestures, codes, or other evidence of membership or affiliation, including graffiti, in any gang is prohibited on any school premises or at any District sponsored activity, regardless of location shall

include but not be limited to buildings, parking lots, facilities, grounds, buses, and other vehicles. This includes instances in which the conduct occurs off the District premises, but impacts a District related activity.

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

1005.4 - Dress and Appearance

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

1005.5 - Refusal to Identify Self

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

1005.6 - Cooperation with School Personnel

Students must obey the lawful instructions of school district personnel.

1005.7 - Off-Campus Events

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

1005.8 - Student Rights And Responsibilities

1. Student Conduct

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

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

Definitions:

- a. **District Officials** – Include, but is not limited to the Superintendent, Directors, school principals, vice-principals, teachers, coaches and designated chaperones.
- b. **District Property** – shall include, but not be limited to buildings, facilities, and grounds on the District campus, school busses, District parking areas, and the location of any District sponsored

activity. This includes instances in which the conduct occurs off the District premises but impacts a District related activity.

Legal Reference: IC 33-506
IC 33-512

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

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

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

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

Other Policies for Federal Requirements

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

Reporting

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

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

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

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

Investigation

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

Confidentiality

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

Discipline for violations of this policy:

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

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

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

Insufficient Evidence

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

False Accusation

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

Retaliation

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

Prevention

The Superintendent or designee shall develop procedures to:

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

DEFINITIONS:

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

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

- b. **Cyber bullying** is an aggressive, intentional act carried out by an individual or group using electronic forms of contact. These include but are not limited to:
- i. **Text message bullying** involves sending unwelcome texts that are threatening or cause discomfort.
 - ii. **Picture/video-clip bullying via mobile phone cameras** is used to make the person being bullied feel threatened or embarrassed, with images usually sent to other people.
 - iii. **Phone call bullying via mobile phone** uses silent calls or abusive messages.
 - iv. **Email bullying** uses email to send bullying or threatening messages.

- v. **Chat room bullying** involves sending menacing or upsetting responses to children or young people when they are in a web-based chat room.
 - vi. **Bullying through instant messaging (IM)** is an Internet-based form of bullying where students are sent messages as they conduct real-time conversations online.
 - vii. **Bullying via websites** includes the use of defamatory blogs (web blogs), personal websites and online personal polling sites.
- c. **Prohibited Behavior** - Students attending district schools are prohibited from engaging in the following behaviors:
- i. Physical abuse against a student, including, but not limited to, hitting, pushing, tripping, kicking, blocking, or restraining another's movement; causing damage to another's clothing or possessions; and another's belongings.
 - ii. Verbal abuse against a student, including, but not limited to, name calling, threatening, taunting, and malicious teasing.
 - iii. Psychological abuse against a student, including, but not limited to, spreading harmful or inappropriate rumors regarding another, drawing inappropriate pictures or writing inappropriate statements regarding another, and intentionally excluding another from groups, or similar activities.
 - iv. Bullying also includes any act of retaliation taken against:
 - Any person bringing a complaint of bullying
 - Any person assisting another person in bringing a complaint of bullying, or
 - Any person participating in an investigation of an act of bullying.
- d. **Hazing** includes but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health, or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any District-sponsored activity or grade level attainment such as but not limited to:
- i. Compelled ingestion of any drink, alcoholic beverage, drug, or controlled substance;
 - ii. Forced exposure to the elements;
 - iii. Requiring total or substantial nudity on the part of the person;
 - iv. Requiring, encouraging, authorizing or permitting another to be subject to wearing or carrying any obscene or physically burdensome article;
 - v. Physical assaults upon the person;
 - vi. Offensive physical contact with the person;
 - vii. Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests;

- viii. Transportation and abandonment of the person;
- ix. Forced prolonged exclusion from social contact;
- x. Confinement to unreasonably small, unventilated, unsanitary or unlighted areas;
- xi. Sleep deprivation;
- xii. Assignment of pranks to be performed;
- xiii. Any forced activity that could adversely affect the mental or physical health or safety of a student; or
- xiv. Any other activities intended to degrade or humiliate.

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

- e. **Harassment** involves any conduct by a student—whether verbal, written, graphic, or physical—relating to another student’s race, national origin, religion, sexual orientation, color, disability, or sex that is sufficiently severe, pervasive, or persistent as to:
 - i. Interfere with or limit the ability of a student to participate in the or benefit from the district’s programs or activities;
 - ii. Create an intimidating, threatening, or abusive educational environment;
 - iii. Substantially or unreasonably interfere with a student’s academic performance; or
 - iv. Otherwise adversely affect a student’s educational opportunities.
 - v. Harassment also includes an act of retaliation:
 - Any person bringing a complaint of harassment;
 - Any person assisting another person in bringing a complaint of harassment;
 - Any person participating in an investigation of an act of harassment.
 - vi. Actions that may constitute harassment may include, but are not limited to:
 - Physical acts (i.e. aggression or assault, battery, damage to property, intimidation, vandalism, implied or overt threats of violence);

- Verbal acts (i.e. demeaning jokes, bullying, taunting, hazing, intimidation, hate speech, slurs, derogatory nicknaming, innuendoes, or other negative remarks);
- Visual acts (i.e. graffiti, slogans or visual displays such as cartoons or posters depicting derogatory sentiments); or
- Criminal acts (acts in violation of Idaho Criminal codes or Idaho Human Rights Commission Code)

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

Adopted: 5/12/2009

Revised: _____

Reviewed: _____

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

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

Handbook reference: Elementary Student Planner
Secondary Student Planner

3. Freedom of Speech and Assembly

- a. Students are entitled to verbally express their personal opinions. Such verbal opinions shall not interfere with the freedom of others to express themselves. The use of obscenities of any kind, inflammatory statements, or personal attacks is prohibited.
- b. All student meetings in school buildings or on school grounds may function only as a part of the formal educational process or as authorized by the principal.

- c. Students have the freedom to assemble peacefully. There is an appropriate time, place and manner for the expression of opinions and beliefs. Demonstrations which interfere with the operation of the school or classroom are inappropriate and prohibited.
- d. Official school publications such as school newspapers and yearbooks are under the jurisdiction of the Board of Trustees as are all other programs. Student editors may not advocate any doctrine, political position, or view that is not in harmony with established Board Policy or practice. Students have the responsibility to refrain from libel and obscenity, and to observe the rules of responsible journalism.

Adopted: _____

Revised: 5/12/2009

Reviewed: _____

1005.9 - Drug Free School Policy

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

The primary focus of this program shall be educational in nature with instruction geared to discourage student experimentation of any mood altering substance. A companion focus of the district's program shall be one that is aimed to assist students who have made unacceptable choices regarding any controlled substance. A necessary part of the latter focus is an attitude among teachers and other staff members that one of our responsibilities is to assist those students who need help in overcoming their potentially addictive behaviors.

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

- a. Parent or guardian contacted
- b. Referral to internal assistance, such as counselors and/or health professionals
- c. Referral to an outside agency for chemical dependency assessment
- d. Suspension from school
- e. Expulsion from school

1005.10 - Referral Policy

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

1005.11 - Procedure

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

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

1005.12 - Elementary Disciplinary Procedure

- 1.0 First Offense for Use or Possession (Grades K-6)
 - 1.1 Parent or guardian will be contacted.
 - 1.2 Student will be suspended for 5 days.
 - 1.2.1 Suspension may be modified if the student participates in and follows the recommendations of an assessment by a certified drug/alcohol agency approved by Idaho Falls School District 91. A release of information to the School District would also be required.
 - 1.3 Law enforcement agency may be contacted.
 - 1.4 If the student does not complete the recommendations of the assessment, then the remainder of the 5-day suspension will go into effect.
- 2.0 Second Offense for Use or Possession (K-6)
 - 2.1 Parent or guardian will be contacted.

- 2.2 School Board petitioned for expulsion of student.
 - 2.1 See 1.2.1
 - 2.3 Law enforcement agency may be contacted.
 - 2.4 Child Protection Services (C.P.S.) may be contacted.
- 3.0 Third Offense for Use or Possession (K-6)
 - 3.1 Parent or guardian will be contacted.
 - 3.2 The student shall be suspended and the School Board petitioned for expulsion of the student.
 - 3.3 Law enforcement agency may be contacted.
 - 3.4 Child Protection Service (C.P.S.) will be contacted.
- 4.0 First Offense for Selling or Delivering (Grades K-6)
 - 4.1 Parent or guardian will be contacted.
 - 4.2 Law enforcement agency will be contacted.
 - 4.3 The student will be suspended and the School Board petitioned for expulsion of the student. 4.3.1 See 1.2.1
 - 4.4 C.P.S. may be contacted.

1005.13 - Secondary Discipline Procedure

- 1.0 First Offense for Use or Possession (Grades 7-12)
 - 1.1 Parent or guardian will be contacted.
 - 1.2 Law enforcement agency may be contacted.
 - 1.3 Student shall be suspended for 5 days.
 - 1.3.1 Suspension may be modified if the student participates in and follows the recommendations of an assessment by a certified drug/alcohol agency approved by Idaho Falls School District 91. A release of information to the School District would also be required.
- 2.0 Second Offense for Use or Possession (Grades 7-12)
 - 2.1 Parent or guardian will be contacted.
 - 2.2 Law enforcement agency may be contacted.
 - 2.3 School Board petitioned for expulsion of student.
 - 2.3.1 See 1.3.1
- 3.0 Third Offense for Use or Possession (Grades 7-12)
 - 3.1 Parent or guardian will be contacted.
 - 3.2 The student shall be suspended and the School Board petitioned for expulsion.
 - 3.3 Law enforcement agency may be contacted.
- 4.0 First Offense for selling and/or delivering alcohol or drugs (Grades 7-12)
 - 4.1 Law enforcement agency will be contacted.
 - 4.2 Parent or guardian will be contacted.
 - 4.3 The student shall be suspended and the School Board petitioned for expulsion.

1005.14 - Interrogation

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

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

1005.15 - Due Process

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

A. Right to Appeal

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

1. Any appeal concerning a disciplinary action shall be scheduled for review within ten (10) school days from the receipt of such appeal. At the time of the hearing, the student, his/her parent or guardian, or his/her attorney shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as deemed reasonable. All hearings regarding disciplinary matters will be closed to the public unless mutually agreed by both parties.
2. Following the hearing, a report of findings will be made within ten (10) school days.
3. If necessary, a hearing may be rescheduled to hear arguments on the case. Such rescheduling is intended to accommodate schedule conflicts of legal counsel, parents and/or guardians, trustees, or school officials. In such an occurrence, the hearing shall be rescheduled within ten (10) school days or as mutually agreed by all parties.
4. The student being disciplined has the right to appeal any decision of a hearing to its next highest authority up to and including the Board of Trustees. During the appeal process, disciplinary action shall be suspended.
5. Any record of disciplinary proceedings of an exonerated student will be deleted from his/her school record.

1005.16 - Procedural Rules and Regulations

A. Examples of Disciplinary Action

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

LEVEL I

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

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

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

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

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

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

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

Take away free time or recess.

LEVEL II

B. Suspension

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

In-school Suspension:

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

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

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

Out-of-school Suspension:

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

Legal Reference: Idaho Code, Section 33-205.

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

Saturday School

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

LEVEL III

C. District Discipline Review Committee (DDRC):

Committees composed of school personnel and patrons established for the purpose of conducting hearings of student misconduct cases referred by the school principal or designee and make referrals to the administrative staff. The DDRC will include at least one patron and one teacher who has not previously been involved in the case. A DDRC will be organized by the superintendent or designee who will serve as chairperson/facilitator. The DDRC is available if and when the building administrator determines it is an essential step. Administrative Procedure 1005.16 <http://vd-p.d91.k12.id.us/AdminPrd/>

Continuation School (Recommendation Only)

Transfer to Another School Within the District

Other Plan for Alternative Education

LEVEL IV

E. Expulsion

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

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

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

Suspension of Special Education Students

1. Special education students may not be suspended unless the continued presence of the exceptional student in school poses a danger to himself/herself, other persons, or property, or unless there is a serious disruption of the educational process. Examples of such situations are: physical assault, or threatened assault on a teacher or another student; action taking place on school property of a criminal nature; or continuous disruptive conduct which the school has attempted and failed to control through documented changes in the child's educational program/placement.

2. The special education student may be suspended so long as:
 - a. Written notice is given to the parent or guardian and administrator(s) of the exceptional student describing the grounds for the suspension and a brief statement of the facts.
 - b. A Child Study Team meeting (due process hearing) is called to meet within five (5) school days, to review the student's Individual Education Program and to establish a satisfactory plan for readmission or alternative education.

Expulsion of Special Education Students

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

Adoption: September 28, 1999

1005.17 - Education And Discipline - Student Conduct

A. Sexual Harassment

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

policy. Any employee or supervisor who is made aware of an alleged incident of sexual harassment will take action to bring the matter to the attention of the most appropriate administrative authority.

2. Definitions: According to the Equal Employment Opportunity Commission, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including unwanted touching, verbal comments, sexual name calling, gestures, jokes, profanity, and spreading of sexual rumors. Sexual harassment is further forbidden when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's grades, (2) submission to or rejection of such conduct by an individual is used as the basis for grades affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive learning environment. Conduct of this nature is unacceptable on school grounds, during regular or special school sessions, or at any school activity, function or event, and during transportation in a district vehicle to and from school and school-sponsored events.
 - a. Examples of conduct which may constitute sexual harassment include:
 - sexual advances
 - touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts
 - coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another
 - graffiti of a sexual nature
 - sexual gestures
 - sexual or dirty jokes
 - touching oneself sexually or talking about one's sexual activity in front of others
 - spreading rumors about or rating other students as to sexual activity or performance
 - unwelcome, sexually motivated or inappropriate patting, pinching or physical contact. This prohibition does not preclude legitimate, non sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct such as teacher's consoling hug of a young student, or one student's demonstration of a sports move requiring contact with another student.
 - other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment.
3. Prevention: Because prevention is the best tool for the elimination of sexual harassment, this policy will be disseminated to all employees of School District #91. Principals and supervisors are expected to take appropriate steps to make all students aware of the contents of this policy.

4. Individuals Covered Under The Policy: This policy covers all employees and students of the district. The Board of Trustees will not tolerate, condone or allow sexual harassment of its students, whether engaged in by fellow students, teachers, administrators, or any other employees of the district. The Board of Trustees encourages the reporting of all incidences of sexual harassment, regardless of who the offender may be.
5. Confidentiality: In order to protect all persons involved, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion towards, the accused as well as the complainant. Only those persons responsible for investigating and enforcing this policy will have access to confidential communications. In addition, all persons involved are prohibited from discussing the matter with anyone not directly involved in resolving the matter.

The complainant should understand, however, that the person receiving the complaint may have a responsibility to report the incident either to a superior or to other authorities including a law enforcement agency or the Idaho State Department of Health and Welfare.

6. Reporting a Complaint: The Board of Trustees encourages students who believe they are being harassed to firmly and promptly notify the offender that the behavior is unwelcome. However, the Board recognizes that such a direct communication may not always be feasible. Therefore, students who believe they are being sexually harassed may file a verbal or written complaint with any teacher, administrator or counselor. (If the complaint involves the building principal, the complainant should report the complaint to the superintendent or any other district level administrator.)
 - a. In the case of a verbal report, any district employee receiving the complaint should immediately complete a harassment complaint form and obtain the complainant's signature.
 - b. The person receiving the complaint should immediately inform the principal who will initiate an investigation.
 - c. Any student or employee who becomes aware that a student is being subjected to harassment should report the incident to a counselor or administrator.
7. No retaliation will be taken by this district or by any of its employees or students against a student who reports harassment in good faith. Any person found to have retaliated against another individual for reporting an incident of harassment may be subject to the same disciplinary action provided for harassment offenders. Those persons who assist or participate in an investigation of harassment are also protected from retaliation under this policy.
8. Investigation: The principal or a designee shall take immediate steps to: (1) protect the grievant from further harassment; (2) discuss the matter with and obtain a statement from the accused; (3) obtain statements of witnesses; (4) prepare a report of the investigation.

9. Resolution: Based upon this report school officials shall take immediate and appropriate action.
- (1) If a foundation for the allegation(s) exists, disciplinary action against the offending student will follow. The disciplinary action will be commensurate with the scope and the severity of the offense and may include: verbal and/or written warnings and reprimands; transfer of assignments; suspension, or recommendation for expulsion;
 - (2) If there appears to be no foundation to the allegations then no record shall be retained of the allegations.
 - (3) Bad faith allegations or the use of this policy for unintended purposes may result in disciplinary action as noted above against the accuser.

1005.18 - Harassment Complaint Form

Name of Complainant: _____

Position of Complainant: _____

Date of Complaint: _____

Name of alleged harasser: _____

Date and Place of
Incident or Incidents: _____

Description of Misconduct: _____

List any witnesses that were present: _____

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

Any other information: _____

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

Signature: _____

Date: _____

Received by: _____

Date: _____

1005.19 - Witness Disclosure Form

Name of Witness: _____

Position of Witness: _____

Date of Testimony/
Interview: _____

Description of
Instance Witnessed: _____

Any other Information: _____

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

Signature: _____

Date: _____

Received by: _____

Date: _____

1005.20 - Education and Discipline

A. Board Search and Seizure Philosophy

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

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

SECTION 1006 - ZERO TOLERANCE FOR WEAPONS, EXPLOSIVES

1006.1 - Statement of Policy for Possession

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

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

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

1006.2 - Statement of Policy for Threats or Use

It is the policy of the Board of Trustees of School District 91 that any student in possession of a dangerous weapon as defined in I. C. § 18-3302D (either on their person, in their purse, handbag, or backpack, or in their locker) will be immediately suspended from school.

The term “dangerous weapon,” as stated in 18 U. S. C. section 930, means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length. If the suspension lasts more than two days, the principal shall hold a due process hearing to determine if the student's action merits a recommendation to the Board for expulsion.

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

Legal References: *I. C. §18-3302D Possessing weapons or firearms on school property*
U. S. C. 18 § 930, (g), (2) Possession of firearms and dangerous weapons in
Federal facilities

Adopted: _____ Revised: 01/11/2011 Reviewed: _____

1006.3 - Requirement for Parent/Student Signoff

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

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

1006.4 - Prohibition against Enrolling from Other School District

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

SECTION 1007 - STUDENT WELFARE

1007.1 - Health Services

1. Pupil Illness and Injury

School personnel shall give only emergency care to students who become ill or are injured on school property, on buses, or in areas adjacent to the school premises. Any further treatment shall be the responsibility of the parent. Parents shall be notified in case of illness, or injury to a pupil. In case the parent cannot be reached, the family physician listed on the pupil's enrollment card shall be notified.

2. "Battering" of a Student

In the event a child shows evidence of being "battered" or excessively abused, the proper authorities shall be notified within 24 hours according to state law.

1007.2 - Medication to Students

The purpose of administering medications in school is to help each child maintain an optimal state of health that may enhance his/her educational plan. The medications shall be those required during school hours that allow the student to fully participate in the educational setting. All needed medication and supplies will be provided by the student, parent, or guardian. The parent and family physician are encouraged to work out a schedule of giving medication outside school hours. Self administration by responsible students is allowed under certain conditions. This decision will be determined by the school nurse or designee. These recommendations apply to all prescribed and over-the-counter medications. This policy is intended to provide safe uniform administration of medication at school as well as to provide for the safety of other students.

A. Guidelines:

1. Authorization of Medication

A Request for Medication at School form must be completed and signed by the parent or guardian and physician. The physician's order must be renewed annually. Dosage changes require a new physician's order.

2. Medication Labeling, Storage, and Disposal

All medication must be received at school in its original prescription container. Medications should be brought to school by the parent or responsible adult especially for elementary school students. If this is not possible, the parent or guardian must inform the school nurse, principal, or designee by telephone that the student is bringing the medication to school and how much medication is in the container. The amount of medication received will be verified and documented by the school nurse, principal or designee.

Medications administered by school personnel will be kept in a locked storage compartment. Access to medication will be under the authority of the school nurse, principal or designee.

At the end of the school year, parents and guardians will be notified and asked to pick up unused medication. All unused medications left at school will be destroyed by the school nurse and witnessed by another school employee.

3. Administration of Medication

All personnel designated to administer medications will be required to complete an inservice on techniques for the safe administration and monitoring of medications. The inservice will be provided by the school nurse.

The parent, guardian, or physician's office must give the first dose of any new medication.

A record will be maintained on every student receiving medication. The record should include the student's name, date, time of administration, dosage, mode of administration and signature of person witnessing or administering the medication.

Students on prescribed medications may be allowed to take their own medications with written permission from their parent or guardian. The written permission must be submitted to the school nurse. Competency of a student to self administer medication will be established. The student will be asked to bring only the prescribed dosage each day. Students who self administer asthma medication in the form of inhalers must provide the original prescription container. Students with asthma and severe allergies must have immediate access to their medication.

In case of a respiratory emergency; i.e., bee sting or severe asthma attack, epinephrine, by injection, may be administered by the school nurse.

In case of a diabetic emergency; i.e., severe insulin reaction (low blood sugar), the school nurse or designee may administer glucose.

Aspirin and acetaminophen may be given to a secondary student upon his/her request, with a physician's standing order and parental permission. The physician's order and parental permission must be renewed annually.

1007.3 - Crisis Management Policy – Adopted: June 1997

The Board of Trustees recognizes schools need to be prepared to handle a crisis involving a student, a staff member, a school or the whole district. While the school district's main function is to educate, the safety of staff and student body is of paramount concern. When a crisis occurs, the Board directs each school to follow the procedures outlined in the Crisis Management Handbook, including the following:

1. Insure the safety and protection of the student(s)/staff.
2. Activate a crisis plan/crisis team.

3. Notify the superintendent and police, as appropriate.
4. Notify staff, students, and parents, as appropriate.
5. Provide immediate emotional support for student(s) and staff in a designated area.
6. Provide short term support for students or staff members needing further assistance for a period of time after the crisis.

The Board of Trustees further recognizes that trauma in the life of a staff member or student can create feelings which can impact the ability to teach or learn. A person (or persons) suffering from trauma, stress, abuse or depression cannot benefit fully from, or provide services to, the educational program and that person may pose a threat to him/herself or others. All involved school personnel should be alert to the individual who exhibits signs of unusual depression or who threatens violence to self or others. Staff members should know how to contact the proper authorities or know how to refer to district personnel who can link individuals and their families to treatment programs in the community.

In order to help prevent suicide and other severe acts of violence, the Board directs that a Crisis Awareness Program be initiated in every school to include the following:

1. Implement the district-wide crisis plan.
2. Provide in-service education to increase staff awareness of the seriousness of trauma, crisis and their impact. This inservice will include warning signs, procedures for dealing with crisis, and how to help lessen impact on students/staff.
3. Establish procedures to help ease the impact of a crisis on the students, staff and the community.
4. Inform parents of the crisis procedures and how parents can assist.

1007.4 - Communicable Diseases

A. Statement of Policy

It is the intent of the Board of Trustees of Idaho Falls School District #91 to attempt to protect students and employees from exposure to diseases while they are attending school or actively working for the school district. Staff members are encouraged to wear protective gloves when handling any bodily fluids in the performance of their duties. Students who have, or are suspected of having, a communicable disease shall be dealt with according to the rules listed below.

B. Definition of Communicable Diseases

For purposes of this policy, the definition of "communicable diseases" shall be the one established by the Idaho State Department of Health (SDH), and shall include, but not be limited to, those contagious diseases reportable to SDH.

C. Suspicion of Disease

If a school district employee has reason to believe a student or another school district employee has a communicable disease as defined in the section above he/she shall immediately report this information to his/her immediate supervisor or

to the Superintendent of Schools. If the supervisor who receives such a report believes that this information is accurate, he/she shall report to the school nurse who shall then notify the SDH and the Superintendent of Schools if not previously notified.

D. Appointment of Health Review Team (HRT)

The Superintendent of Schools shall appoint a Health Review Team (HRT) for the purpose of reviewing the cases of students having, or suspected of having, a communicable disease. The HRT shall consist of an administrator, the school nurse, a local physician, and other members as the Superintendent of Schools deems necessary. The affected student shall be allowed to remain in the classroom until the HRT verifies whether the student has a disease. The Superintendent of Schools is authorized to arrange safe placement of the affected student during the investigation.

E. Confidentiality Requirements

Steps will be taken to protect the confidentiality of any student with a communicable disease. Therefore, the knowledge that any student has a communicable disease will be confined to those persons who have a direct need to know as determined by the Superintendent of Schools. Those persons will be provided with appropriate information and made aware of the requirements of confidentiality.

F. Recommendation of Health Review Team

The HRT shall consult with the affected student physician regarding any suspected case of communicable diseases. The HRT shall conclude, within 72 hours after first being informed, its fact finding and report a recommendation to the Superintendent of Schools. After receipt of the above information and recommendations, the Superintendent of Schools shall determine the placement of the affected student. In the case of a student where exclusion from the regular school setting is in the best interests of all, alternative special programming shall be provided by the school.

G. Possibility of Exclusion Guidelines

In the case of a student who has a human retrovirus variously labeled Human Immunodeficiency Virus (HIV), and when certain health conditions in the school environment (e.g. measles or chicken pox) which could threaten their health, the physician of the student will be notified by the school nurse. Exclusion from the classroom or the work place will be at the discretion of the affected student's physician.

H. Education Regarding Communicable Diseases

The Idaho Falls School District shall take steps as determined by the Superintendent of Schools to educate parents, students, and school employees regarding communicable diseases and their transmission. Such education would serve to minimize the risk of transmission to others, and to assist efforts to provide the best educational setting for infected students and a safe work environment for infected employees.

1007.5 - Health Consultative Services

1. Screening, care, counseling, and referral services include:
 - a. Growth and development, K-6, other students on an individual basis;
 - b. Vision, K-6 (grades 3, 6 in cooperation with Lions Club) and on individual basis K-12;
 - c. Scoliosis on individual basis;
 - d. Blood pressure checks as requested;
 - e. Dental, inspection only, major problems referred;
 - f. Rash (es) of undetermined origin (pediculosis, scabies, ringworm, etc.);
 - g. Other medical problems.
2. Assists with Special Education Student Evaluation/Placement K-12 as requested by student evaluation teams.
3. Determination of Immunization Status as follows:
According to state law, a statement certifying the student's immunization status must be in the possession of school authorities at the time of enrollment.
4. New Student Health Appraisals:
Health appraisals for new students who have no prior record of a medical examination may be conducted by the health services staff.
5. Homebound Instruction:
Homebound instruction will be provided for students with extended absences due to medical reasons. District guidelines have been established to govern such services. Arrangements can be made by contacting the health services staff.
6. Health Education:
Instruction regarding health related subjects may be provided in the classroom, in small groups, and on an individual basis when requested by a teacher, principal, or parent.

Adopted: 5/9/2006

1007.6 - Service Animals in Schools

The district acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 C.F.R. Part 35, subject to the following:

1. All requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to the superintendent and must contain required documentation of vaccinations. This written request must be delivered to the superintendent's office at least ten (10) business days prior to bringing the service animal to school or a school function.

2. Owners of a service dog must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordatella and Rabies.
3. Owners of service miniature horses must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephalomyelitis, Rhinocumonitis, Influenza and Strangles.
4. All service dogs must be spayed or neutered.
5. All service dogs must be treated for, and kept free of fleas and ticks.
6. All service animals must be kept clean and groomed to avoid shedding and dander.
7. Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors and/or property.
8. The animal must be a dog, or in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted in schools as a “service animal.”
9. The animal must be “required “for the individual with a disability.
10. The animal must be “individually trained” to do work or a task for the individual with a disability.
11. Special Provisions/Miniature Horses: Requests to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classrooms, or a school functions will be handled on a case-by-case basis, considering:
 - a. The type, size, and weight of the miniature, and whether the facility can accommodate these features.
 - b. Whether the handler has sufficient control of the miniature horse.
 - c. Whether the miniature horse is housebroken.
 - d. Whether the miniature horse’s presence in a specific facility compromises the legitimate safety requirements that are necessary for safe operation.
12. Removal of a Service Animal: A school administrator may ask an individual with a disability or his parents to remove a service animal from a school building, a classroom, or from a school function if any one of the following circumstances occurs:
 - a. The animal is out of control and the animal’s handler does not take effective action to control it.

- b. The animal is not housebroken.
 - c. The animal's presence would "fundamentally alter" the nature of the service, program or activity.
 - d. The animal presents a direct threat to students, staff, or other individuals.
13. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash or other tether would interfere with the service animal's safe, effective performance of work, or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, hand signal, or other effective means).
14. The school system is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself.
- a. The district is not responsible for providing a staff member to walk the service animal or provide any other care or assistance to the animal.
 - b. Students with service animals are expected to care and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his service animal, the parent is responsible for providing care and supervision of the animal.
 - c. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the building administrator.

LEGAL REFERENCE:
ADA Regulations, 28 C.F.R. Part 35 (as amended, 2010)

POLICY HISTORY:

Adopted: 02/07/2012

Revised: _____

Reviewed: _____

1008.0 - STUDENT SAFETY

The safety of every student is a matter of serious concern to the Board of Trustees, the administration, and teachers. It is the policy of the Board to set up regulations to provide the best safety measures for each and every student.

1008.1 - Emergency Drills

The Superintendent or designee must provide for and carry out emergency response drills at each Idaho Falls School District 91 facility.

GUIDELINES:

Each school shall conduct:

- Evacuation drills at least once each month
- Lockdown drills at least once per semester
- Hall check at the beginning of each semester

The Superintendent or designee shall periodically provide the Board with a report on emergency drills.

- The results of these drills shall be recorded and assessed for possible improvement.
- Schools shall conduct fire drills at least once a month and shall include blocked exits on a regular basis.
- Evacuation drills will also be conducted and may include blocked exits.

DEFINITIONS:

Fire Drills: a monthly evacuation plan utilizing the District's fire alarm system under the Governance of IFC 405.2.

Evacuation Drills: the notification option for evacuation include fire alarm, public address system, bullhorn, and/or designated adult runners.

Lockdown Drills: a procedure for denying access to the site or parts of the site in the event of a dangerous situation.

Hall Check: a procedure for rapidly locating suspicious objects or persons within site.

Adopted: 6/9/2009 Revised: _____ Reviewed: _____

Local References:

IFC 405.2

Legal References:

*IC 33-506(1) Organization and government of Board of Trustees
IC 33-512(4) Governance of schools*

1008.2 - Automobiles

When students drive a car to school, the student is subject to the regulations and policies prescribed by the principal. When a student fails to comply, appropriate action may be taken by the principal, up to and including loss of parking privileges in school-owned or school-designated parking areas.

1009.0 - TRANSPORTATION

Transportation to and from school shall be furnished without charge by the School District to pupils who live more than 1 1/2 miles from the school to which they have been assigned. Determination of the distance shall be made by the Department of Transportation and shall be measured according to the shortest possible walking route which a child may take to reach the school.

In addition, transportation will be provided for student activities that are approved by the District Administration. A transportation cost may be charged for activity travel that is not part of the reimbursement schedule established by the State Department of Education. A transportation fee schedule will be established and approved by the Board of Trustees.

1009.1 - Student Conduct and Discipline on School Buses

The bus driver is in charge of the operation of a bus at all times. No student activity may take place that interferes with the operation of the bus or the safety of the students or violates any other part of the District's discipline policy or behavior code.

Students who, in the judgment of the bus driver, violate the rules of good and safe conduct in the bus shall be reported to their school principal on the appropriate form. The principal will determine the proper discipline of the students. The principal, in cooperation with the Supervisor of Transportation, will decide when a student may return to riding a bus once he/she has lost the privilege.

1009.2 - Student Responsibilities

While using school district transportation, students are expected to observe the following standards of etiquette and behavior:

1. Be on time for the bus.
2. Wait in an orderly line and avoid "horseplay".
3. Enter or leave the bus through the entry door.
4. Go directly to an available or assigned seat, when entering the bus.
5. Be seated and remain seated until the bus stops for pupils to unload.
6. Have a strong sense of responsibility for the safety of self and others.
7. Keep all parts of the body inside the bus except when unloading.
8. Follow the driver's suggestions promptly.
9. Treat others and equipment with respect.
10. Refrain from the use of profane language on the bus.
11. The use of tobacco, alcohol, or drugs and controlled substances is prohibited.
12. Refrain from carrying hazardous materials, objects, and animals on the bus.
13. Refrain from leaving or boarding the bus at locations other than the assigned home stop or assigned school.
14. If necessary to cross the road:
 - a. Cross in front of the bus.
 - b. Wait at front of bus for signal from driver before proceeding into traffic lane.
15. Refrain from eating or drinking of foodstuffs while on the bus.

1009.3 - Disciplinary Procedures

When a student's behavior on a bus is such that disciplinary measures are in order, a citation form will be completed by the driver and given to the Supervisor of Transportation who will, in turn, give it to the student's principal for appropriate disciplinary action.

Where the disciplinary infraction is severe enough, a student may be suspended from riding a bus. The disciplinary action will be communicated by the principal to the student, the student's parents, and the Supervisor of Transportation.

A student may be suspended from riding on a bus by the bus driver if he/or she fails to identify himself/herself when requested to do so.

1010.0 - SCHOOL CLUBS - MEMBERSHIP IN/ADVISORS/FUNDING

1010.1 - Approval

The existence and operation of all school clubs shall be subject to the approval of the school administration and subject to such rules and regulations as the District shall require.

1010.2 - Election

The club officers shall be elected according to proper election procedures including nominations, balloting, counting, and verifications.

1010.3 - Membership

No school club shall be allowed to choose its new members merely by the decision of its present members. No student shall be denied membership in any school club if he or she can meet the rules and regulations for membership set up by the school.

1010.4 - Advisors

Advisors shall be present at all meetings or functions of any club or arrange for other faculty members to take their place. If the group takes a trip, the advisor shall act as one of the chaperons. If the group is a mixed group, both a male and female chaperon must accompany the group.

1010.5 - Funds

The advisor will keep a close check on the club funds to assure that good business practices prevail. Requisition slips for all purchases shall be signed by the advisor, and all bills must be paid prior to the end of the school year. Club books shall be kept in accordance with approved District #91 accounting practices and will be available at all times for examination by the District auditor.

1010.6 - Participation

Extracurricular activities are a part of the total educational program offered to students. Therefore, exclusion should be based on reasonable rules. Marriage is not a situation which adversely affects the discipline or usefulness of the activities program of the school and cannot be used to bar the student from extracurricular activities.

1010.7 - Student Government

Under the building principal's supervision, all students are encouraged to participate in the student government of the school. Through this participation, students are able to become involved and can substantially contribute to the educational program of the district.

1010.8 - Student Publications

Official school publications such as school newspapers should reflect good taste and the responsible judgment of the student editors. Students have the responsibility to refrain from libel and obscenity and to observe the normal rules for responsible journalism and editing. Within these bounds students have a responsibility, as do editors of other newspapers, to report the news and to editorialize within established district guidelines. Any newspaper printed by a journalism class for school credit must have faculty

supervision. No unauthorized newspapers may be published or distributed on school district property.

1010.9 - Forms of Initiation

1. Initiations and Hazing

Only formal induction ceremonies for a club, class, activity, or the student body will be allowed, and then only under the planning and supervision of the sponsor and the principal. No ceremonies in which the action may be hazardous or belittling to the student will be allowed.

- a. All induction activities for any organization are to be ceremonial in nature. The word ceremonial is intended to mean activities similar to the Honor Society induction and is contrasted with initiations that have required acts or activities that are belittling or demeaning to a group or an individual. All initiation-type activities are prohibited.
- b. No membership in a club or an organization is to be contingent upon participation in an initiation ceremony. Membership must be allowed to any individual who meets the performance criteria for the organization.
- c. No hazing of one student by another is to be sanctioned. This is intended specifically to eliminate the initiations that occur in the fall with the 7th grader entering a junior high or sophomores or new students entering a high school. Students that cause or participate in hazing will be subject to suspension or expulsion.

1011.0 - STUDENT ACTIVITIES

It is the policy of the Board of Trustees of the Idaho Falls School District No. 91 to encourage an effective, efficient program of activities.

All prior absences must be considered in light of the 90% attendance requirement before granting a student permission to participate in travel activities.

1011.1 - Senior High Athletics

The provisions of the Idaho High School Activities Association and School Conference apply to all senior high school athletics. Procedures and regulations will be developed in cooperation with the Coordinator of Physical Education and Athletics, principals, and coaches in line with Board Policy and State and conference provisions.

1011.2 – Middle School Athletics

When applicable, the provisions of the Idaho High School Activities Association and the Middle School Conference will govern middle school athletics. Procedures, regulations, and other policies will be set forth in cooperation with the building principals and the Coordinator Physical Education and Athletics.

1011.3 - Social Events

Social activities are an important part of any student's life and of the school. This type of activity often reflects the educational quality of a school and can be easily observed. It is the desire of the Board to sanction such activities insofar as they fall in line with overall school policy. Such events are the responsibility of the school principal.

1011.4 - Student Trips (Secondary Schools)

All school sponsored trips must have the recommendation of the building principal and be approved by the Director of Education prior to the trip.

Specific details and plans relative to departure, destination, overnight lodging, food services, purpose of trip, number of students involved, chaperons, (male and female must accompany mixed groups), and return time must accompany all requests.

Parents and/or legal guardians of those students going on the trip will be notified of the trip schedule and will sign consent slips for their students.

Student travel that is administered within the school is limited to a radius of 300 miles and must be limited as follows:

1. It is expected that, in general, students will not miss school for activities such as contests, conferences, trips, etc. However, in instances where only one activity is available for statewide or regional interaction of students, limited school time may be used. This loss of school time will, however, be charged against the

student's days of allowable absence. The current status of each student's attendance should be considered before approval to miss school is given.

2. Debate is limited to competition in regional conference and state meets. It is recognized that present scheduling procedures dictate that the use of some school time is necessary to provide a competitive program. However, absences must be kept to an absolute minimum, and the schedule must be cleared yearly with the Director of Education before any commitments are made.
3. The Honor Society is allowed one activity a year at participant expense. Activities that extend overnight are not acceptable. School time must not be used.
4. Cheerleaders' activities will be managed and controlled by the administration of each secondary school. School time will not be used except when necessary for state competition.
5. Drill teams are allowed a maximum of one contest per year that requires overnight travel or travel outside the East Idaho area and loss of school time. Additional participation in local contests and events may also be allowed when approved by the building administrator.
6. Travel for vocational students will be considered only when travel is related to class activities and requested in advance.

Vocational students who hold a state office or who win state competition may apply to attend National competition. Expenses for such approved travel are the responsibility of the student or the organization.

7. Other school organizations may apply to the school administration for permission to participate in sponsored or scheduled activities. Organizations such as Key Club, Student Government, music and journalism are covered by this section.
8. High school student travel is limited to two consecutive school days, and junior high travel is limited to one school day.
9. Requests for participant sponsored travel are to be submitted to the building administrator and to the district administrator for approval. Such requests are to be submitted prior to any fund raising or in-depth planning

Travel beyond the 300 mile radius for IHSAA sponsored events for which participation was earned in local or regional competition may be approved by the District Administration. Participation in similar state level competitions sponsored by other state organizations/agencies will be considered but must have the approval of the Board of Trustees. Any travel outside the State during the school year that goes beyond the 300 mile limit must also be approved by the Board.

School sanctioned travel to attend national or regional competitions may be approved by the principal for selected high school students. The student(s) allowed such travel would be winners of a state competition with further competition at the regional or national level, or a student officer or representative attending a convention or clinic. Expenses for such approved travel are the responsibility of the student or the organization.

1011.5 - Elementary Honor Programs

Elementary honor society is allowed one activity per semester at participant expense. Travel for activities should be confined to Bonneville County.

1011.6 - School Read-In, Read-a-Thon, Math-a-Thon, etc.

These special events must have the recommendation and approval of the Director of Education: Specific details and plans must be submitted to the administration relative to location, number of students involved, chaperons, and hourly plans, including transportation of students. No read-in will be permitted to continue after 10:00 P.M. No read-a-thon, math-a-thon, etc., may include student door-to-door solicitation of funds.

1011.7 - Elementary Activities

District-wide activities, i.e. jump rope contests, library tours, arts assemblies, etc., are under the jurisdiction of the Director of Education.

School activities beyond those scheduled on a district-wide basis must have the approval of the appropriate administrator.

1012.0 – ATHLETICS

The underlying purpose of the Idaho Falls School District #91 interscholastic athletic program is development of the student athlete in a competitive culture. This development will occur by:

1. Encouraging student athletes and providing sufficient opportunity for students to develop individual ability.
2. Encouraging team spirit among all members of the team and their coaches.
3. Facilitating the attributes of pride, sportsmanship, and ethical behavior in students, participants, and spectators.
4. Maintaining a good relationship between athletic teams and student body, faculty, administration, and community.
5. Teaching fundamentals and techniques of each sport in a progressive sequence through development of 7-12 programs through a coordinated effort between Administrators, Activities Director, and Program Director.

1012.1- Objectives:

1. Provide activities to meet the needs of a variety of student interests and abilities.
2. Foster a culture committed to excellence and reaching the highest possible level of achievement.
3. Provide a value based program focused on good character.
4. Promote understanding of the value of activities in the educational process.
5. Promote and represent a positive image of school activities.
6. Provide opportunities for the student athlete(s) to seek and achieve academic, athletic, and personal potential.
7. Provide and encourage professional development of coaches through School District calendar events/activities.

1012. 2 - Coaching

The coaches' attitude toward athletes should be positive and respectful. An athlete should never be dealt with in a way that may be humiliating and especially not in the presence of the public. Coaches should refrain from using language which humiliates, degrades, and/or intimidates students. Swearing, profanity, or obscenities are not acceptable.

1012. 3 - Athletic Eligibility

1. Athletic eligibility shall be in accordance with the Rules and Regulations of the Idaho High School Athletic Association, incorporated by reference.
2. Non-resident students, defined as those students whose parents' legal residence is outside the District #91 boundaries as prescribed by State statutes, shall pay the non-resident participation fee.

1012.4 - Athletic Advisory Committee

It is the desire of the Board to establish a standing committee to examine policy needs in depth and make recommendations to the Board. The Athletic Advisory Committee will also review administrative procedures and provide recommendations to the Athletic

Director and district administration. Committee membership shall be established by the Athletic Director, in consultation with building principals, approved by the Board, and should establish balanced representation of parents, coaches, and administrators. The Athletic Director shall serve as vice chair of the committee and shall report on behalf of the Athletic Advisory Committee to the Board quarterly.

Adopted: _____

Revised: 10/08/2013
08/13/2013

Reviewed: _____

1013.0 - GENERAL

1013.1 - Gifts to Staff Members

Pupils, parents, and other patrons of the District shall be discouraged from the routine presentation of gifts to District employees.

When a pupil feels a spontaneous desire to present a gift to a staff member, the gift shall not be elaborate or unduly expensive.

1013.2 - Solicitations of Students

The schools shall strive to safeguard the students and their parents from money raising plans of outside organizations, commercial enterprises, and individuals.

This policy applies particularly to ticket sales and sales of articles or services except those directly sponsored or approved by the school authorities.

1013.3 - Sales, Promotions, Surveys

The public school setting is not to be used to contact staff members or students for sales or other commercial purposes not directly related to the operations or activities of the District or the school.

Students are not to be used to carry home announcements related to activities of a commercial nature.

The involvement of students in surveys and fund raising activities for charitable organizations must have approval in advance from the Superintendent's office.

Fund raising activities should be confined to the attendance area of the building in charge of the activity.

1013.4 School Policy

Administrators of each individual school may extend this policy by developing and writing additional rules and regulations for the orderly management of students. School rules and regulations should be cooperatively developed with staff, students and parents and should reflect the rights and responsibilities of those they are intended to serve.

ANY SECTION OF THIS DOCUMENT, OR PORTION THEREOF, FOUND BY ADJUDICATION TO BE CONTRARY TO LAW OR CONSTITUTIONAL RIGHT SHALL BE STRICKEN WITHOUT EFFECT TO THE REMAINDER.

END OF SECTION 1000