

**LEGACY PUBLIC CHARTER SCHOOL**  
**3000 SERIES—STUDENTS**

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## **Legacy Charter School**

### **STUDENTS**

**3000**

#### Entrance, Placement, and Transfer

##### Entrance, Date, and Age

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

##### Initial Enrollment

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

If a birth certificate is not provided upon enrollment of a student for the first time in elementary or secondary school, the Charter School shall notify the person enrolling the student in writing that he must provide within 30 days either a certified copy of the student's birth certificate or other reliable proof of the student's identity and birth date, which proof shall be accompanied by an affidavit explaining the inability to produce a copy of the birth certificate. Other reliable proof of the student's identity and birth date may include a passport, visa or other governmental documentation of the child's identity. If the person enrolling a student fails to provide the information within the requested within thirty days, the Charter School shall immediately notify the local law enforcement agency of such failure and again notify the person enrolling the student, in writing, that he or she has an additional ten days to comply. If any documentation or affidavit received pursuant to this section appears inaccurate or suspicious in form or content, the Charter School shall immediate report the same to the local law enforcement agency. Local law enforcement will investigate these reports. Failure of a parent, person in custody of a child, or a person enrolling a student to comply with the documentation requirements of this section after a lawful request shall constitute a misdemeanor.

##### Placement

The goal of the Charter School shall be to place students at levels and in settings that will enhance the probability of student success. Developmental testing, together with other relevant criteria, including, but not limited to, health, maturity, emotional stability, and developmental disabilities, may be considered in the placement of all students.

The decision with regard to grade level placement, retention or advancement of a student will be made by the Administration (both the sending and receiving administration, if applicable), after a

thorough review with the parent/legal guardian, teacher(s), counselor(s), or other school official, where applicable. In the situation of a student receiving special services, the IEP will address appropriate placement with the school's administration. While the teacher(s) recommendation and parent desires will be weighed heavily, ultimately, the decision needs to be based upon the best long-term educational interests of the child. Final disposition of all such placement decisions will rest with the Administration. Should the parent/legal guardian be in objection to such placement determination, the parent/legal guardian may appeal such determination to the Board. The Board, during an closed or executives session of a meeting will hear from both the administration and the parent/legal guardian and make the ultimate final placement decision.

### Transfer

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

**Elementary Grades (K-8):** Any student transferring into the Charter School will be admitted and placed on a probationary basis for a period of two weeks.

Should any doubt exist with teacher and/or principal as to grade and level placement of the student, the student shall be subject to an educational assessment to determine appropriate grade and level placement.

During the two week probationary period, the student will be subject to observation by the teacher and Principal.

### Transfer from Persistently Dangerous Schools

If the Charter School is found to be persistently dangerous in accordance with federal law, students attending the school shall be permitted to transfer to another traditional or charter school which is not persistently dangerous and which is meeting annual yearly progress requirements. The transfer may be either permanent or temporary and lasting until the school of origin is no longer designated as persistently dangerous. Parents or guardians of students shall be notified that the school has been designated as persistently dangerous within ten days of being so designated. Within 20 days of receiving such notification, students may be transferred to another school.

Any student who is the victim of a violent criminal offense on school grounds shall be permitted to transfer to another school.

Cross Reference: 3060                      Education of Homeless Children  
                          4160                      Parents Right-to-Know Notices

Legal Reference: Art. IX, § 9, Idaho Constitution- Compulsory Attendance at School

I.C. § 18-4511	School Duties—Records of Missing Child—Identification Upon Enrollment—Transfer of Student Records
I.C. § 33-201	School Age
I.C. § 33-209	Transfer of School Records
I.C. § 39-4801	Immunization Required
I.C. § 39-4802	Exemptions
20 USC § 6313	Eligible School Attendance Areas
42 USC § 11432	Education of Homeless Children and Youths

Policy History:

Adopted on: April 19, 2012

Revised on: September 21, 2017

Revised on: November 16, 2017

## **Legacy Charter School**

### **STUDENTS**

**3020**

#### Enrollment and Attendance Records

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

#### Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3020P

#### Enrollment and Attendance Records

##### Average Daily Attendance

A day of attendance is one in which a pupil is physically present for a full day (at least four (4) hours for grades 1 through 12 (1-12) and at least two and one-half (2 ½) hours for kindergarten) under the guidance and direction of a teacher or other authorized school personnel while school is in session or is a homebound student under the instruction of a teacher employed by the Charter School.

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

##### Attendance Accounting:

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

Legal Reference: I.C. § 33-1001      Definitions  
IDAPA 08.02.01.250.05      Day of Attendance (ADA) –  
Grades One Through Twelve (1-12)  
IDAPA 08.02.01.250.03      Day in Session When Counting Pupils in Attendance  
IDAPA 08.02.01.250.04      Day of Attendance - Kindergarten

##### Procedure History:

Promulgated on: April 19, 2012

Revised on:

Suicide

Neither a charter school nor a teacher has a duty to warn of the suicidal tendencies of a student absent the teacher's or charter school's knowledge of direct evidence of such suicidal tendencies. The Board directs the Executive Director or his or her designee to draft and implement procedures relating to:

1. Suicide prevention;
2. Suicide intervention; and
3. Suicide postvention.

"Postvention" shall mean counseling or other social care given to students after another student's suicide or attempted suicide.

These procedures may include, but are not limited to, the following measures:

1. Prevention:
  - A. Offering and providing help and assistance, including early identification;
  - B. Support and/or counseling by school support personnel for low-risk students;
  - C. Referral to appropriate sources outside the school for high and moderate-risk students;
  - D. The designation of a school-level suicide prevention coordinator(s) by the Executive Director to be responsible for planning and coordinating the implementation of procedures addressing suicide.
  - E. Encouraging staff to report to the coordinator students they believe may be at elevated risk of suicide.
  - F. Education of students on suicide prevention through age-appropriate curriculum.
  - G. Small group suicide prevention programming.
  - H. Additional training on suicide prevention for all staff for whom such training is deemed necessary.
  - I. Offering resources to parents/guardians on suicide prevention.
2. Intervention:
  - A. Contacting the parents/guardians of students identified as at imminent risk of suicide.
  - B. Contacting emergency services to assist a student who is at imminent risk of suicide.
  - C. Providing first aid until emergency personnel arrive, as appropriate.



D. Moving other students away from the immediate area of any suicide attempt on Charter school property or at a Charter school event.

3. Postvention:

- A. After care support by the school for faculty, staff, and students after a sudden death has occurred.
- B. The development of a plan for responding to a death by suicide that has a significant impact on the school community.
- C. Notification of the suicide prevention coordinator, if applicable.
- D. The creation of a crisis team to respond to deaths by suicide that have a significant impact on the school community.
- E. Contacting the State Department of Education to report any student deaths by suicide and to seek postvention assistance and/or resources.
- F. Offering mental health services to students likely to be strongly affected by a recent death.
- G. Appointing a spokesperson to handle inquiries related to issues involving suicide in the school.

Charter School personnel shall attend to the rights of the student and his or her family.

The Charter School shall comply with all requirements of State law and administrative rules for training by personnel on suicide prevention and awareness.

Legal Reference:	I.C. § 33-136	Suicide Prevention in Schools
	I.C. § 33-512B	Suicidal Tendencies – Duty to Warn.
	I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on: November 15, 2018

Revised on:

## Legacy Charter School

### STUDENTS

3035

#### Enrollment for Midyear Transfer Students

In accordance with Notification and Acceptance Process adopted by the State Board of Education, if a student withdraws from Legacy Charter School during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the Waiting List.

#### Procedure:

Upon the withdrawal of a current Legacy Charter School student such that a certain class no longer is at its enrollment cap, as set forth in the Legacy Charter School Contract ( amended 2015), the Administrator or designee shall, within ten (10) business days of the opening, contact the parent or guardian of the first eligible student on the Waiting List for that school year, advising such person that the student has been selected for a midyear transfer to Legacy Charter School. A Placement Acceptance letter will be sent to the parents within 48 hours following acceptance of the seat. The Placement Acceptance letter must be signed by such student's parent or guardian and returned to Legacy Charter School by the date designated in the letter. The offer letter will set forth the date upon which the student shall commence attendance at Legacy Charter School.

The date upon which the student shall commence attendance at Legacy Charter School shall be determined by the Administrator, consistent with Policy 3000, taking into account the mandatory two(2)-week probationary period, input from the teacher, the student's parent/guardian and any other factors that may be disruptive to the educational environment or that would impede or interfere with the student's transition into the class. If multiple students will be transferring on or around the same time, the Administrator may designate a date for all newly transferred students to commence simultaneously. In no event, shall there be a delay of more than ten (10) business days between the date of the notification to the parents and the proposed commencement date.

If a parent or guardian receives an offer letter for a midyear transfer and declines admission or fails to timely sign and return such offer by the date designated in such offer letter, then the name of such student will be stricken from the Waiting List for the remainder of that school year, and the seat that opened in that grade will be made available to the next eligible student on the Waiting List.

Nothing in this Policy shall modify or amend the Equitable Selection Process for the Legacy Charter School Waiting List.

Cross Reference      3000  
IDAPA 08.02.04.203

Entrance, Placement and Transfer Legal References:

#### Policy History:

Adopted on: August 17, 2017

Revised on: November 16, 2017

## Legacy Charter School

### STUDENTS

3040

#### Compulsory Attendance

Parents are responsible for seeing that their children of age seven (7) or older prior to the first day of school attend school until the child's sixteenth (16<sup>th</sup>) birthday.

Unless the child is otherwise comparably instructed, the parent/guardian shall cause the child to attend a public, private or parochial school during a period in each year equal to that in which the public schools are in session.

Legal Reference: Art. IX, § 9, Idaho Constitution – Compulsory Attendance at School  
I.C. §33-201 School age  
I.C. § 33-202 School attendance compulsory

#### Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3047

#### Non-Retention: 8<sup>th</sup> Grade

Our school is grounded in the belief that social promotion does not prepare students for the future. If students are unable to produce passing grades, they will not be promoted to the next educational level.

Retention may not be possible at the school as attendance figures are determined by the school's enrollment cap with the Charter Commission. For the promotion of 7<sup>th</sup>/8<sup>th</sup> grade, if a student is retained, consideration shall have to be given as to whether or not there is class size room for such student associated with Charter Commission approved grade level enrollment caps. It is highly probable that room will not be available for a retained student. In such a circumstance, a conference may be held between the school's administration and the parent/legal guardian of the student to address other enrollment options. If room is available for the retained student the student may continue on in the educational process.

Prior to any decision to retain a continuing pupil, substantial contact shall be made with parents/legal guardians in an effort to prevent the pupil from failure or retention. Substantial contact with parents may include face-to-face meetings at the school or telephone/electronic communications. The school's goal is to notify parents of possible retention in the spring of the school year, prior to any determination having been made.

Interventions provided to help avoid student failure:

- On-going parent, teacher, student collaboration
- Multiple opportunities for catch up and review
- Frequent progress reports
- Organizational tools such as homework logs
- Parent notification that the student's seat at Legacy is "at risk"

Student failure consists of:

- A failing average of core classes during the second semester of 8<sup>th</sup> grade
  - Core classes include Science, Math, Reading, Language, Social Studies
- The opportunity to maintain a seat at Legacy for the following year by showing proficiency in approved online courses. The expense of the online courses and the expense of providing the proctor are the burden of the students' parent/guardian. Tests must be proctored by an approved staff member and be conducted at school. Documented results of a "C" grade must be presented to the Legacy administrator or designee by June 30.

In the event that a student is identified as "at risk":

- A meeting with the teacher, parents, student and administrator will take place by April 30th to determine which approved online courses should be taken.

***Special Note: Students will not be given credit or partial credit for late work the 2<sup>nd</sup> semester of 8<sup>th</sup> grade.***

Exception to this policy would be students on an IEP.

Policy History:

Adopted on: January 18, 2018

Revised on:

## Legacy Charter School

### STUDENTS

3050

At Legacy Public Charter School regular attendance and punctuality are a vital part of a student's education. Teachers implement a high level of direct teaching and interactive learning and both students and teachers are held accountable to complete a set of standards and benchmarks. These teaching techniques do not allow students to simply make up concepts missed. Additionally, Legacy's mission is to develop students who will become exceptional employees, and incorporates a school-to-work emphasis in all we do. As attendance and punctuality are essential qualifications for individuals in the workforce, so they will be for those who attend Legacy. In accordance with our charter, Legacy Public Charter School has a 96% attendance standard. Every effort and commitment should be made by students, parents and administration to ensure that students are in attendance and punctual every day. A year-round school calendar is provided well in advance to allow families to schedule activities during breaks. Students are expected to attend classes regularly.

### ELEMENTARY (K-8) ATTENDANCE POLICY

#### TARDY POLICY

All students arriving more than 5 minutes late must be signed in at the office to ensure accurate records and lunch counts. Students arriving more than 5 minutes late need an adult to sign them in at the office. Students leaving and returning during the school day must be signed in and out by an adult.

Each time a student receives **three (3) unexcused tardies**, the student will also be treated as having 1 unexcused absence. Three excused tardies will be considered an excused absence.

#### ABSENCE POLICY

**Excused absences** – The Administration and Governing Board recognize that there are special circumstances when a student may need to participate in another event or activity rather than attend class. An absence will be considered “excused” if the student could not attend class because he/she is ill. Up to two (2) excused absences will be allowed if the student is attending a funeral or wedding of an immediate family member (father, mother, brother, sister or grandparent), and the student's parent/guardian provides reasonable evidence that this was the cause of the absence. However, the cumulative effect of regular class attendance is critical to the learning experience that Legacy Public Charter School offers, which the student misses even when the absence is excused.

**Unexcused absences** are absences due to non-school related activities, unapproved club or family events, trips or vacations, and any absences not reported to the school by a parent/guardian within two school days of the student's return to school. Parents should schedule doctor, dentist and orthodontist appointments after school hours or during breaks. Absences for non-emergency or

routine dental, medical and orthodontic appointments are considered unexcused. Off-campus lunches with parents, family or friends are unexcused.

### **Sanctions**

A student receiving an unexcused absence will not be eligible to receive Citizen of the Week or Citizen of the Month for the twelve-month period following the date of the absence. Any student in 6<sup>th</sup> through 8<sup>th</sup> grade receiving three (3) unexcused absences will have the grade he or she would otherwise receive reduced by one full letter grade. Students who accrue five (5) or more unexcused absences or nine (9) excused and unexcused combined absences in a school year will lose their seat.

### **TRUANCY**

Truancy is defined as a student being absent for all or any part of the school day without the approval of the parent, guardian or school authorities. This includes students who are on the campus, but not in their assigned classroom. Truancies accrue for the entire year.

### **ABSENCE VERIFICATION**

When a student has not arrived by 9:00 a.m., and no contact from a parent has been received, a school representative will attempt to contact parent/guardian. To have an absence excused, a parent/guardian must call or send a signed note stating the reason for the absence upon the student's return to school. A doctor's note is recommended for extended absences due to medical reasons. Three (3) or more consecutive absences may require a note from a physician. If appropriate notification has not been received within 2 days of student's return to school, the absence may be considered an unexcused absence. Parents whose work schedule prevents them from contacting the school during the normal school hours are strongly urged to send a note with the student, leave a phone message after hours, or email the school with an urgent message.

### **Policy History:**

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: January 17, 2013

Revised on: February 21, 2013

Revised on: May 16, 2013

Revised on: June 19, 2014

Revised on: May 21, 2015

Revised on: November 19, 2015

## Legacy Charter School

### STUDENTS

3051

#### Homework and Promotion Policy

The education of today's youth must be considered a team effort involving parents, students and teachers. Research shows that the most successful students, regardless of family income or ethnic background, are those who have regularly structured homework time. Homework allows additional practice and reflection, reinforces skills, and provides practical application and time for additional research. Homework helps establish a basis for independent and life-long learning while the discipline of nightly homework creates a habit that will be beneficial throughout life.

- Homework assignments are required and will apply to the student's grade.
- Late assignments will be awarded a lower grade.
- Assignments more than one day late may or may not be accepted at the teacher's discretion.
- Homework due during an unexcused absence will receive a failing grade at the teacher's discretion. (Teachers will establish specific policies for their classes and will share those with their students.)

Legacy Public Charter School does not embrace the philosophy of social promotion. Each student is responsible for his/her own learning and must master the required subjects before being promoted to the next grade.

#### Policy History:

Adopted on: March 2010

Revised on: April 19, 2012



## Legacy Charter School

### STUDENTS

3060

#### Education of Homeless Children

It is the policy of the Charter School to ensure that:

1. Each child of a homeless individual and each homeless child has equal access to the same free, appropriate public education, including a public preschool education, as provided to other students;
2. Homelessness does not in any way separate homeless students from the mainstream school environment; and
3. Homeless children and youths have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging state academic standards to which all students are held.

The Board of Directors directs the Charter School to admit children who are homeless regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment.

All employees of the Charter School shall work to ensure that children and youth who are homeless are free from discrimination, segregation, and harassment. The Charter School will also strive to prevent stigma against students who are homeless.

#### Definitions

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

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

The terms “homeless,” “homeless individual,” and “homeless person” include:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
4. Migratory children who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses 1 through 3 above; and
5. An unaccompanied student and homeless families with children and youth are also defined as homeless if they:
  - A. Have experienced a long term period without living independently in permanent housing;
  - B. Have experienced persistent instability as measured by frequent moves over such period, and
  - C. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

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

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

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

### In General

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

1. That the homeless student's education continues in the school of origin for the duration of homelessness:
  - A. In any case in which a family becomes homeless between academic years or during an academic year; and

- B. For the remainder of the academic year, if the student becomes permanently housed during an academic year; or
2. That the homeless student is eligible to enroll in the same schools as non-homeless students who live in the same attendance area where the homeless student is actually living.

### School Stability

In determining the best interest of the homeless student the Charter School shall:

1. Presume that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or (in the case of an unaccompanied youth) the student;
2. Consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the student's parent or guardian or (in the case of an unaccompanied youth) the student;
3. If, after conducting the best interest determination based on consideration of the above presumptions, the Principal determines that it is not in student's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied student) the student, provide the student's parent or guardian or the unaccompanied student with a written explanation of the reasons for his or her determination, which will be provided in a manner and form understandable to such parent, guardian, or unaccompanied student, including information regarding the right to appeal under "Enrollment Disputes", below; and
4. In the case of an unaccompanied student, ensure that the Charter School's liaison designated under "Charter School Liaison," below, assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied student, and provides notice to such student of the right to appeal under "Enrollment Disputes," below.

### Immediate Enrollment:

1. **In General:** The school selected in accordance with this policy shall immediately enroll the homeless student, even if the student:
  - A. Is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation;
  - B. Has missed application or enrollment deadlines during any period of homelessness; or

- C. Has outstanding fees or fines, including fees associated with extracurricular activities.
2. **Relevant Academic Records:** The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.
  3. **Relevant Health Records:** If the student needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent/guardian of the student, or (in the case of an unaccompanied student) the student, to the Charter School's liaison designated under "Charter School Liaison," below, who shall assist in obtaining all necessary immunizations and/or screenings, or other required health records, in accordance with "Records," below.

### Records

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

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

### Disputes

If a dispute arises over eligibility, school selection or enrollment in a particular school, or any other issue addressed in this policy:

1. The student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. The student shall receive educational services for which the student is eligible, such as attending classes and full participation in all school activities
2. The parent or guardian of the student or (in the case of an unaccompanied student) the student shall be provided with a written explanation identifying the basis for any decisions related to school selection or enrollment made by the Charter School, or other entity, including the rights of the parent, guardian, or unaccompanied student to appeal such decisions;
3. The parent, guardian, or unaccompanied student shall be referred to the local educational agency liaison designated under "Charter School Liaison" below, and upon being informed of the dispute, the liaison shall, within 10 days, initiate an appeal with the District, and if unsuccessful, to the state coordinator of the dispute regarding the educational placement of the homeless student; and

4. In the case of an unaccompanied student, the liaison shall ensure that the student is immediately enrolled in the school in which the student seeks enrollment pending resolution of the student's dispute.
5. If an agreement cannot be reached between the parties regarding the educational placement of enrollment status of the student, then the Charter School shall seek further assistance from the State Coordinator of Homeless Education to review and determine within ten (10) business days how the student's best interests will be served. The decision of the State Department of Education shall constitute final resolution.

### Placement Choice

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

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

When addressing school placement, the Charter School's Liaison shall work with the family to address the student's transportation needs.

### Privacy

Information about a homeless student's living situation shall be treated as a student education record, and shall not be deemed to be disclosable "directory information" under the Family Education Records Privacy Act ("FERPA").

### Contact Information

Nothing in this policy shall prohibit the Charter School and/or the enrolling school from requiring the parent or guardian of a homeless student to submit contact information.

### Comparable Services

Each homeless student in the Charter School shall be provided services comparable to those services provided to other students in the school attended by the homeless student, including the following:

1. Transportation services;
2. Educational services for which the student meets eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965, or similar

State or Charter School sponsored programs, educational programs for children with disabilities, and educational programs for English Learners;

3. Programs in career and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs. Upon enrollment, the student's name shall immediately be submitted to the District's Nutrition Services Department as eligible for free meals, which eligibility commences at the time of enrollment.

### Charter School Liaison

For purposes of this policy, the Principal shall designate a Charter School employee to serve as its liaison to serve homeless students in accordance with the following provisions. The liaison for homeless students designated by the Principal shall ensure that:

1. All homeless students in and out of school are identified by school personnel through outreach and coordination activities with other entities and agencies;
2. The Charter School tracks academic and enrollment data on homeless students;
3. All homeless students are enrolled in, and have a full and equal opportunity to succeed the same as non-homeless students of the Charter School;
4. Homeless families and homeless students have access to and receive educational services for which such families and students are eligible, including services through Head Start programs (including Early Head Start programs), early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the Charter School;
5. All homeless families and homeless students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
6. The parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
7. All unaccompanied students and youth who receive any credits for classes attended shall be informed by the Liaison of their status as an "independent student" for purposes of the student's Free Application for Federal Student Aid ("FAFSA"). The Liaison shall also provide the required "verification" of the student's status in connection with his or her application for Federal Student Aid.

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

### Local and State Coordination

The Charter School’s liaison(s) for homeless students shall, as a part of their duties, coordinate and collaborate with the Idaho State Office of the Coordinator for Education of Homeless Children and Youths, as well as with community and school personnel who are responsible for the provision of education and related services to homeless students. These shall include public and private agencies, the transportation department, the State Coordinator for the Education of Homeless Children and Youth, and others. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of 42 USC § 11432(f)(1) and (3).

### Homeless Status

The Charter School’s Liaison who receives training provided by the Idaho State Office of the Coordinator for Education of Homeless Children and Youths may authorize a homeless student who is eligible for and participating in a program provided by the Charter School, or the immediate family of such student, who otherwise meets the eligibility requirements Federal Housing Assistance (see 42 USC §§ 11360 *et. seq.*), to do so without approval or other agency action by or on behalf of the Department of Housing and Urban Development.

## Title 1, Part A

Any student who is homeless and attends the Charter School is eligible for Title 1, Part A services. The Charter School shall set aside funding to provide homeless students who attend schools that do not participate in Title 1, Part A with services comparable to those provided by participating schools.

Cross Reference: 3210 Uniform Grievance Procedure  
4160 Parents Right-to-Know Notices

Legal Reference: 42 U.S.C. § 11301, et seq. McKinney-Vento Homeless Assistance Act  
20 U.S.C. § 6311, et seq. Title 1, Part A, of the Elementary and Secondary Education Act as amended by ESSA of 2015  
20 U.S.C. § 1400 Individuals with Disabilities Education Improvement Act of 2006  
42 U.S.C. § 1758 Child Nutrition and WIC Act of 2004  
42 U.S.C. § 9801-642A Improving Head Start for School Readiness Act of 2007  
I.C. § 33-1404 Charter Schools to Receive Pupils

### Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: August 21, 2014

Revised on: November 17, 2016

Revised on: September 21, 2017

Revised on: November 16, 2017

Revised on: June 21, 2018



## Legacy Charter School

### STUDENTS

3200

#### Student Rights and Responsibilities

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

Cross Reference: 3370                  Searches and Seizure  
                              3330                  Student Discipline

Legal Reference: I.C. § 33-205        Denial of school attendance  
                                  Tinker v. Des Moines Ind. Sch. Dist., 89 S.Ct. 733 (1969)

#### Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3210

#### Civil Rights Grievance Procedure

All individuals should use this grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

The Charter School will endeavor to respond to and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies, and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

#### Level 1: Informal

An individual with a complaint is encouraged to first discuss it with the teacher, or administrator involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

#### Level 2: Administrator

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Administrator within sixty (60) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the Administrator shall investigate and attempt to resolve the complaint. If either party is not satisfied with the Administrator's decision, the grievance may be advanced to Level 3 by requesting in writing that the Board review the Administrator's decision. This request must be submitted to the Board within fifteen (15) days of the Administrator's decision.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the Administrator shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The Charter School has appointed a Nondiscrimination Coordinator to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Administrator within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Administrator agrees with the recommendation of the Coordinator, the

recommendation will be implemented. If the Administrator rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

### Level 3: The Board

Upon receipt of a written appeal of the decision of the Administrator, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final.

### Records

All records compiled pursuant to the grievance shall be maintained by the Charter School, separate and apart from student records or personnel records, for a period of not less than three (3) years. In sexual harassment cases, the records shall not be purged.

### Timelines

The timelines set forth in this policy may be waived at the discretion of the Facilitator or designee if such waiver is determined to be in the best interest of the individuals involved.

### Employee Actions

All employees of the Charter School shall be responsible for acting in accordance with this policy.

### Procedure History:

Promulgated on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3220

#### Student Use of Buildings: Equal Access

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

The following criteria must be met:

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

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

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

Legal Reference: 20 U.S.C. 4071 Equal Access Act  
Board of Education v. Mergens, 110 S.Ct. 2356 (1990)

#### Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3225

#### Student Clubs: Equal Access

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

#### **Definitions:**

As used in this policy:

- (a) “School” shall mean Legacy Charter School.
- (b) “Club” shall mean a sponsored club or a non-sponsored or non-curriculum club of students of the school who wishes to organize and meet form common goals, objectives, or purposes, but does not include school activities.
- (c) “Sponsored Club” shall mean a club which is directly under the sponsorship, direction, and control of the school.
- (d) “Non-sponsored or non-curriculum Club” shall mean a student initiated club which is not under the sponsorship, direction or control of the school or any student initiated club that does not directly relate to the body of courses offered by the school.
- (e) “non-participating capacity” shall mean a person may not promote, lead or participated in any meeting.

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

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

#### Equal Access Regulations

The following general guidelines will be observed in approving, establishing, and operating student clubs at Legacy Charter School.

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

For sponsored clubs, the following guidelines will apply:

- A. Each sponsored club will have a faculty or staff member appointed as sponsor. The sponsorship shall be approved by the Administrator or designee.
- B. All activities of the club must have prior approval of the sponsor.
- C. Club funds shall be subject to deposit, audit and disbursement in accordance with the regulations of the Charter School.
- D. The content and placement of club posters or advertisements shall be approved by the club sponsor.

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

- A. The formation of non-sponsored or non-curriculum clubs shall be student initiated. Non-school persons may not direct, conduct, control or regularly attend activities.
- B. Recognition by Legacy Charter School of a non-sponsored or non-curriculum club is not an endorsement of the aims, policies, or opinions of the student organization or its members.
- C. The Charter School's name will not be identified with the aims, policies, or opinions of the student organization or its members.
- D. Notices of meetings of non-curricular student organizations may be posted only in a designated area used by all nonschool-sponsored organizations only with the permission of the Administrator. No announcements shall be made over the public address system or in any school-sponsored publications.
- E. No funds will be expended by the school for any such meeting beyond the incidental cost associated with providing a meeting place.
- F. Every club must have a Charter School employee volunteer as a monitor to the club. The monitor shall be responsible for monitoring the meetings to assure that attendance at the meetings is voluntary, to assure that the meetings do not materially and substantially interfere with the orderly conduct of educational activities within the school, and to assure that order and discipline are maintained. Monitors shall attend the meetings of non-sponsored or non-curriculum clubs that are political or religious in nature in a non-participatory capacity.
- G. No school employee shall be compelled to be a monitor of a non-sponsored or non-curriculum club.
- H. Club posters or flyers need to have a disclaimer, and poster content and placement shall be approved by the Administrator or designee.
- I. Legacy Charter School shall not be identified or associated in any way with the goals, objectives, activities, or opinions of any non-sponsored or non-curriculum clubs to raise money.

Legal Reference: 20 U.S.C. §§ 4071-4074 Equal Access Act

Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3250

#### Distribution and Posting of Materials

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

No staff member, student, parent or patron may distribute any materials on school property without prior approval of the school administrator. All materials distributed will clearly indicate their source. Non-school-related materials will be plainly labeled, including a disclaimer that the activity is "not a school-sponsored activity."

All organizations must have the approval of the Administrator before materials may be distributed.

Cross Reference:	3430	Distribution of Fund Drive Literature Through Students
	4240	Distribution of Fund Drive Literature Through Students

#### Policy History:

Adopted on: April 19, 2012

Revised on: May 21, 2015



Student Dress

Selecting the correct dress for the setting is a lifelong skill. Student dress should reflect the notion that school is a place of business where students are learning both academic and social skills. In an effort to maintain a safe and orderly school environment for students, the following dress guidelines have been established. It is the opinion of the administration and the governing board that student attire has a direct effect upon the instructional effectiveness of the School and upon the individual student's ability to function at an optimum level. Appropriate clothing for class or any school activity must be reasonable, safe, clean, and non-revealing. An individual's dress and personal appearance should reflect a sensitivity and respect for others as well as be appropriate in a professional work environment. The following guidelines are to be followed by students of Legacy Charter during the school day and at any school-sponsored activity or any event in which students are serving as representatives of the school.

- Midriffs, cleavage and underclothing must be concealed at all times.
  - Pants are to be worn at the waist covering underwear.
  - Shirts and tops must cover the shoulders, (no tank tops, or shirts with armholes open below the armpit area).
  - Tops must cover cleavage (Neckline should be higher than the straight line from underarm to underarm).
  - Shirts and tops must reach below the belt line to cover the stomach.
  - Tops must conceal undergarments, e.g. no bra straps showing and no sheer or see-through tops.
- Shorts, dresses, and skirts must be no more than 3 inches above the top of the knee and provide coverage when the student bends over at the waist.
- Footwear must be worn at all times for health and safety. Flip flops may be worn before fall break and after spring break. Students will refrain from wearing gang attire of any kind. Garments that advertise inappropriate or illegal substances or clothing items with suggestive or obscene statements are prohibited.
- Hats, bandanas, stocking caps and hairnets are prohibited.
- Hair color will be within the natural hair color spectrum (brown, black, blonde or auburn).
- Facial piercing will be limited to small studs in the nose only.
- No facial rings of any kind will be allowed.
- Earrings are acceptable with the exception of ear gauges. **EAR GAUGES ARE NOT ACCEPTABLE.**
- Temporary and permanent tattoos must be concealed during school hours. (Medical tattoos may be allowed with approval by the administrator).
- Pajamas and loungewear are not allowed.

**Interpretation and Implementation of Policy**

The administrator or his or her designee shall determine whether clothing is too revealing or inappropriate and whether it has a direct effect upon the instructional effectiveness of the School and upon the individual student's ability to function at an optimum level. If a conflict arises in the interpretation of this policy, the interpretation of the Administrator/designee shall be final. Administrators and teachers shall use reasonable discretion in enforcing this policy.

### **Enforcement**

Students wearing attire deemed inappropriate will be provided alternative clothing to cover up (i.e. large t-shirts or sweatpants). This clothing must be laundered and returned to the school the following day.

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

### **Exceptions**

Exceptions to this policy based upon religious, medical or other legally protected grounds will be addressed by school administration on an individual basis.

#### Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: May 21, 2015

Revised on: June 18, 2015

Revised on: June 21, 2016

Legal Reference: I.C. 33-506  
I.C. 33-512(6)

Electronic Communication Devices

Students, with permission of their parent(s)/guardian(s), may be in possession of a cellular telephone, on school property. The devices shall not be used in a manner that disrupts the educational process, including, but not limited to, posing a threat to academic integrity or violating confidentiality or privacy rights of another individual. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, the cellular phone must be turned off and kept in the student's backpack. Use of devices shall be limited to the period before classes begin in the morning, and after school is dismissed for the day.

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

Students are responsible for keeping up with devices they bring to school. The Charter School shall not be responsible for loss, theft, or destruction of devices brought onto school property.

Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.

Students who violate the provisions of this policy, are subject to disciplinary action, including leaving the phone with the administrator or designee during the school day, losing the privilege of bringing the device onto school property, detention, suspension, and/or expulsion. In addition, the Administrator or designee may confiscate the device, which shall only be returned to the student's parent(s)/guardian(s). Where appropriate, police authorities may be contacted.

Policy History:

Adopted on: April 19, 2012

Revised on:

***Charter School-Provided Access to Electronic Information, Services, and Networks***

General

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

In order for the Charter School to be able to continue to make its computer network and Internet access available, all users, including students must take responsibility for appropriate and lawful use of this access. Students utilizing school-provided Internet access are responsible for good behavior online. The same general rules for behavior apply to students' use of Charter School-provided computer systems. Students must understand that one student's misuse of the network and Internet access may jeopardize the ability of all students to enjoy such access. While the Charter School's teachers and other staff will make reasonable efforts to supervise use of network and Internet access, they must have student cooperation in exercising and promoting responsible use of this access, and students must be held responsible and accountable for their own conduct.

***Curriculum***

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

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

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

## Acceptable Uses

### **1. Educational Purposes Only**

All use of the Charter School's electronic network must be in support of education and/or research, and in furtherance of the Charter School's stated educational goals; or for a legitimate school business purpose. Use is a privilege, not a right. Students have no expectation of privacy in any materials that are stored, transmitted, or received via the Charter School's electronic network or Charter School computers. The Charter School reserves the right to access, monitor, inspect, copy, review and store, at any time and without prior notice, any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage, including email and instant messages.

### **2. Unacceptable Uses of Network:** The following are considered examples of unacceptable uses and constitute a violation of this policy. Additional unacceptable uses can occur other than those specifically listed or enumerated herein:

- A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale, use, or purchase any substance the possession or use of which is prohibited by the Charter School's student discipline policy, local, state, or federal law; viewing, transmitting or downloading pornographic materials or materials that encourages others to violate local, state, or federal law; information pertaining to the manufacture of weapons, intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.
- B. Uses that cause harm to others or damage to their property, person, or reputation, including but not limited to engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating; reading another person's communications; sharing another person's pictures, private information, or messages without their permission; or otherwise using his or her access to the network or the Internet;
- C. Uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information. Users will immediately notify the school's system administrator if they have identified a possible security problem. Users will not go looking for security problems, because this may be construed as an illegal attempt to gain access;
- D. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying defined as using a computer, computer system, or computer network to convey a message in any format (audio, video, text, graphics, photographic, or any combination thereof) that is intended to harm another individual;

- E. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet; uses that waste Charter School resources including downloading very large files without permission from a teacher, unnecessary printing, and consuming excess file space on shared drives;
- F. Uses that are commercial transactions, including commercial or private advertising. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers;
- G. The promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations, ballot issues, or proselytizing in a way that presents such opinions as the view of the Charter School;
- H. Sending, receiving, viewing or downloading obscene materials, materials harmful to minors, or materials that depict the sexual exploitation of minors;
- I. Disclosing identifying personal information or arranging to meet persons met on the internet or by electronic communications; sharing one's password with others or allowing them to use one's account;
- J. Downloading, installing, or copying software or other files without authorization of the Principal or the Principal's designee;
- K. Posting or sending messages anonymously or using a name other than one's own;
- L. Attempting to bypass internal or external security systems or controls using Charter School equipment. Students and staff may only access the internet using the Charter School network);
- M. Plagiarism of material accessed online. Teachers will instruct students in appropriate research and citation practices;
- N. Using the network while access privileges are revoked; and
- O. Students are allowed to access personal email accounts with the permission of a staff member and only for the purpose of forwarding class assignments to a teacher.

### **Internet Safety**

Each Charter School computer with Internet access shall have a filtering device that blocks entry to visual depictions that are obscene, pornographic, or harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Principal or designee.

The Charter School will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or other material that is inappropriate and/or harmful to minors. The Principal or designee shall enforce the use of such filtering devices.

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

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

The term “harmful to minors” is also defined in Section 18-1514(6), Idaho Code as which provides:

1. The quality of any material or of any performance of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:
  - A. Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and
  - B. Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:
    - I. Intimate sexual acts, normal or perverted, actual or simulated; or
    - II. Masturbation, excretory functions, or lewd exhibits of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political, or scientific value for minors, according to prevailing standards in the adult community, with respect to what is suitable for minors.
2. The quality of any material or of any performance, or of any description or representation, in whatever form, which, as a whole, has the dominant effect of substantially arousing sexual desires in persons under the age of eighteen (18) years.

## Internet Filtering

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

1. **Nudity/pornography:** Prevailing U.S. standards for nudity, provocative semi-nudity, sites which contain pornography or links to pornographic sites;
2. **Sexuality:** Sites which contain material of a mature level, images or descriptions of sexual aids, descriptions of sexual acts or techniques, and sites which contain inappropriate personal ads;
3. **Violence:** Sites which promote violence, images or descriptions of graphically violent acts, or graphic autopsy or crime-scene images;
4. **Crime:** Information on performing criminal acts such as drug or bomb making, computer hacking, illegal file archives, and software piracy;
5. **Drug Use:** Sites which promote the use of illegal drugs, and material advocating the use of illegal drugs, such as marijuana or LSD, or abuse of any drug. Exception: material with valid-educational use;
6. **Tastelessness:** Images or descriptions of excretory acts, such as vomiting or urinating, and graphic medical images outside of a medical context;
7. **Language/Profanity:** Passages or words too coarse to be softened by a word filter; profanity within images, sounds, or multimedia files; and adult humor;
8. **Discrimination/Intolerance:** Material advocating discrimination, including racial and religious intolerance, and sites which promote intolerance, hate, or discrimination;
9. **Interactive Mail/Chat:** Sites which contain or allow inappropriate email correspondence and sites which contain or allow inappropriate chat areas;
10. **Inappropriate Banners:** Advertisements containing inappropriate images or words;
11. **Gambling:** Sites which allow or promote online gambling;
12. **Weapons:** Sites which promote illegal weapons and sites which promote the use of illegal weapons;
13. **Self Harm:** Sites containing content on self-harm, including cutting, and sites that encourage anorexia, bulimia, etc.; and
14. **Judgment Calls:** A page deemed likely to have more questionable material in the future, such as sites under construction whose names indicate questionable material.

Filtering should also be used in conjunction with:

1. Educating students to be "Net-smart";
2. Using recognized Internet gateways as a searching tool and homepage for students in order to facilitate access to appropriate material;
3. Using "Acceptable Use Agreements";
4. Using behavior management practices for which Internet access privileges can be earned or lost; and



5. Appropriate supervision, either in person or electronically.

The system administrator and/or Internet Safety Coordinator and/or Principal shall monitor student Internet access.

Review of filtering technology and software shall be done on a periodic basis and is the responsibility of the Internet Safety Coordinator. It shall be the responsibility of the Internet Safety Coordinator to bring to the Principal or designee any suggested modification of the filtering system and to address and assure that the filtering system meets the standards of Idaho Code 18-1514 and any other applicable provisions of Chapter 15, Title 18, Idaho Code.

#### Confidentiality of Student Information

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

#### Student Use of Social Media

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

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

#### Internet Access Conduct Agreements

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

#### Warranties/Indemnification

The Charter School makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the Internet provided under this policy. The Charter School is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the Internet. The Charter School will not be responsible for any unauthorized charges or fees resulting from access to the Internet, and any user is fully responsible to the Charter School and shall indemnify and hold the Charter School, its directors, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user's access to its computer network and the Internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user. The user or, if the user is a minor, the user's parent(s)/legal guardian(s) shall agree to cooperate with the Charter School in the event of the school's initiating an investigation of a user's use of his or her access to its computer network and the Internet.

## Violations

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

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

## Internet Safety Coordinator

The Principal shall serve, or appoint someone to serve, as "Internet Safety Coordinator" with responsibility and authority for ensuring compliance with the requirements of federal law, state law, and this policy. The Internet Safety Coordinator shall develop and maintain administrative procedures to enforce the provisions of this policy and coordinate with the appropriate Charter School personnel regarding the internet safety component of the Charter School's curriculum. The Internet Safety Coordinator shall handle any complaints about the enforcement of this policy or refer them to other appropriate personnel depending on the nature of the complaint.

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

## Public Notification

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

Submission to State Superintendent of Public Instructions

This policy shall be filed with the State Superintendent of Public Instruction no later than August 1, 2011 and every five (5) years after initial submission and subsequent to any edit to this policy thereafter.

Cross Reference: 3330          Student Discipline

Legal Reference: I.C. § 33-132          Local School Boards Internet Use Policy Required  
I.C. § 18-1514(6) Obscene Materials – Definitions  
20 U.S.C. § 9134(f) Children's Internet Protection Act  
20 U.S.C. § 7131 Internet Safety

Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: February 16, 2017

**Legacy Charter School**

**STUDENTS**

**3270F**

**INTERNET ACCESS CONDUCT AGREEMENT**

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

I have read, understand, and agree to abide by the terms of Legacy Charter School’s policy regarding School-provided Access to Electronic Information, Services, and Networks (Policy No. **3270/3270P**). Should I commit any violation or in any way misuse my access to the Charter School’s computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

User’s Name (Print) \_\_\_\_\_ Home Phone: \_\_\_\_\_  
User’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_

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

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

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

Parent / Legal Guardian (Print): \_\_\_\_\_  
Signature: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Address: \_\_\_\_\_  
Date: \_\_\_\_\_

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

Policy History:  
Adopted on: April 19, 2012  
Revised on:

## Legacy Charter School

### STUDENTS

3270P

#### Acceptable Use of Electronic Networks

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

#### Terms and Conditions

1. Acceptable Use – Access to the Charter School's electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the Charter School; or (b) for legitimate business use.
2. Privileges – The use of the Charter School's electronic networks is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The system administrator (and/or building Administrator) will make all decisions regarding whether or not a user has violated these procedures, and may deny, revoke, or suspend access at any time. His or her decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
  - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any U.S. or state law;
  - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
  - c. Downloading copyrighted material for other than personal use;
  - d. Using the network for private financial or commercial gain;
  - e. Wastefully using resources, such as file space;
  - f. Hacking or gaining unauthorized access to files, resources, or entities;
  - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
  - h. Using another user's account or password;

- i. Posting material authored or created by another, without his/her consent;
  - j. Posting anonymous messages;
  - k. Using the network for commercial or private advertising;
  - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
  - m. Using the network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
- a. Be polite. Do not become abusive in messages to others.
  - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
  - c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
  - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
  - e. Do not use the network in any way that would disrupt its use by other users.
  - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The Charter School makes no warranties of any kind, whether expressed or implied, for the service it is providing. The Charter School will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The Charter School specifically denies any responsibility for the accuracy or quality of information obtained through its services.
6. Indemnification – The user agrees to indemnify the Charter School for any losses, costs, or damages, including reasonable attorney fees, incurred by the Charter School, relating to or arising out of any violation of these procedures.

7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building Administrator. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses.
9. Telephone Charges – The Charter School assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.
10. Copyright Web Publishing Rules – Copyright law and Charter School policy prohibit the republishing of text or graphics found on the Web or on Charter School Websites or file servers, without explicit written permission.
  - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
  - b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.
  - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
  - d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
  - e. Student work may only be published if there is written permission from both the parent/guardian and the student.

### Internet Safety

1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable

uses,” as detailed in these procedures, and will otherwise follow these procedures.

2. Staff members shall supervise students while students are using Charter School Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.

3. Each Charter School computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and as determined by the Administrator or designee.

4. The system administrator and building Administrators shall monitor student Internet access.

Legal Reference: Children’s Internet Protection Act, P.L. 106-55420 U.S.C. § 6801, et seq.  
47 U.S.C. § 254(h) and (l)

Procedure History:

Promulgated on: April 19, 2012

Revised:



## Legacy Charter School

### STUDENTS

3280

#### Equal Education, Nondiscrimination and Sex Equity

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

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

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

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

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

Legal Reference:	20 U.S.C. § 1681, et seq.	Title IX of the Educational Amendments
	29 U.S.C. § 794	Non Discrimination Under Federal Grants and Programs Act
	42 U.S.C. § 6103	Age Discrimination Act
	42 U.S.C. § 12134	Americans with Disabilities Act
	I.C. § 67-5909	Acts Prohibited

#### Policy History:

Adopted on: April 19, 2012

Revised on: February 18, 2016

Relationship Abuse and Sexual Assault Prevention and Response

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

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

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

Students or third parties may also be referred to law enforcement officials. Should the Charter School have reason to believe that a child under the age of eighteen (18) year of age has been abused, abandoned, or neglected or has been subjected to conditions which would reasonably result in abuse, abandonment, or neglect, the school shall follow appropriate reporting requirements pursuant to the Child Protective Act.

The Principal is hereby directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, reporting and investigative procedures, prevention and response procedures, and provisions to ensure notice of this policy is provided to students.

The Board shall review this policy annually.

Legal References:

I.C. Title 16 Chapter 16  
I.D.A.P.A. 08.02.03.160  
Discipline

Child Protective Act  
Safe Environment and

Policy History:

Adopted on: May 15, 2014

Revised on:

## Legacy Charter School

### STUDENTS

3290

#### Sexual Harassment/Intimidation of Students

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

- I. denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
- II. has the purpose or effect of:
  1. substantially interfering with the student's educational environment;
  2. creating an intimidating, hostile, or offensive educational environment;
  3. depriving a student of educational aid, benefits, services, opportunities or treatment; or
  4. making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

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

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

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

The Charter School will make every effort to insure that employees or students accused of sexual harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

Any individual seeking further information should contact the Administrator for the name of the current Title IX Coordinator for the Charter School. The Administrator shall insure that the student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the Charter School's compliance efforts

An individual with a complaint alleging a violation of this policy shall follow the Civil Rights Grievance Procedure.

Cross Reference: 3210                      Civil Rights Grievance Procedure

Legal References: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments  
34 CFR Part 106  
I.C. § 67-5909      Acts Prohibited

Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

### Harassment Reporting Form for Students

Legacy Charter School

Date \_\_\_\_\_

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

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

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

\_\_\_\_\_

Did anyone witness the incident(s)?  yes  no

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

\_\_\_\_\_

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

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

\_\_\_\_\_

Were there any prior incidents?  yes  no

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

\_\_\_\_\_

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

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

## Legacy Charter School

### STUDENTS

3295

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

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

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

#### Discipline

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

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

#### Notification

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

#### Procedures

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

## Reporting

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

The Board shall review this policy annually.

Cross Reference: 3330 Student Discipline  
5265 Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying

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

## Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: February 18, 2016

**Legacy Charter School**

**STUDENTS**

**3295F**

Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing

**HARASSMENT COMPLAINT FORM**

School \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

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

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

Were other individuals involved in the incident(s)?  yes  no  
If so, name the individual(s) and explain their roles. \_\_\_\_\_

Did anyone witness the incident(s)?  yes  no  
If so, name the witnesses. \_\_\_\_\_

Is there any evidence of the harassment (i.e. letters, photos)  yes  no  
If so, please describe. \_\_\_\_\_



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

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

\_\_\_\_\_

\_\_\_\_\_

Were there any prior incidents?  yes  no

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

\_\_\_\_\_

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

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

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

Cross Reference: 3210 Civil Rights Grievance Procedure

Legal References: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments

34 CFR Part 106

I.C. § 67-5909 Acts Prohibited

Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3295P

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

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

#### Definitions

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in Charter School business, such as employees of businesses or organizations participating in cooperative work programs with the Charter School and others not directly subject to Charter School control at Charter School athletic competitions or other school events.

“Charter School” includes Charter School facilities, Charter School property, buses, electronic technology or electronic communication equipment on Charter School computers, networks, or forums and nonschool property if the student or employee is at any Charter School-sponsored, Charter School-approved or Charter School-related activity or function, such as field trips or athletic events where students are under the control of the Charter School or where the employee is engaged in Charter School business.

“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 school-sponsored activity or grade level attainment, such as forced consumption of any drink, alcoholic beverage, drug or controlled substance; forced exposure to the elements; forced prolonged exclusion from social contact; sleep deprivation; or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.

“Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, electronic, or physical nature on the basis of an actual or perceived characteristic, including but not limited to age, race, religion, color, national origin, disability, marital status, gender, gender identity and expression, sexual orientation, physical characteristic, cultural background, socioeconomic status, geographic location, familial status, or weight.

“Harassment, intimidation or bullying” means any act that substantially interferes with or disrupts the educational environment or impinges on the rights of other students at school, a student’s opportunities, or performance that takes place on or immediately adjacent to school grounds, school property, at any school-sponsored activity, on school-provided transportation or at any

official school bus stop, and that has the effect of:

- A. Harming a student or damaging a student's property;
- B. Knowingly placing a student in reasonable fear of harm to the student or damage to the student's property; or
- C. Is sufficiently severe, persistent, or pervasive so that it creates an intimidating, threatening, abusive, or hostile educational environment.

“Cyber bullying” includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs through the Charter School's computer network and the Internet, whether accessed on campus or off campus, during or after schools hours or through any private electronic device done when the student is present at school. In the situation that cyber bullying originated from a non-school computer, but has been brought to the attention of school officials, any disciplinary actions shall be based on whether the conduct is determined to be reasonably expected to materially and substantially interfere with or disrupt educational environment of the school or impinge on the rights of other students at school and/or in violation of Charter School policy or state law. In addition, such conduct must also be in violation of a school policy or state law. Administration shall in their discretion contact local law enforcement.

“Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage, or interfere with another's property; cause substantial inconvenience; subject another to offensive physical contact; or inflict serious physical injury on the basis of race, color, religion, national origin, gender identity and expression, or sexual orientation.

#### Retaliation/False Charges

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

#### Confidentiality

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

#### Policy Distribution

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

### Complaint Procedures

The Principal has the responsibility for investigations concerning hazing, harassment, intimidation, bullying, or cyber-bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

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

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

**Step I:** Any hazing, harassment, intimidation, bullying, or cyber-bullying, information (complaints, rumors, etc.) shall be presented to the Principal. Complaints against the Principal shall be filed with the Board of Directors. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

**Step II:** The school official receiving the complaint shall promptly investigate or refer the complaint to an appropriate colleague or outside party for investigation. Parents will be notified of the nature of any complaint involving their student. The school official will arrange such meetings as may be necessary with all concerned parties within two working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The school official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined. Due to the requirements of the Family Educational Rights and Privacy Act, it will often not be possible to provide complainants and parents with detailed information on disciplinary actions taken against another student.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Principal.

**Step III:** If the complainant is not satisfied with the decision at Step II, he or she may submit a written appeal to the Principal or designee. Such appeal must be filed within five working days after receipt of the Step II decision. The Principal or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The principal or designee shall provide a written decision to the complainant's appeal within five working days.

**Step IV:** If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board of Directors. Such appeal must be filed within five working days after receipt of the Step

III decision. The Board shall, within ten working days, conduct an informal review at which time the complainant shall be given an opportunity to present the complaint and the Charter School's administration to respond if they so desire. The course and conduct of this proceeding shall be informal and shall be at the sole discretion of the Board. The Board shall provide a written decision to the complainant within five working days following completion of the informal review.

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

#### Documentation and Reporting

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

#### Procedure History:

Adopted on: April 19, 2012

Revised on: February 18, 2016

## Legacy Charter School

### STUDENTS

3296

#### Fighting (Battery)

Legacy Public Charter School's philosophy "*is grounded in the belief that when there is low threat and content is highly challenging, accelerated learning takes place*". Fighting is diametrically opposed to "low threat". A fight is described as follows: Pushing, shoving, kicking, pulling or physically connecting in an aggressive manner with another student. Parents will be notified of any fight (battery). The consequences for a fight are as follows.

#### Administrative Discretion:

Depending upon the nature and severity of the fight at issue as well as the prior disciplinary history of the student in question, the administrator may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for greater or lesser discipline.

#### 1<sup>st</sup> Fight (Battery):

- Parents will be notified by phone.
- Loss of recess and P.E. for 5 school days.
- Loss of field trip privileges: K, 1, 2, 3 – One field trip. Grades 4, 5, 6, 7, and 8 loss of all remaining field trips for the school year.
- If deemed necessary, the authorities (police) will be notified.

#### 2<sup>nd</sup> Fight (Battery):

- Parents will be notified by phone.
- Grades K, 1, 2, and 3 – loss of all remaining field trips for the school year.
- The Legacy Public Charter School Board will be notified and may require a meeting with the student and parents.
- Authorities (police) will be notified.
- Three day suspension

#### 3<sup>rd</sup> Fight (Battery):

- Parents will be notified by phone.
- Authorities (police) will be notified.
- The Legacy Public Charter School Board will be notified and will conduct a hearing with the student and parents to determine whether student will be expelled or serve suspension.

A student who has received disciplinary consequences as a result of the application of this policy, short of a suspension from school or a pending expulsion hearing, may participate in an off campus activity during such disciplinary period is if he/she is transported to and from the field trip location(s) by a parent and is supervised by the parent for the duration of the field trip. The student's safety is the responsibility of his/her parents.

Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: May 21, 2015

## Legacy Charter School

### STUDENTS

3300

#### Drug Free School Zone

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

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

- A. all illegal drugs and/or substances prohibited by Idaho and/or federal law;
- B. all dangerous controlled substances as so designated and prohibited by Idaho law;
- C. all chemicals which release toxic vapors;
- D. all alcoholic beverages;
- E. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- F. “look-alikes”/ synthetics;
- G. anabolic steroids;
- H. any other illegal substances so designated and prohibited by law.

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

The Administrator shall prepare guidelines for the identification and regulation of drug use in the schools. Such guidelines shall emphasize the prevention of drug use and include a statement to students that use of illicit drugs and the unlawful possession of alcohol is harmful. The student handbook shall provide standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful



possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity.

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

Cross Reference: 3330 Student Discipline.

Legal Reference: 20 U.S.C. 3170 et. seq. Drug-Free Schools and Communities Act of 1986,

Policy History:

Adopted on: April 19, 2012

Revised on: May 21, 2015

**Drug, Alcohol, and Tobacco Use**

*Philosophy*

To the extent possible, the Legacy Charter School Board is committed to:

1. preventing or intervening in student use of drugs, alcohol, or tobacco;
2. providing a safe and secure learning environment;
3. enhancing academic achievement; and
4. involving the parent/guardian with his/her student's academic and personal success.

The primary focus of the elementary program at Legacy Charter School shall be educational in nature with instruction geared to discourage student experimentation of any mood altering substance. A companion focus of this program shall be 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. If a student cannot, or will not commit to responsible behavior to help achieve this goal, disciplinary measures may be imposed.

*Policy Violation*

A student is in violation of School policy if he/she is involved in school related or non-school related drug use as defined herein.

For the purposes of this policy, drug use is defined as the involvement with drug paraphernalia, controlled substances, any drug prohibited by law, including synthetics or look-alike drugs, or abuse or misuse of prescription drugs, including alcohol or tobacco in any of the following ways:

A. Knowingly Present

- “knowingly present” shall mean that a student attended a gathering of two (2) or more individuals at which one or more of the attendees (other than the student at issue) were involved in drug use as defined in this paragraph and the student knew or reasonably should have known that such drug use was occurring.

B. Securing, Using, Possessing

- attempting to secure or purchase
- using or the reasonable suspicion of having used
- possessing

C. Distribution

- intending or attempting to sell or distribute
- selling or giving away

School related drug use is a violation which occurs **on any School premises or at any School**

**sponsored activity, regardless of location** including, but not be limited to buildings, facilities, and grounds on a School campus, School buses, School parking areas; and the location of any School sponsored activity. This includes instances in which the conduct occurs off School premises but impacts a school activity. Non-school related drug use is a violation which occurs during the scholastic year in a location off a school campus and in a situation not associated with a school sponsored activity. This violation applies when it reasonably appears to the Administrator or designee that an extracurricular or co-curricular student has violated this policy, including an arrest for drug use.

### *Intervention*

School students in violation of this policy will be offered assistance. The principal or designee:

- shall contact the parent/guardian as soon as possible; and
- should inform the parent/guardian of the drug education programs and counseling available to the student.

### *Discipline*

If the Charter School has reasonable suspicion (based upon reliable information received or the personal observations of staff) to believe that a student is engaged in school related drug use and the student has not voluntarily disclosed such use or influence, the Charter School may take whatever action deemed appropriate, including but not limited to, notifying the parent or legal guardian and notifying local law enforcement, suspension and/or expulsion. The following shall be used as a guide in determining what procedures may be followed when this occurs, however, the specific procedure may, in large part, depend upon the circumstances in each case:

1. Upon reasonable suspicion, the student will be asked if he/she has used and/or is under the influence of drugs;
2. If the student admits to the use, the student's parent/legal guardian will be immediately called;
3. The student will be asked to reveal the circumstances involving the use of drugs and asked if any other students were involved;
4. Law enforcement will be called when deemed appropriate.
5. The student will be immediately suspended from school, and depending upon the circumstances, may be suspended for up to twenty (20) days and/or recommended for expulsion.
6. As a condition of readmission, the student and parent will agree to undergo assessment and counseling for alcohol and/or drug use.
7. If the student does not admit to the use of drugs and the staff member(s) in charge, after talking to the student, still believes that the student used or was/is under the use or influence of alcohol and/or drugs, an investigation will be conducted, which may include a search of the student's locker, car, desk or any other school property used by the student may be subject to search. In addition, law enforcement will be called immediately as will be the parent/guardian. The student will be suspended from school pending an investigation. If the investigation shows that, more likely than not, the student used or was under the influence of drugs and/or alcohol, a recommendation for expulsion will be

made to the Board of Trustees. The student will be entitled to full due process prior to being expelled from school. As a condition of readmission, the Board may require that the student, at the student's/parent's/guardian's expense, undergo assessment and counseling for alcohol and/or drug use.

**For school related drug use**, regardless of whether the student voluntarily discloses or is reasonably suspected, discipline may involve actions up to and including suspension and expulsion (if the student is involved in extracurricular or co-curricular activities, discipline may involve an activity suspension for a period of time up to and including the remainder of his/her attendance in the School).

**For non-school related drug use**, regardless of whether the student voluntarily discloses or is reasonably suspected, discipline may involve an activity suspension for a period of time up to and including the remainder of his/her attendance in the School.

Suspensions and expulsions of students with disabilities as defined by the IDEA (Individuals with Disabilities Education Act), Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act shall follow federal guidelines, as well as the provisions of School policy.

#### *Self Reporting*

Anonymity will be provided to a student on a faculty “need to know” basis, when a student voluntarily discloses any type of drug use, except as deemed reasonably necessary to protect the health and safety of others. Notification of the disclosure shall be provided to parent/guardian.

#### *Law Enforcement*

When appropriate and regardless of any previous voluntary disclosure, a student reasonably suspected of drug use will be reported to law enforcement. The principal or designee may seek a law enforcement evaluation of the student and that may result in the transfer of school custodial responsibility to the appropriate law enforcement agency.

#### *Searches by School Officials*

The Board must provide an atmosphere conducive to the pursuit of educational goals, while adhering to the students’ constitutional rights. This may include the School official’s right to search a student’s person or personal belongings, including, but not limited to backpacks, purses, wallets, and athletic bags, when it is in the interest of the overall welfare of other students or is necessary to preserve the good order and discipline of the school, and reasonable suspicion exists that the student is in possession of materials which violate School policy, procedure, or law.

Reasonable suspicion by School officials is defined as suspicion that is particularized with respect to each individual searched, based on the reasonable judgment or belief that the student is in possession of materials in violation of School policy, procedure or law.

Reasonable suspicion by School officials need not be based on a single factor, but is based on the totality of the circumstances, including misconduct by the student. In order for a search to be reasonable, it must be justified at its inception and be reasonably related in scope to the

circumstances which initially justified the search.

Intrusive searches, such as strip searches or body cavity searches, will not be conducted by school personnel. If necessary, the School will refer the student to law enforcement. The search measures used in any situation must be reasonably related to the objectives of the search and must not be an excessive intrusion in light of the age and sex of the student, and the nature of the infraction.

Desks and lockers assigned to students are School property and remain at all times under the control of the School. The student shall be responsible for the proper care, use and security of the desk or locker assigned for his or her use. Desks and lockers may not be used by a student for the storage of materials which violate School policies or laws, are potentially harmful items, or are a threat to safety or security, including, but not limited to, weapons, drugs, and alcohol. Periodic general inspection of lockers and desks may be conducted by authorized School officials for any reason at any time without notice, without consent, and without a search warrant. School officials may seize and retain, or turn over to law enforcement officials, any contraband items or evidence found in a school desk or locker.

Students are permitted to park on school campuses as a matter of privilege, not a right. The school retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school campuses. The interiors of vehicles on school campuses may be inspected whenever an authorized School official has reasonable suspicion that materials which violate School policy or law are contained inside. Such patrols and inspections may be conducted without notice, without consent, and without a search warrant.

#### *False Accusation*

If an investigation discloses that the reporting individual knowingly or in a malicious manner falsely accused another of being in violation of this policy, that individual may be subject to the following disciplinary action:

- for an employee, may involve actions up to and including dismissal.
- for a student, may be subject to the disciplinary actions stated in this policy.

Any employee or student reporting violation or suspected violation of this policy in good faith shall be immune from disciplinary action for such reporting

*Notification* An age-appropriate restatement of this policy will be included in the student handbook.

## **DEFINITIONS**

**Activity Suspension:** suspended extracurricular or co-curricular students shall not travel, dress in uniform, practice, associate or participate with the team or group at its scheduled event(s).

**Controlled Substances:** are defined in 21 USC Section 812 and include, but are not limited to opiates, opium derivatives, hallucinogenic, depressant, or stimulant substances, including cocaine, cannabis and synthetic equivalents of the substances contained in the plant, any material, compound, mixture or preparation with substances having a depressant effect on the

central nervous system.

**School Official:** includes, but is not limited to, teacher, coach, activities director, or School administrator.

**Drugs:** shall include any alcohol or malt beverage, any tobacco product, any controlled substance, any illegal substance, any abused substance, any look-alike or counterfeit drug, any medication or any inhalant not approved for the use being made of said medication or inhalant, any substance whose use is intended to alter mood, and/or any substance which is represented and sold or distributed as a restricted or illegal drug, even if the substance is not what it is represented to be.

**Drug Paraphernalia:** all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in this policy.

**Reasonable Suspicion:** an act of judgment by a School employee which leads to a reasonable and prudent belief that a student is in violation of this policy. Said judgment shall be based on training in recognizing the signs and symptoms of drug, and controlled substance use. The fact that a student has previously disclosed use of a controlled substance shall not be deemed a factor in determining reasonable suspicion at a later date.

**Scholastic Year:** a period of time beginning with the first day of the fall extracurricular and co-curricular activities season and ending with the last day of school.

**Search:** a physical examination of a person or his/her property with the intent to discover contraband. However, detection dogs will not be used to search an individual, and will not be used in the immediate presence of students. In the school setting, including school sponsored activities and events, a search is permissible where a school official has reasonable suspicion based on the totality of the circumstances, for suspecting that the search will reveal evidence that the student has violated either the law, School policy or the rules of the School.

Adopted:

Reviewed:

Review Annually

Revised:

Cross Reference: 3370 Searches and Seizures  
3330 Student Discipline  
3340 Corrective Actions and Punishment.  
3360 Discipline of Students with Disabilities

Legal Reference: I.C. § 33-210 Students using or under the influence of controlled substances

Drug Free Schools and Community Act of 1988 – PL 100-690 and all subsequent  
amendments  
Individuals with Disabilities Education Act and P.L. 94-142  
Section 504 of the 1973 Rehabilitation Act

Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: May 21, 2015

## Legacy Charter School

### STUDENTS

3330

#### Student Discipline

##### *Discipline Philosophy-The Harbor School Method™*

Legacy Charter School is founded on the belief that when there is low threat and content is highly challenging, accelerated learning takes place. Each child has the right to come to school without the fear of taunting, teasing or violence. Each parent has the right to expect a school to provide a safe, kind environment for his/her child. Each staff member has the right to teach without the fear of violence.

Education is not only a right but also a privilege and must be guarded by appropriate behavior. We believe that no student has the right to interfere with another's educational opportunities.

Legacy Charter School is dedicated to providing a safe, kind environment for its students. Kindness is the number one expectation for Legacy students in the area of behavior. There will be an emphasis on politeness, honesty, and integrity and zero tolerance for unkindness. If students are kind, there will be no fights, no gangs, and no name calling. Kindness covers all areas that can potentially cause behavior problems in a school setting. Legacy recognizes that, in some circumstances, acts of unkindness outside of the School may have a negative effect on the safe learning environment of the School and, in those instances, the School will address the behavior and/or effect of the unkind behavior at school.

#### Student Discipline

##### A. Proactive Approach to Discipline

The purpose of discipline at Legacy is "to disciple" students. Kindness, politeness, honesty and integrity are character traits necessary for students to become competent, confident, productive and responsible young adults and to achieve success in all aspects of their lives. At a Harbor School, the approach to discipline is proactive.

Grades K-8:

1. Teachers will have a proactive approach to discipline which includes teaching "The Behaviors" and implementing the "40 Card" Program the initial week of school.
2. Teachers will inform students of the classroom rules and general school rules on the first day of class and will review the rules throughout the school year, and students will be expected to follow the rules from that time. The Administrator and /or teacher shall make a copy of the discipline plan for each student's parent upon request. Students who do not follow the rules will be corrected and will receive appropriate disciplinary action.

##### B. Student Conduct

Disciplinary action may be taken against any student guilty of gross disobedience or misconduct, including, but not limited to:

- Habitual truancy.
- Incurability.
- Academic dishonesty.



- Conduct continuously disruptive of school discipline or of the instructional effectiveness of the Charter School.
- Conduct or presence of a student when the same is detrimental to the health and safety of other pupils.
- Using, possessing, distributing, purchasing, or selling tobacco products.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend school functions and are treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs and drug paraphernalia. Students who are under the influence are not permitted to attend school functions and are treated as though they had drugs in their possession.
- Assembly or public expression that advocates the use of substances that are illegal to minors or otherwise prohibited within this policy.
- Using, possessing, controlling, or transferring a weapon in violation of the “Possession of Weapons in a School Building” section of this policy.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- Disobeying directives from staff members or school officials and/or rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes disorderly conduct, an interference with school purposes or an educational function or disruptive to the educational environment.
- Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Hazing – For purposes of this policy, the term “hazing” shall have the meaning set forth in Idaho Code.
- Initiations.
- The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the school.
- Harassment, intimidation, cyber bullying, or bullying as defined in Idaho Code and Charter School policy.

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

- On, or within sight of, school grounds before, during, or after school hours or at any other time when the school is being used by a school group;
- Off school grounds at a school-sponsored activity, or event, or any activity or event which bears a reasonable relationship to school
- Traveling to and from school or a school activity, function or event; or

- Anywhere, including off-campus, if the conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member, or an interference with the education environment.

### Traditional Disciplinary Measures

Traditional disciplinary measures include, but are not limited to:

- Expulsion;
- Suspension;
- Detention, including Saturdays;
- Clean-up duty;
- Loss of student privileges;
- Loss of bus privileges;
- Notification to juvenile authorities and/or police;
- Temporary removal from the classroom;
- Meeting with the student and the student's parents; and
- Restitution for damages to school property.

No person who is employed or engaged by the Charter School may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include, and Charter School personnel are permitted to use, reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense.

### Alternative Disciplinary Measure

Alternative disciplinary action is discipline other than traditional suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior.

Alternative discipline includes, but is not limited to:

- Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- Mediation when there is mutual conflict between peers, rather than one-way negative behavior;
- Counseling;
- Anger management;
- Health counseling or intervention;
- Mental health counseling;
- Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution, and restorative conferencing;
- Diversion or use of juvenile specialty courts;
- Behavioral management plan;

- Corrective instruction or other relevant learning or service experience;
- Community service; and
- In- school detention or suspension, which may take place during lunchtime, after school or on weekends.

#### Consequences for Harassment, Intimidation, and Bullying

Students engaging in harassment, intimidation, or bullying will be subject to graduated consequences appropriate to the severity of the violation as determined by the Board, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences for bullying may include any of the above listed traditional or alternative disciplinary measures or a combination thereof in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. However, depending upon the nature of the act, the Charter School reserves the right to deviate from the process of graduated consequences to appropriately address the conduct at issue and move directly to suspension or expulsion proceedings. Charter School personnel may also report the student's conduct to the appropriate law enforcement officials.

#### Disciplining Students on Individual Education or Section 504 Plans

The Charter School shall comply with the procedural safeguards enumerated in state and federal law and rule when disciplining students with individualized education plans or 504 plans.

#### Gun-Free Schools

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered, or looks like, a firearm, shall be expelled for a definite period of time of at least one (1) calendar year. The Board, however, may modify the expulsion period on a case-by-case basis. The building administrator shall notify the appropriate law enforcement agency of any student who brings a firearm to school.

If a student violating this policy is identified as disabled, either under the IDEA or Section 504, a determination must be made whether the student's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed.

Any student subject to an expulsion shall be entitled to a hearing before the Board, in accordance with Idaho Code and Board policy.

#### Possession of a Weapon On School Property – Misdemeanor

No person shall possess a firearm or other deadly or dangerous weapon while on school property or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, are being used for an activity sponsored by or through a school in this state or while riding school provided transportation. This also applies to students of schools while attending or participating in any school sponsored activity, program or event regardless of location.

As used in this section of this Policy only:

- (a) "Deadly or dangerous weapon" means any weapon as defined in United States Code;
- (b) "Firearm" means any firearm as defined in United States Code;

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

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

This section of this policy does not apply to:

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

#### Delegation of Authority

Each teacher, and any other school personnel when students are under his/her charge, is authorized to impose any disciplinary measure, other than suspension, or expulsion, corporal punishment or in-school suspension, which is appropriate and in accordance with the policies and rules on student discipline. Teachers may remove students from a classroom for disruptive behavior.

#### Nondiscrimination

The Charter School will ensure that student discipline is enforced in a nondiscriminatory manner to avoid subjecting similarly situated students to different treatment without a legitimate reason for doing so, or when such a reason is merely a pretext for discrimination. Such discrimination, which the Charter School will endeavor to avoid, includes the following:

- 1. Adopting discipline rules which treat students differently based on race, color, national origin, ancestry, sex, gender identity, sexual orientation, ethnicity, age, language barrier, religious beliefs, physical and mental handicap or disability, economic or social conditions, or actual or potential marital or parental status or status as a homeless child;

2. Adopting any rule with the intention of targeting students based on the personal characteristics listed above, rather than for a legitimate purpose, regardless of whether the phrasing of the rule appears neutral with regard to students' personal characteristics;
3. Enforcing an apparently neutral rule more harshly on the basis of a student's personal characteristics; or
4. Discipline of any student when it is motivated by intentional discrimination.

Notification

A summarized version of this policy shall be provided in writing at the beginning of each school year to the school personnel, parents, and students in the Charter School. Information provided to students shall be provided in a manner appropriate to the student's age, grade, and level of academic achievement.

The Board shall review this policy annually.

Cross Reference:	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3340	Corrective Actions and Punishment
	4320	Disruption of School Operations

Legal Reference:	I.C. § 33-205	Denial of school attendance
	I.C. § 18-917	Hazing
	I.C. § 18-917A	Student Harassment – Intimidation- Bullying
	I.C. § 18-3302D	Possession Weapons or Firearms on School Property
	I.C. § 18-3302I	Threatening Violence on School Grounds
	I.C. § 33-1224	Powers and duties of teachers
	I.C. § 33-1630	Requirements for Harassment, Intimidation, and Bullying Information and Professional Development
	20 U.S.C. § 7151	Gun-free requirements
	20 U.S.C. § 8921, et seq.	Gun Free Schools Act
	29 U.S.C. § 701	Rehabilitation Act of 1973
	IDAPA 08.02.03.109.05	Special Education
	I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline
		Office of Civil Rights Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline

Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: June 21, 2012

Revised on: November 20, 2014  
Revised on: February 18, 2016

WEAPONS POLICY

The Board is committed to providing a safe and secure environment at Legacy Charter School. The Board has no tolerance for students who use, threaten to use, or possess weapons or other objects/substances which may pose a threat to the health and safety of students, staff and visitors, or could be used to disrupt the educational process. For the purposes of this policy, no tolerance means that consequences will occur if this policy is violated and that the consequences will be commensurate with the circumstances of each situation.

Prohibitions:

- A. No student shall possess, use or distribute a weapon on School premises or at any School sponsored activity, regardless of location.
- B. No student shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons, including but not limited to weapons as defined in this policy which are broken or non-functional, look-alike (i.e., toy guns, etc.), or any object that is a facsimile of a real weapon.
- C. No student shall use articles designed for other purposes (i.e., belts, combs, pens, pencils, files, scissors, tacks, etc.) to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

Definitions:

**A. Weapon:**

- 1. Any object, device or instrument as defined in 18 U.S.C. 930, 18 U.S.C. 921, and Idaho Code 18-3302D; and
- 2. Any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm whether loaded or unloaded; air guns, pellet guns; BB guns, all knives, blades, razor blades, clubs, metal knuckles, numb chucks, throwing stars, explosives, fireworks, mace and other propellants, cigarette lighters, stun guns, ammunition, poisons, chains, bows, arrows, laser pointers, and objects that have been modified to serve as weapons;

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

**C. Possession:**

To bring an object, or cause it to be brought, onto School premises, or onto a vehicle used for school provided transportation, or to any School sponsored activity, regardless of location, or to exercise dominion and control over an object located anywhere on such premises, school transportation vehicles, and personal vehicles on School campus. A student who finds a weapon on the way to school or in the school building, or a student who discovers that he/she accidentally

has a weapon in his/her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon.

Consequences:

- A. Any student found to be in violation of this policy will be subject to disciplinary action by the Board, including, but not limited to, expulsion, suspension, or other appropriate penalties. The board may, at its discretion, expel a student for the possession and/or use of a weapon, regardless of whether the item at issue falls within the definition of "weapon" under the Gun-Free Schools Act. Legacy Public Charter School takes a position of addressing each case individually in regard to the possession, use or distribution of weapons by students. The minimum consequence for student's possession, use or distribution of weapons may include (upon discretion of the Board ):
- Confiscation of the weapon
  - Notification of Police
  - Notification of parents/guardians
  - Suspension
  - Hearing with the Governing Board
- B. A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered, or looks like, a firearm, is in violation of the Gun-Free Schools Act and Idaho Code 18-3302D, and shall be immediately suspended, referred to the appropriate law enforcement agency, and, following due process, be expelled from school for a period of not less than one (1) year, twelve calendar months. The Board, however, may modify the expulsion period on a case-by-case basis. The building administrator shall notify the appropriate law enforcement agency of any student who brings a firearm to school.
- C. The discipline of students with disabilities as defined by IDEA (Individuals with Disabilities Education Act), and subsequent amendments, and Section 504 of the 1973 Rehabilitation Act under this policy shall follow federal guidelines.

Application to Instructional Equipment/Tools:

While the Charter School wishes to address each case individually, it takes a firm position on the possession, use or distribution of weapons by students. Such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students. Such equipment and tools, when properly possessed, used and stored, shall not be considered in violation. However, when authorized instructional and work equipment and tools are used or modified for use in a potentially dangerous or threatening manner, such possession and/or use will be treated as the possession and use of a weapon.

Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on: May 21, 2015



Revised on: November 16, 2017

## Legacy Charter School

### STUDENTS

3335

#### Academic Honesty

All schoolwork submitted for the purpose of meeting course requirements must represent the efforts of the individual student. Any form of academic dishonesty is prohibited. Academic dishonesty includes, but is not limited to: plagiarism, cheating, forgery, copying or stealing another person's work, allowing another person to copy one's own work, doing another person's class work, creating more than one copy of one's work for distribution, intentionally accessing another's material for the purpose of using it as one's own, downloading information from other sources and presenting it as one's own, unauthorized copying of software, unauthorized use of hard copy or software to develop one's own software. Faculty will have the responsibility for monitoring the above actions.

Where appropriate, parents shall be contacted as soon as practicable to report any alleged academic dishonesty on the part of students. Teachers are granted authority, with the direction and advice of the Administrator, to exercise their good judgment in applying a range of academic consequences for violations of this policy. Student and parent appeals of any consequences resulting from violations of this policy should be addressed to the Administrator.

All teachers, beginning especially at the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in our schools. A copy of the Academic Honesty Policy shall be included in student handbooks and shall be distributed to parents via the charter school's publications at least annually.

#### Cheating

Cheating is defined as and includes, but is not limited to, the following:

1. Copying or attempting to copy another student's homework, quiz, test, essay, or lab report.
2. Cheating on tests through such means as cheat sheets, use of unauthorized electronic devices, and discussion of test information with other students.
3. Obtaining test questions and/or copies of tests outside the classroom test setting.
4. Lending and/or copying from another student's work (homework, tests, projects, assignments).
5. Altering or interfering with grading (forging signatures, changing or inserting answers on work after grading).
6. Allowing another student to copy answers during a test situation.
7. Collaborating with other students on an assignment in direct violation of teacher's instructions.
8. Using books and electronic information in generating an assignment in direct violation of teacher's instructions.
9. Accessing, taking, and benefiting from copies of tests and quizzes previously used or to be used by teachers unless provided as study guides by the teacher.
10. Submitting work previously presented in this course or in another course.

#### Plagiarism

Plagiarism is defined as and includes, but is not limited to, the following:

1. Copying material from the source, including the Internet, without citing the source, or citing the source but omitting quotation marks.
2. Paraphrasing the source without proper citation.
3. Copying stories, in whole or part, which appear in books, magazines, television or film.
4. Copying directly, without making any changes, alterations or adaptations from a drawing, painting, illustration, photographic image, or graphic symbol without citing the source.
5. Submitting papers written in whole or part by someone else, including the Internet.
6. Submitting papers on which the student has received substantial assistance from peers and/or adults that dramatically changes the character of the work so that it is no longer the student's own.
7. Submitting a paper purchased from a research or term paper service, including, but not limited to the internet.

### Consequences

First Offense: Student is given a zero on the compromised work. Parents will be notified.

Second Offense: Student will receive a zero and will be referred to the Administrator for further disciplinary action with the possibility of expulsion.

### Policy History:

Adopted on: April 19, 2012

Revised on:

Corrective Actions and Punishment

All students shall submit to the reasonable rules of the Charter School. Refusal to comply with written rules and regulations established for the governing of the Charter School shall constitute sufficient cause for discipline, suspension, or expulsion.

For the purposes of the Charter School's policies relating to corrective action or punishment:

1. “Temporary Suspension” is the exclusion from the Charter School or individual classes for a specific period of up to five (5) school days.

The Principal may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the school. Prior to suspending any student, the Principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the Principal who suspended him or her on reasonable conditions prescribed by the Principal. The Board of Directors shall be notified of any temporary suspensions, the reasons for them, and the response to them.

2. “Extended Temporary Suspension” is the exclusion from the Charter School or individual classes for an additional ten (10) school days. Only the Principal or the Board of Directors can extend an initial temporary suspension.
3. “Prolonged Temporary Suspension” is the exclusion from the Charter School or individual classes for an additional five (5) school days. Only the Board can extend a temporary suspension for an additional five (5) days and only upon a finding that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils’ health, welfare, or safety.
4. “Expulsion” is exclusion from the Charter School. Only the Board has the authority to expel or deny enrollment to any pupil who is an habitual truant, who is incorrigible, whose conduct is such as to be continuously disruptive of school discipline or of the instructional effectiveness of the Charter School, or whose presence is detrimental to the health and safety of other pupils, or who has been expelled from another school in the State of Idaho or any other state. The Charter School will provide written notice of any student who is expelled or denied enrollment to the prosecuting attorney within five (5) days of the Board’s actions.

No pupil shall be expelled nor denied enrollment without the Board of Directors having first given written notice to the parent or guardian of the pupil stating the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the Board. The notice shall also state the rights of the pupil to be

represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the Board shall grant the pupil and his or her parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the Board shall allow a reasonable period of time between notification and the hearing to allow the pupil and his or her parents or guardian to prepare their response to the charge.

5. "Discipline" constitutes all other forms of corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period and exclusion from any other type of activity conducted by or for the Charter School. Discipline shall not adversely affect specific academic grade, subject, or graduation requirements, as long as all required work is performed.

Except in extreme cases, students will not be expelled unless other forms of corrective action or punishment have failed, or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed. Suspensions or expulsions shall be used only for instances of serious student misconduct.

Students with disabilities may also be suspended under these same rules if the suspension will not constitute a change in placement. If a student with a disabling condition accrues ten (10) or more days' suspension per incident, the Child Study Team who has knowledge of the student's disabling condition will determine if there is causal relationship between the disabling condition and the student's misconduct. If such a relationship exists, the student's educational placement may not be changed without parental approval or a court order, pending a due process hearing under IDEA.

Likewise, before a recommendation on the expulsion of a disabled student is submitted to the Board, the Child Study Team must meet to determine if there is a causal relationship between the disabling condition and the student's misconduct. The Board shall consult legal counsel before expelling any disabled student.

When a disabled student is acting in such a way that he or she poses a danger to him or herself or to another student or property, or substantially disrupts his or her educational program or that of other students, an emergency suspension may take place. Emergency suspensions may not last longer than ten (10) school days. The Principal shall convene the Team for reviewing the student's record before the student is readmitted to the Charter School and no later than the tenth (10<sup>th</sup>) day of suspension.

Once a student is expelled in compliance with Charter School policy, the expulsion shall be brought to the attention of appropriate local or state authorities, in order that such authorities may address the student's needs.

No student shall be expelled, suspended, or disciplined in any manner for any act not related to the orderly operation of the Charter School or Charter School-sponsored activities or any other aspect of the educational process.

Cross Reference: 3330 Student Discipline  
3360 Discipline of Students with Disabilities

Legal Reference: 20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act  
I.C. § 33-205 Denial of School Attendance  
I.C. § 33-512 Governance of Schools

Policy History:

Adopted on: April 19, 2012

Revised on: February 18, 2016

## Legacy Charter School

### STUDENTS

3340P

#### Corrective Actions and Punishment

It is the intent of the Board to provide each student with those due process rights that are provided by law.

#### Suspension

In the event the proposed punishment of a student is to include denial of the right of school attendance from any single class or full schedule of classes for at least one (1) day, the following procedure shall be used:

1. Before suspension, the student shall be provided a conference during which the charges will be explained and the student will be given the opportunity to respond to the charges.
2. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. Any suspension shall be reported immediately to the student's parent or legal guardian. A written notice of suspension shall state the reasons for the suspension, including any school rule which was violated, and a notice to the parent or guardian of the right to a review of the suspension. A copy of the notice shall be sent to the Administrator.
4. Upon request of the parent or legal guardian, a review of the suspension shall be conducted by the Administrator. At the review, the student and parent or legal guardian may appear and discuss the suspension with the Administrator. After the meeting, the Administrator shall take such action as appropriate. That action is final.
5. Students who are absent as a result of an out-of-school suspension do not have the right to make up the work missed.
6. The suspension of a student may be extended by the Administrator and/or the Board in accordance with State law. Written notice of the extension of a suspended student will be provided to the student's parent/legal guardian.

#### Expulsion

A student may be expelled from school only by the Board, and only after the following due process procedures have been followed:

1. The student and parent or legal guardian shall be provided written notice of the Board hearing to consider the recommendation for expulsion, by registered or certified mail before the date scheduled for the hearing. The Board shall allow a reasonable period of time between the notification and the hearing. The notice shall include the grounds for the proposed expulsion, the time and place of the hearing, information describing the process to be used to conduct the hearing, including the rights of the student to be represented by counsel, to produce witnesses and submit documentary evidence and the right to cross-examine adult witnesses who testify against the student.
2. Within the limitation that the hearing must be conducted during the period of suspension, an expulsion hearing may be rescheduled by the parent or legal guardian by submitting a request showing good cause to the Administrator at least two (2) school days prior to the date of the hearing as originally scheduled. The Administrator shall determine if the request shows good cause.
3. At the hearing, the student may be represented by counsel, present witnesses and other evidence, and cross-examine adult witnesses. Formal rules of evidence are not binding on the Board.

#### Procedures for Suspension and Expulsion of Students with Disabilities

Legacy Charter School shall comply with the provisions of the IDEA when disciplining students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Any special education student whose gross disobedience or misconduct is not a manifestation of the student's disability may be expelled pursuant to expulsion procedures, except that the disabled student shall continue to receive education services as provided in the IDEA during such period of expulsion.

A special education student may be suspended for ten (10) days of school per incident, regardless of whether the student's gross disobedience or misconduct is a manifestation of the student's disabling condition. Any special education student who has or will exceed ten (10) days of suspension may be temporarily excluded from school by court order or by order of a hearing officer if the Charter School demonstrates that maintaining the student in the student's current placement is substantially likely to result in injury to the student or others. The student shall continue to receive educational services in accordance with the IDEA during such period of suspension.

A special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from the student's current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days in accordance with the IDEA.

#### Procedure History:

Promulgated on: April 19, 2012

Revised on:



Use of Restraint, Seclusion and Aversive Techniques for Students

Conduct of Employees Directed Toward Students:

The use by appropriately trained Charter School personnel towards or directed at any student of any form of restraint or seclusion as defined in this policy, is prohibited except in circumstances where proportional restraint or seclusion of a student is necessary when a student's conduct creates a reasonable belief in the perspective of a Charter School employee, that the conduct of the student has placed the student, the employee or any other individual in imminent danger of serious bodily harm.

The employee or any employee who is a witness to this event shall immediately seek out the assistance of the school's administration and if such administrator is not available a certificated or classified employee with special training in seclusion and restraint, if available. Upon the arrival of such individual, the administrator or if no administrator is available, the most senior trained individual on seclusion or restraint shall take control over the situation.

Seclusion and/or restraint of a student shall immediately be terminated when it is decided that the student is no longer an immediate danger to him/herself or to any other third person and/or if it is determined that the student is exhibiting extreme distress and/or at such time that appropriate administrative personnel have taken possession of the child and/or upon such time that the parent/legal guardian of the child has retaken possession of the child.

Regardless of employee training status, no Charter School personnel shall use any form of aversive technique against any school student.

If a situation occurs where a properly trained Charter School employee must use acts of restraint or seclusion against a school student, the following shall occur:

1. The employee shall immediately report to their building principal, in writing, the following information:
  - a. The date the event occurred
  - b. The circumstances leading to the event
  - c. The student involved
  - d. Other witnesses or participants to the event
2. The building principal shall notify the Principal's Office of the event, providing the Principal's Office with a copy of the report of events.
3. The building principal shall ascertain if any of the school's video equipment captured the event on a recording.
  - a. If such event was captured on recording, the principal shall take all best efforts to maintain a copy of the recording and provide such to the Principal's Office for the Principal's official records of the event.

4. The Principal or designee shall ascertain the special needs status of the student involved in the seclusion or restraint and shall ascertain and maintain documentation as to whether or not such events were consistent with or contraindicated due to the student's psychiatric, medical or physical condition(s).
5. The Principal or designee of the Principal shall notify the parent or legal guardian of the subject student of the situation and the event of restraint or seclusion via telephone and provide the parent/legal guardian with the name and telephone contact information of the building principal where the parent may obtain additional information regarding the event.
6. The Principal or designee of the Principal shall provide the parent/legal guardian of the student with written notice of the event of restraint or seclusion of their student.
7. The Principal's office shall maintain documentation as to events of restraint and seclusion and shall prepare any and all necessary reports to legal entities upon whom such reports are or may become due pursuant to state and federal regulations.

#### Designated Locations:

Each school building for which students are present must have a building designated location for student seclusion.

It is the responsibility of the building's principal, or designee of the principal, to assure that the building's designated seclusion location is a safe and clean location and that such location has appropriate supervision when any student has been placed into seclusion pursuant to this policy.

Appropriate supervision shall include an adult in the seclusion location which has continuous visual observation of the secluded student.

#### Definitions:

For the purposes of this policy, the following definitions shall apply:

Restraint – the immobilization or reduction of a student's freedom of movement for the purpose of preventing harm to students or others through: chemical, manual method, physical or mechanical device, material or equipment.

Seclusion – involuntary confinement in a room or other space during which a student is prevented from leaving or reasonably believing that the he/she can leave or be prevented from leaving through: manually, mechanically or electronically locked doors that when closed cannot be opened from the inside; blocking or other physical interference by staff; or coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion.

Aversive Technique – physical, emotional or mental distress as a method of redirecting or controlling behavior.

Annual Review:

On an annual basis, the Principal or designee shall review this policy and make a determination as to whether or not any modifications or amendments to this policy are necessary and/or should be proposed to the Charter School's Board.

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

Cross Reference: 3360

Discipline of Students with Disabilities

Policy History:

Adopted on: April 19, 2012

Revised on:

## **Legacy Charter School**

### **STUDENTS**

**3350**

#### Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students.

Preceding the assessment of such punishment, the staff member shall inform the student of the nature of the offense charged, and/or the specific conduct that allegedly constitutes the violation. The student shall be afforded an opportunity to explain or justify his/her actions to the staff member. Parents must be notified prior to a student serving an after-school detention.

Students detained for corrective action or punishment shall be under the supervision of a staff member or designee.

#### Policy History:

Adopted on: April 19, 2012

Revised on:

Discipline of Students with Disabilities

**Code of Conduct Violations by Students with Disabilities, Resulting  
In Disciplinary Consequences of Ten (10) School Days or Less**

Student commits code of conduct violation for which the disciplinary consequence would result in removal from the student's placement for ten (10) consecutive days or less.



School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed ten (10) consecutive school days. 34 CFR 300.520(a)(1)(i)



During the first ten (10) cumulative school days of removal in one (1) school year, the school does not have to provide any services to the student if non-disabled students would not receive services. 34 CFR 300.121(d)(1).



School personnel may continue to remove the student for disciplinary reasons for up to ten (10) school days at a time throughout the same school year for separate incidents of misconduct, so long as the removals do not constitute a change of placement under 34 CFR 300.519(b) and are those which would be applied to non-disabled students. 34 CFR 300.520(a)(1)(i).



A series of disciplinary removals, each for ten (10) consecutive school days or less, may result in a change of placement if they cumulate to more than ten (10) school days in one (1) school year. School personnel should analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. 34 CFR 300.519(b). If a removal would result in a change of placement, a manifestation determination review (MDR) must first be done. 34 CFR 300.523(a).

Beginning with the 11<sup>th</sup> day of disciplinary removals in a school year, educational services must be provided. 34 CFR 300.520(a)(1)(ii); 34 CFR 300.121(d)(2)(i)(A). If the removal does not result in a change of placement, school personnel, in consultation with the student's special education teacher, determine the services to be provided. 34 CFR 300.121(d)(3)(i).

The educational services to be provided must meet the standard of enabling the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. 34 CFR 300.121(d)(3)(i).



Beginning with the 11<sup>th</sup> day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within ten (10) business days of first removing the student for more than ten (10) school days in a school year, to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal. 34 CFR 300.520(b)(1)(i).



After the functional behavioral assessment is completed, the IEP Team meets as soon as practicable to develop a behavioral intervention plan to address the behavior and implement the plan. 34 CFR 300.520(b)(2).



If the student is assigned subsequent disciplinary removals in a school year for ten (10) days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. 34 CFR 300.520(c)(2).

If the student's IEP already includes a behavior intervention plan, within ten (10) business days of first removing the student for more than ten (10) school days in a school year, the IEP Team must meet to review the behavior intervention plan and its implementation, and modify the plan and its implementation as necessary to address the behavior. 34 CFR 300.520(b)(1)(ii).



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If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary. 34 CFR 300.520(c)(2).

**Code of Conduct Violations by Students with Disabilities for Which Recommended Disciplinary Consequences Would Result in Change of Placement for More Than Ten (10) School Days (Excluding Drug and Weapon Offenses)**

Student violates code of conduct, and the recommended disciplinary consequence would result in a removal from the current educational placement for more than ten (10) consecutive school days (alternate placement, expulsion). This constitutes a change of placement. 34 CFR 300.519(a).



The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other and the total amount of time the student has been removed result in a change of placement. 34 CFR 300.519(b).



School personnel may remove from current educational placement for ten (10) school days or less (34 CFR 300.520(a)(1)(i)) and recommend further discipline according to the code of conduct. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled. See pp. 1-2 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and law enforcement authorities to whom the crime was reported must be provided special educational and disciplinary records to the extent disclosure is permitted by FERPA. 20 USC 1415(k)(9), 34 CFR 300.529.



At the time decision is made to take this action, school personnel must notify parent of decision and provide procedural safeguards notice in 34 CFR 300.504. 20 USC 1415(k)(4)(A)(i), 34 CFR 300.523(a)(1).



Within ten (10) business days, IEP Team and other qualified personnel must meet and review relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). 20 USC 1415(k)(4)(A), 34 CFR 300.523(a)(2)(b). If there has been no previous functional behavior assessment and creation of a behavior intervention plan, the IEP Team must develop an assessment plan. 34 CFR 300.520(b)(1)(i). As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. 34 CFR 300.520(b)(2). If the IEP contains a behavior intervention plan, the IEP Team reviews the plan and its implementation and modifies them as necessary to address the behavior. 34 CFR 300.520(b)(1)(ii).



For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability, if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student's IEP and placement, special education services, supplementary aids, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

20 USC 1415(k)(4)(C), 34 CFR 300.523(c).



If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. 34 CFR 300.523(d). If IEP Team identified deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. 34 CFR 300.523(f).



If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. 20 USC 1415(k)(5)(A); 20 USC 1412(a)(1)(A). 34 CFR 300.121(a); 34 CFR 300.524(a). The campus must ensure that special education

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. 20 USC 1415(k)(6), 34 CFR 300.525(a), (b).

Parent may appeal decision to place student in forty-five-(45)-day interim placement. The hearing is expedited before a special education hearing officer, who applies the standards regarding a dangerous student in 34 CFR 300.521. 20 USC 1415(k)(6)(B)(ii), 34 CFR 300.525(b)(2).

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. 34 CFR 300.526(a). Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. 34 CFR 300.526(b),(c). The hearing officer applies the standards in 34 CFR 300.121. 34 CFR 300.526(c). Hearing officer can order another placement for up to forty-five (45) days. 34 CFR 300.526(c)(3). This procedure may be repeated as necessary. 20 USC 1415(k)(7), 34 CFR 300.526(c)(4)

and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. 20 USC 1415(k)(5)(B); 34 CFR 300.524(b).

The standard the educational services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. 34 CFR 300.121(d)(2)(i)(B); 34 CFR 300.524(a). The IEP Team must determine what services are necessary to meet this standard. 34 CFR 300.121(d)(3)(ii).

## Drug and Weapon Offenses by Students with Disabilities

Student carries weapon to school, or possesses, uses, sells, or solicits sale of illegal or controlled substance on school property or at a school function.



School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. 20 USC 1415(k)(1)(A)(i); 34 CFR 300.520(a)(1)(i). (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and special education and disciplinary records shall be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. 20 USC 1415(k)(9); 34 CFR 300.529.



At time decision is made to take this disciplinary action, school personnel must notify parent of decision and provide procedural safeguards notice in 34 CFR 300.504. 20 USC 1415(k)(4)(A)(i); 34 CFR 300.523(a)(1).



Illegal drug - controlled substance. Excludes legally used and possessed prescription drugs. 20 USC 1415(k)(10)(B); 34 CFR 300.520(d)(2).

Controlled substance - drug or substance in 21 U.S.C. § 812(c), Schedules I-V. 20 USC 1415(k)(10)(A); 34 CFR 300.520(d)(1).

Weapon - A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. 20 USC 1415(k)(10)(D); 34 CFR 300.520(d)(3).

The forty-five-(45)-day alternative interim placement must:

- Enable student to progress in general curriculum, although in another setting.
- Enable the student to continue to receive those services and modifications, including those described in the student's IEP, that will enable the student to meet the goals set out in that IEP; and
- Include services and modifications designed to address the drug or weapon offense so that it does not recur. 20 USC 1415(k)(3)(B); 34 CFR 300.522; 34 CFR 300.121(d)(2)(ii).

Comments to regulations:

Within ten (10) business days, IEP Team must meet and may extend the removal by placing student in appropriate interim alternative educational setting applicable to non-disabled student for same amount of time non-disabled student would be assigned, but not more than forty-five (45) calendar days. 20 USC 1415(k)(1)(A)(ii) and (3)(A); 34 CFR 300.520(a)(2); 34 CFR 300.522(a). IEP Team must review the behavior intervention plan, if one exists, and its implementation and modify, as necessary, to address behavior. 34 CFR 300.520(b)(1)(ii). If there has been no previous functional behavioral assessment and creation of behavior intervention plan, IEP Team must develop assessment plan. 20 USC 1415(k)(1)(B); 34 CFR 300.520(b)(1)(i). As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. 34 CFR 300.520(b)(2). The IEP Team and other qualified personnel must review the relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). 20 USC 1415(k)(4)(A); 34 CFR 300.523(a)(2),(b).



Students may be subject to multiple forty-five-(45)-day interim placements for separate drug and weapon offenses. The forty-five-(45)-day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty-five-(45)-day interim placement.

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that, in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student's IEP and placement, special education services, supplementary aids and services, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

20 USC 1415(k)(4)(C); 34 CFR 300.523(c).



If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. 34 CFR 300.523(d). If IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. 34 CFR 300.523(f).

OR

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. 20 USC 1415(k)(5)(A); 20 USC 1412(a)(1)(A). 34 CFR 300.121(a). 34 CFR 300.524(a). The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. 20 USC 1415(k)(6); 34 CFR 300.525(a), (b).

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. 20 USC 1415(k)(6)(A); 34 CFR 300.525(a)(2).

During appeals, stay put applies. 34 CFR 300.524(c). If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to forty-five (45) days. Standards to be met are those in 20 USC 1415(k)(2) and 34 CFR 300.521.

disciplinary action. 20 USC 1415(k)(5)(B); 34 CFR 300.524(b).

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. 34 CFR 300.121(d)(2)(i)(B); 34 CFR 300.524(a).

The IEP Team must determine what services are necessary to meet this standard. 34 CFR 300.121(d)(3)(ii).

### Students Dangerous to Self or Others

IDEA discipline procedures are followed for a non-drug or weapon or offense, the penalty for which would result in expulsion or removal from the student's placement for more than ten (10) school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due-process hearing. Stay put applies, and child stays in the current placement, unless school acts to change the placement. 34 CFR 300.524.



School requests hearing officer to change the placement during the pendency of the hearing, because of the likelihood of injury to self or others. 20 USC 1415(k)(2); 34 CFR 300.521.



Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. 20 USC 1415(k)(2)(A), (10)(D); 34 CFR 300.521(a). Hearing officer must also:

- consider the appropriateness of the current placement.
- consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.



If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. 20 USC 1415(k)(6)(B)(ii); 34 CFR 300.525(b)(2).

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- determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher

- ♦ enables the student to participate in the general curriculum, although in another setting;
- ♦ enables the student to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP; and
- ♦ include services and modification designed to address the behavior so that it does not recur.

20 USC 1415(k)(2); 34 CFR 300.521(b),(c),(d); 34 CFR 300.522(b); 34 CFR 300.121(d)(2)(ii)(B).

If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. 20 USC 1415(k)(2); 34 CFR 300.521.



Student returns to his or her current placement (the placement prior to the interim alternative educational setting) at end of forty-five (45) days, if no decision has been issued by hearing officer in pending due-process hearing. If school believes it would be dangerous for student to return to current placement while hearing is still pending, school may request another expedited hearing to again place student in forty-five-(45)-day interim placement while hearing continues to be pending. 34 CFR 300.526(b), (c)(4). Hearing officer holds same type of hearing initially held when hearing officer ordered first forty-five-(45)-day interim placement. 20 USC 1415(k)(7); 34 CFR 300.526. Any subsequent forty-five-(45)-day interim setting must meet the standards in 34 CFR 300.522.

Procedure History:

Promulgated on: April 19, 2012  
Revised on:



## **Legacy Charter School**

### **STUDENTS**

**3370**

#### Searches and Seizure

To maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects.

#### School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as cubbies, desks, and parking lots), as well as personal effects left there by the student, without notice or consent of the student. This applies to student vehicles parked on school property. The Administrator may request the assistance of law enforcement officials to conduct inspections and searches of cubbies, desks, parking lots, and other school property and equipment for illegal drugs, weapons or other illegal or dangerous substances or material, including searches conducted through the use of specially trained dogs.

#### Students

School authorities may search the student and/or the student's personal effects in the student's possession when there is reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating the law or the Charter School's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

#### Seizure of Property

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

#### Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3370P

#### Searches and Seizure

The following rules shall apply to any searches and the seizure of any property by school personnel:

1. The Administrator, and authorized assistants shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.
2. If the Administrator has reasonable suspicion to believe that any desk, cubby or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the Charter School, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.
3. The authorized administrator may perform random searches of any desk, cubby or container of any kind on school premises without notice or consent.
4. If the authorized administrator has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or the Charter School, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.
5. No student shall hinder, obstruct or prevent any search authorized by this procedure.
6. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date and results shall be made by the Administrator.
7. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.
8. In any situation where the administrator is in doubt as to the propriety of proceeding with any search or seizure, the administrator is authorized to report to and comply with the directions of any public law enforcement agency.

#### Procedure History:

Promulgated on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3335

#### Weapons Policy

Absolutely no weapons of any sort or anything that resembles a weapon as defined in 18 U.S.C. Section 930 are allowed on Legacy Public Charter School property or at school sponsored activities at any time under any circumstances. Any student who brings a weapon to school property and/or school sponsored activities is in violation of the Gun-Free Schools Act and Idaho Code 18-3302D, and shall be expelled for a period of no less than 1 year (12 months). A recommendation will be made to the Governing Board for extended suspension or expulsion.

#### Weapons Policy Explained

##### I. Purpose

The purpose of this policy is to ensure a safe school environment for students, staff and the public.

##### II. Statement

No student shall possess, use, or distribute a weapon when in a school location.

##### III. Definitions

###### A. Weapon

- a. Any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; air guns, pellet guns; BB guns, all knives, blades, clubs, metal knuckles, numb chucks, throwing stars, explosives, fireworks, mace and other propellants, cigarette lighters, stun guns, ammunition, poisons, chains, bows, arrows, laser pointers, and objects that have been modified to serve as weapons.
- b. No student shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons, including, but not limited to, weapons listed above which are broken or non-functional, look alike, toy guns, and any object that is a facsimile of a real weapon.
- c. No student shall use articles designed for other purposes (i.e.: belts, combs, pens, pencils, files, scissors, tacks, etc.) to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

###### B. School Location

School location includes a school building, school grounds, school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, and all school-related functions.

###### C. Possession

Possession means having a weapon on one's person or in an area subject to one's control in a school location. A student who finds a weapon on the way to school or in the school building, or a student who discovers that he/she accidentally has a weapon in his/her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon.

#### IV. Consequences

- A. Legacy takes a position of addressing each case individually in regard to the possession, use or distribution of weapons by students. The minimum consequence for student's possession, use or distribution of weapons may include (upon discretion of Administrator):
- Confiscation of the weapon
  - Notification of Police
  - Notification of parents/guardians
  - Suspension
  - Hearing with the Governing Board

#### V. Application to Instructional Equipment/Tools

While Legacy may address each case individually, it takes a firm position on the possession, use or distribution of weapons by students. Such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students. Such equipment and tools, when properly possessed, used and stored, shall not be considered in violation. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

#### Procedure History:

Adopted on: March 2010

Revised on: April 19, 2012

## Legacy Charter School

### STUDENTS

3410

#### School Sponsored Student Activities

1. Student Organizations:

- a. All student organizations must be approved by the administration. Secret or clandestine organizations or groups will not be permitted.
- b. Bylaws and rules of student organizations must not be contrary to board policy, administrative rules and regulations, or the Harbor School Method™
- c. Procedures in student organizations must follow generally accepted democratic practices in the acceptance of members and nomination and election of officers.

2. Social Events

- a. Social events must have prior approval of the administration.
- b. Social events must be held in school facilities unless approved by the Board.
- c. Social events must be chaperoned at all times.
- d. Students in attendance must comply with Liberty Charter School policy.
- e. Students who have been suspended from the School may not attend School social events while serving suspension.

#### Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3500

#### Student Health/Physical Screenings/Examinations

The Board of Directors may arrange each year for health services to be provided to all students. Such services may include, but not be limited to:

1. The development of procedures at each building for the isolation and temporary care of students who become ill during the school day;
2. Consulting services of a qualified specialist for staff, students, and parents;
3. Vision and hearing screening;
4. Scoliosis screening; and
5. Immunization as provided by the Department of Health and Human Services.

Parents/guardians will receive a written notice of any screening result which indicates a condition that might interfere or tend to interfere with a student's progress.

In general, the Charter School will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening administered by the Charter School is conducted which is:

1. Required as a condition of attendance;
2. Administered by the Charter School and scheduled by the Charter School in advance; and
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above-described non-emergency, invasive physical examination, or screening.

As used in this policy, the term "invasive physical examination" means any medical examination involving the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body. This does not include a hearing, vision, or scoliosis screening.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Idaho High School Activities Association will be required to follow the rules of that organization, as well as other applicable Charter School policies, rules, and regulations.

All parents will be notified of the requirements of the Charter School's policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy.

Legal Reference: General Education Provisions Act, 20 U.S.C. 1232h(b)

Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

Revised on : November 19, 2015

Student Medicines

***Assistance in Self Administration of Medicines to Students***

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

1. May assist in the self-administration of any drug that may lawfully be sold over the counter without a prescription to a pupil in compliance with the written instructions, if the pupil's parent/guardian consents in writing.
2. May assist in the self-administration of a prescription drug to a pupil in compliance with the written instructions of a licensed health care practitioner, if the pupil's parent/guardian consents in writing.

***Administering Medicines to Students***

No employee except a qualified health care professional may administer a drug or prescription drug to a pupil under this policy except in an emergency situation.

The Board will permit the administration of medication to students in schools in its jurisdiction. Pursuant to the written authorization of the student's licensed health care practitioner, as well as the written authorization of a parent/guardian, the school nurse (who has received direction as to the administration of medication by the student's licensed health care practitioner) may administer medication to any student in the school.

Where administration of medication is a routine activity for a particular student, the subject shall be addressed in a student's health care plan, Section 504 Plan or IEP, as applicable.

Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a Charter School employee and should not be practiced by any school personnel.

The absence of a school nurse for the administration of medication shall be addressed on a case-by-case basis considering proper compliance with Idaho law and the medical needs of the student.

***Emergency Administration of Medicines***

In case of an anaphylactic reaction or the risk of such reaction, a school nurse or delegate may administer emergency oral and/or injectable medication to any student in need thereof on the school grounds, in the



school building, or at a school function, according to the standing order of the chief medical advisor or the student's licensed health care practitioner.

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

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

### ***Self-Monitoring and Treatment of Diabetes***

A student with diabetes, upon written request of the student's parent/guardian and written authorization from the student's treating physician, shall be permitted by the Board to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the student's diabetes in the classroom and in any area of the school or school grounds, and to possess on the student's person at all times all necessary supplies and equipment to perform these monitoring and treatment functions.

### ***Self-Administration of Asthma Medication, Insulin/Diabetic Treatment, or Epinephrine Auto-Injectors***

Pursuant to Idaho Code covering the self-administration of asthma medication, the following shall apply to epinephrine auto-injectors, insulin, or blood glucose monitoring supplies if a parent/legal guardian chooses to have his or her child self-medicate:

1. The parents/guardians of the pupil shall provide to the Board or designee written authorization for the self-administration of medication.
2. The parents/guardians of the pupil shall provide to the Board or designee written certification from the physician of the pupil that the pupil has a severe allergic reaction (anaphylaxis), asthma, ~~or~~ another potentially life-threatening respiratory illness, or diabetes and is capable of, and has been instructed in, the proper method of self-administration of medication. In cases where the pupil has severe or life-threatening allergies, Policy 3515 Food Allergy Management, and any related procedures shall be followed. For students with a severe allergic reaction, asthma, ~~or~~ another potentially life-threatening respiratory illness, or diabetes the student's physician or health care provider-supplied information shall contain:
  - A. The name and purpose of the medicine;
  - B. The prescribed dosage;
  - C. The time(s) at which or the special circumstances under which medication should be administered;

- D. The length of time for which medication is prescribed;
- E. The possible side-effects of the medicine;
- F. Actions to take in the event of an emergency, including if the medication does not improve the child's breathing or allergic reaction;
- G. Contact information for the physician and parent/guardian; and
- H. If applicable, a list of the child's asthma triggers or allergies.

3. The school's administration and appropriate teachers and school personnel are informed that the student is self-administering prescribed medication. Such notification shall be done in a manner so as to best preserve the privacy of the student and the student's medical condition to the extent appropriate.

For students with severe or life-threatening allergies this information may be provided in the student's Emergency Care Plan.

### ***Additional Requirements for Self-Administration of Medicines***

The Board or Board designee will inform the parents/guardians of the pupil in writing that the Charter School and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil, absent any negligence by the Charter School, its employees, or its agents, or as a result of providing all relevant information provided pursuant to subdivisions of this subsection with the school nurse, absent any negligence by the Charter School, its employees, or its agents, or in the absence of such nurse, to the school administrator.

The parents/guardians of the pupil shall sign a statement acknowledging that the Charter School shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents/guardians shall indemnify and hold harmless the Charter School and its employees or agents against any claims arising out of the self-administration of medication by the pupil.

Students who are authorized to carry their own epinephrine auto-injectors or supplies or equipment necessary for diabetes monitoring and/or treatment of diabetes may be retested periodically to ensure they are still capable of correctly self-administering the medication.

As used in this section:

1. "Medication" means an epinephrine auto-injector, a metered dose inhaler, or a dry powder inhaler or insulin, insulin delivery system and/or supplies or equipment necessary for diabetes monitoring and/or treatment prescribed by a physician and having an individual label;
2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician; and

3. A student who is permitted to self-administer medication pursuant to this section shall be permitted to possess and use the prescribed medication at all times.

Any school employee authorized in writing by the school administrator or principal may assist with self-administration of medications provided that only the following acts are used:

1. Verbal suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
2. Handing a prefilled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy to the student;
3. Opening the lid of the above container for the student;
4. Guiding the hand of the student to self-administer the medication;
5. Holding a container of fluid and assisting the student in drinking fluid to assist in the swallowing of oral medications; and/or
6. Assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

### ***Handling and Storage of Medicines***

All medications, including those approved for keeping by students for self medication, must first be delivered by the parent/guardian to the nurse or employee assisting with the self-administration of medication. The nurse or the employee must:

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

No more than a 45 school day supply of a medication for a student will be stored at the school. All medications, prescription and nonprescription, will be stored in their original containers.



**Legacy Charter School**

**STUDENTS**

**3510F1**

Authorization for Self-Administered Medication

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_ DOB: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Telephone: (Home): \_\_\_\_\_ (Work): \_\_\_\_\_

I give my permission for my child to self-administer the medication described below. I shall indemnify and hold harmless the Charter School and its employees or agents for legal fees, costs, and any potential damages concerning self-administration of this medication arising out of any claims brought by the above named child or anyone else.

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

\_\_\_\_\_  
Date

.....

**THE FOLLOWING IS TO BE COMPLETED BY THE PHYSICIAN:**

I am recommending that the above named student be allowed to self-administer the following medication.

Name and Purpose of Medication: \_\_\_\_\_

Identification of Chronic Medical Problem: \_\_\_\_\_

\_\_\_\_\_

Prescribed Dosage to be Taken: \_\_\_\_\_

Length of Time Medication Must be Taken: \_\_\_\_\_

Possible Side-Effects and/or Special Precautions to be Taken: \_\_\_\_\_

\_\_\_\_\_

**Conditions Under Which Self-Medication Will Take Place:**

\_\_\_\_\_ **Independently** (*Child must have had training and be proficient in self-administering medication.*)

Trainer's Name: \_\_\_\_\_

Date of Training: \_\_\_\_\_

\_\_\_\_\_ **Under the supervision of a school nurse**

Medication should be: \_\_\_\_\_ Stored in the Health Office

\_\_\_\_\_ In the possession of the student

\_\_\_\_\_  
Type or Print Physician's Name

\_\_\_\_\_  
Physician's Signature

\_\_\_\_\_  
Date

**STUDENTS**

**3510F(2)**

Indemnification/Hold Harmless Agreement  
For Self-Administration of Medication

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

The parent(s)/guardians(s) agree to indemnify, defend, and hold the school district harmless from any and all claims, actions, costs, expenses, damages and liabilities, including attorney’s fees, arising out of, connected with or resulting from the self-administration of medication by the pupil. The parent(s)/guardians(s) agree(s) that the school district, Governing Board, Governing Board employees and its agents shall incur no liability as a result of any injury arising out of or connected with the self-administration of medication by the pupil. Specifically, the parent(s)/guardian(s) agree that they will not institute either on their own behalf or on behalf of the pupil, any claim or action against the Governing Board, Governing Board employees and its agents arising out of or connected with self-administration of medication by the pupil.

This agreement shall take effect on the date listed below and shall stay in effect for as long as the pupil is provided permission to self-administer medication. This agreement must be signed and in full effect prior to the granting of permission to self-administer medication.

\_\_\_\_\_  
Parent/Guardian’s Name (Please Print)

\_\_\_\_\_  
Parent/Guardian’s Signature

\_\_\_\_\_  
Parent/Guardian’s Name (Please Print)

\_\_\_\_\_  
Parent/Guardian’s Signature

\_\_\_\_\_  
Administrator’s Signature

\_\_\_\_\_  
Date of Agreement

Contagious or Infectious Diseases

Attendance at the Charter School may be denied to any child diagnosed as having a contagious or infectious disease that could make the child's attendance harmful to the welfare of other students. In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the school have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

The Board recognizes that communicable diseases that may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. The Charter School shall rely on the advice of the public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

Management of common communicable diseases will be in accordance with Idaho Department of Health and Welfare guidelines and communicable diseases control rules. A student who exhibits symptoms of a communicable disease that is readily transmitted in the school setting may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the responsible person designated by the Administrator and may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

The School reserves the right to require a statement from the student's primary care provider authorizing the student's return to school. In all proceedings related to this policy, the School shall respect the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious communicable disease, the staff member or volunteer shall promptly notify the Administrator to determine appropriate measures to protect student and staff health and safety. The Administrator, after consultation with and on the advice of public health officials, shall determine which additional staff members, if any, have need to know of the affected student's condition.

Only those persons with direct responsibility for the care of the student or for determining appropriate educational accommodation will be informed of the specific nature of the condition, if it is determined there is a need for such individuals to know this information.

Parents of other children attending the school may be notified that their child has been exposed to a communicable disease without identifying the particular student who has the disease.



Legal Reference: I.C. § 33-512      Governance of Schools

Policy History:

Adopted on: March 2010

Revised on: April 19, 2012

## Legacy Charter School

### STUDENTS

3525

#### Immunization Requirements

Attendance at the Charter School may be denied to any child who does not provide an immunization record to the school regarding the child's immunity to certain childhood diseases. Immunity requirements are met if the child has received or is in the process of receiving immunization as specified by the Board of Health and Welfare or has previously contracted the disease. The parent or legal guardian of the child must comply with the immunization requirements at the time of admission and before attendance for the child.

Summary of Immunization Requirements			
Immunization Requirement	Child born after September 1, 2005	Child born after September 1, 1999 through September 1, 2005	Child born on or before September 1, 1999
Measles, Mumps, and Rubella (MMR)	2 doses	2 doses	1 dose
Diphtheria, Tetanus, Pertussis	5 doses	5 doses	4 doses
Polio	4 doses	3 doses	3 doses
Hepatitis B	3 doses	3 doses	3 doses
Hepatitis A	2 doses	0 doses	0 doses
Varicella	2 doses	0 doses	0 doses

Summary of Seventh Grade Immunization Requirements		
Immunization Requirement	Child admitted to 7 <sup>th</sup> grade prior to the 2011-2012 school year	Child admitted to the 7 <sup>th</sup> grade during the 2011-2012 school year and each year thereafter
Diphtheria, Tetanus, Pertussis	0 doses	1 dose
Meningococcal	0 doses	1 dose

#### Immunization Certification

The immunization record must be signed by a physician or physician's representative or another licensed health care professional including osteopaths, nurse practitioners, physicians' assistants, licensed professional nurses, registered nurses, and pharmacists stating the type, number, and dates of the immunizations received.

### Intended Immunization Schedule

The schedule of intended immunizations statement must be provided by the parent or legal guardian of a child who is in the process of receiving or has been scheduled to receive the required immunizations. A form is provided by the Department of Health and Welfare or a similar one may be used provided it includes the following information:

1. Name and date of birth of child;
2. School and grade child is enrolling in and attending;
3. Types, numbers, and dates of immunizations to be administered;
4. Signature of the parent, custodian, or legal guardian; and
5. Signature of a licensed health care professional providing care to the child.

Children admitted to the Charter School and failing to continue the schedule of intended immunizations will be excluded from school until documentation of administration of the required immunizations is provided by the child's parent, custodian, or legal guardian.

### Exemptions

1. Any child who submits a certificate signed by a physician licensed by the State Board of Medicine stating the physical condition of the child is such that all or any of the required immunization would endanger the life or health of the child is exempt from the immunization requirements.
2. Any minor child whose parent or guardian submits a signed statement to school officials stating their objections on religious or other grounds is exempt from the immunization requirements.
3. A child who has laboratory proof of immunity to any of the childhood diseases listed above will not be required to be immunized for that disease.
4. A child who has had varicella (chickenpox) diagnosed by a licensed physician upon personal examination will not be required to be immunized for the disease provided they submit a signed statement from the diagnosing physician.

A child exempted under one of the above requirements may be excluded by the Charter School in the event of a disease outbreak.

### Reporting

The Charter School shall submit a report of each school's immunization status to the State Department of Education on or before the first day of November of each year. The report shall include:

1. Inclusive dates of the reporting period;
2. Name and address of the school and county;

3. Grade being reported and total number of children enrolled in the grade;
4. Name and title of the person completing the report form;
5. Number of children who meet all of the required immunizations listed in the tables above;
6. Number of children who do not meet all of the required immunizations listed in the tables above, but are in the process of receiving the required immunizations; and
7. Number of children who claimed exemption to the required immunizations listed in the tables above.

Legal Reference:

I.C. § 39-4801    Immunization Required  
I.C. § 39-4802    Exemptions  
IDAPA 16.02.15    Immunization Requirements for Idaho School Children

Policy History:

Adopted on: April 19, 2012

Revised on:

Suicide

Neither a charter school nor a teacher has a duty to warn of the suicidal tendencies of a student absent the teacher's or charter school's knowledge of direct evidence of such suicidal tendencies. The Board directs the Executive Director or his or her designee to draft and implement procedures relating to:

4. Suicide prevention;
5. Suicide intervention; and
6. Suicide postvention.

"Postvention" shall mean counseling or other social care given to students after another student's suicide or attempted suicide.

These procedures may include, but are not limited to, the following measures:

4. Prevention:
  - J. Offering and providing help and assistance, including early identification;
  - K. Support and/or counseling by school support personnel for low-risk students;
  - L. Referral to appropriate sources outside the school for high and moderate-risk students;
  - M. The designation of a school-level suicide prevention coordinator(s) by the Executive Director to be responsible for planning and coordinating the implementation of procedures addressing suicide.
  - N. Encouraging staff to report to the coordinator students they believe may be at elevated risk of suicide.
  - O. Education of students on suicide prevention through age-appropriate curriculum.
  - P. Small group suicide prevention programming.
  - Q. Additional training on suicide prevention for all staff for whom such training is deemed necessary.
  - R. Offering resources to parents/guardians on suicide prevention.
5. Intervention:
  - E. Contacting the parents/guardians of students identified as at imminent risk of suicide.
  - F. Contacting emergency services to assist a student who is at imminent risk of suicide.
  - G. Providing first aid until emergency personnel arrive, as appropriate.
  - H. Moving other students away from the immediate area of any suicide attempt on Charter school property or at a Charter school event.
6. Postvention:

- H. After care support by the school for faculty, staff, and students after a sudden death has occurred.
- I. The development of a plan for responding to a death by suicide that has a significant impact on the school community.
- J. Notification of the suicide prevention coordinator, if applicable.
- K. The creation of a crisis team to respond to deaths by suicide that have a significant impact on the school community.
- L. Contacting the State Department of Education to report any student deaths by suicide and to seek postvention assistance and/or resources.
- M. Offering mental health services to students likely to be strongly affected by a recent death.
- N. Appointing a spokesperson to handle inquiries related to issues involving suicide in the school.

Charter School personnel shall attend to the rights of the student and his or her family.

The Charter School shall comply with all requirements of State law and administrative rules for training by personnel on suicide prevention and awareness.

Legal Reference:	I.C. § 33-136	Suicide Prevention in Schools
	I.C. § 33-512B	Suicidal Tendencies – Duty to Warn.
	I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on: November 15, 2018

Revised on:

Emergency Treatment

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

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

When a student is injured, staff shall provide immediate care and attention and immediately contact the parent or guardian so that the parent or guardian can arrange for care or treatment of the injured student. If, in the judgment of the Administrator or person in charge, emergency medical attention is required, staff shall call 911 Emergency and the parent or guardian shall be immediately notified. If a child develops symptoms of illness while at school, the responsible school officials shall do the following:

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

In the event that the parent cannot be reached and in the judgment of the Administrator or person in charge immediate medical attention is required, the injured student may be taken directly to the hospital and treated by the physician on call, or the staff may call 911 Emergency. When the parent is located, he/she may elect to continue the treatment or make other arrangements.

Should the school, in the judgment of its personnel, be in a position whereby a 911 Emergency is called and/or a student is taken directly to a hospital for care or treatment, the charter school will not be responsible for any of the medical costs associated with such emergency call, transportation or treatment. All such costs will be the financial responsibility of the parent/legal guardian of the student.

Policy History:

Adopted on: April 19, 2012

Revised on: May 21, 2015

Student Interviews, Interrogations or Arrests

Interviews by School Administrators (Student Victims/Witnesses)

When a violation of board policy or school rule occurs, the school Administrator or designee may question a potential student victim or students who may have relevant information without prior consent of the parent, guardian or legal custodian. Reasonable efforts shall be made such that another adult will be present during the questioning of students.

Interrogations by School Administrators (Student Suspect)

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

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

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

When students are interviewed or interrogated by law enforcement officers, the Administrator or designee shall request that police officers observe all procedural safeguards prescribe by law. However, school personnel are not responsible for a police officer's compliance with the law. If a parent or student refuses to consent to police questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

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

Interviews and Interrogations by Law Enforcement Officers (Non-School-Related Violation)



The Charter School strives to maintain cooperative working relations between law enforcement, child protective and school authorities. Law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstances exist, such interviews and interrogations are discouraged during the student's class time. The Administrator and Administrator's designee have the right and the obligation to take reasonable steps to prevent disruption of school operations and the educational process while at the same time cooperating with law enforcement efforts. Accordingly, the Administrator or designee shall work together with law enforcement officers to coordinate efforts and minimize or prevent such disruption in cases of student interviews and interrogations. In the event of disagreement, the Administrator or designee shall immediately contact legal counsel for assistance.

Before any student interview or interrogation begins regarding suspected criminal activity, the Administrator or designee shall ascertain that the law enforcement officer has proper identification evidencing affiliation with an identified law enforcement agency. The Administrator or designee shall request that all procedural safeguards prescribed by law are observed by the law enforcement officers when interviewing student witnesses or interrogating student suspects. An effort shall be made to notify the student's parent, guardian or legal custodian in advance of the interview or interrogation regarding suspected criminal activity. Whether or not to postpone the interview or interrogation until the parent arrives is ultimately the law enforcement officer's decision. **In cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family, such parent/guardian contact would not be warranted. The Idaho Department of Health and Welfare or law enforcement may exclude school personnel from any child abuse investigations/interviews and may use a school building to conduct the interview.**

#### Arrests by Law Enforcement Officers

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

When a student is removed from school by law enforcement officers for any reason, the Administrator will make every reasonable effort to notify the student's parent, guardian, or legal custodian. The Administrator will document such effort in writing. Before removing the student from school, the police shall sign a release form in which they assume full responsibility for the student. The Administrator or designee shall request that all procedural safeguards prescribed by law are observed by the law enforcement officers. School personnel are not, however, responsible for an officer's legal compliance with respect said arrest.

Definitions:

1. “Interview”—The questioning of a student who may be a witness or victim of an incident.
2. “Interrogation”—The questioning of a student suspected of violating Board and/or school policy, school rule or criminal law.
3. “Reasonable Grounds to Suspect”—More than a generalized suspicion or a mere hunch, but not requiring certainty that a violation has occurred. For example, it may be based upon, among other things, direct observations or the reported observations or experiences of others. It involves a common-sense conclusion about human behavior based upon all of the circumstances presented.

Cross Reference:       4400   Relations with Law Enforcement and Child Protective Agencies  
                              4410   Investigations and Arrests by Police  
                              5260   Abused and Neglected Child Reporting

Legal Reference:       I.C. § 6-904(1)   Exceptions to Governmental Liability  
                              I.C. § 16-1605   Reporting of abuse, abandonment or neglect  
                              I.C. § 16-1606   Immunity  
                              I.C. § 16-1607   Reporting in bad faith—Civil Penalties  
                              I.C. § 16-1631   Authorization for Department to Act  
                              I.C. § 20-516    Apprehension and Release of Juvenile—Detention  
                              Idaho Attorney General Opinion 93-2

Policy History:

Adopted on: April 19, 2012

Revised on: May 21, 2015

**Legacy Charter School**

**STUDENTS**

**3545F1**

Student Interviews, Interrogations or Arrests

Student Arrest Form

FORM FOR SIGNATURE OF ARRESTING OFFICER

I, \_\_\_\_\_, a duly sworn peace officer and member of the \_\_\_\_\_ Department, \_\_\_\_\_ division, have asked that \_\_\_\_\_, a student in the \_\_\_\_\_ School, be surrendered to me, and pursuant thereto have taken said student into my custody and am assuming full responsibility for the student's arrest.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Time \_\_\_\_\_ Badge Number \_\_\_\_\_

**School Action**

Date and time parents notified (if more than one attempt is made, include such information here) \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Administrator

1 copy for School Records  
1 copy for Parent Mailing

1 copy for Police Officer

1 copy for Witnessing Administrator

Policy History:

Adopted on: April 19, 2012

Revised on:

**Legacy Charter School**

**STUDENTS**

**3545F2**

Student Interviews, Interrogations or Arrests

Student Interview Form

FORM FOR SIGNATURE OF INTERVIEWING OFFICER

I, \_\_\_\_\_, a duly sworn peace officer and member of the \_\_\_\_\_ Department, \_\_\_\_\_ division, have asked that \_\_\_\_\_, a student in the \_\_\_\_\_ School, be made available for interview.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Time \_\_\_\_\_ Badge Number \_\_\_\_\_

**School Action**

Date and time parents notified (if more than one attempt is made, include

such information here) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Administrator

- 1 copy for School Records
- 1 copy for Parent Mailing
- 1 copy for Police Officer
- 1 copy for Witnessing Administrator

Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3550

#### Removal of Student During School Hours

The Board recognizes its responsibility for the proper care of students during school hours. Students shall not be removed from school grounds, any school building or school function during school hours except by a person duly authorized in accordance with Charter School procedures. Before a student is removed or excused, the person seeking to remove the student must present, to the satisfaction of the Administrator, evidence of his/her proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone unless the request is approved by the Administrator. The Administrator is directed to establish procedures for the removal of a student during school hours.

#### Policy History:

Adopted on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3550P

#### Removal of Student During School Day

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policy 4410.
2. Any other agencies must have a written administrative or court order directing the District to give custody to them. Proper identification is required before the student shall be released.
3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.
4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.
5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else's custody, unless an emergency situation justifies a waiver.
6. Police should be called if a visitor becomes disruptive or abusive.

Cross Reference: 4400

Relations with the Law Enforcement and Child Protective Agencies

#### Procedure History:

Promulgated on: April 19, 2012

Revised on:

## Legacy Charter School

### STUDENTS

3555

#### Student Pickup From School

At the end of the school day (at approximately 2:30 p.m. on a regular full day of school), students are directed to the area designated for student pick up from school.

If a student has not been picked up from school within twenty (20) minutes of the end of the school day, the student is returned to the school's office. Thereafter, the following process will commence:

1. The student's parent/guardian will be contacted utilizing the contact information previously provided to the school's office personnel.
  - a. If the student's parent does not respond to the call, the student's emergency contact will be contacted utilizing the contact information previously provided to the school's officer personnel.
2. If no individual has responded to a call and/or if no parent or designated adult who is allowed to transport the student from school has arrived by 3:05 P.M. the school's office will contact local law enforcement officials and the student will be turned over to local law enforcement. It will then be the responsibility of the parent/guardian of the student and local law enforcement to address the transportation and custody of the student.

Neither the school nor its employees shall transport or assume responsibility for the transportation of a student from school when the student's designated transportation has not arrived at school at the end of the school day.

Should a parent/guardian fail to retrieve their child from school and the above process be required on two (2) separate occasions during a school year, the parent(s)/guardian(s) will be required to attend a meeting with the school's Administrator(s) to address the parental responsibility for child transportation and how such matters may be properly addressed in the future.

Adopted: January 18, 2018



## Legacy Charter School

### STUDENTS

3560

#### Video Surveillance

Having carefully weighted and balanced the rights of privacy of students, staff and visitors against the Charter School's goal of ensuring the safety of every student, employee and visitor while they are on school property and also accomplish the goal of safeguarding Legacy Charter School facilities and equipment, the Board hereby authorizes the use of video cameras on Charter School property as follows:

Video surveillance shall be used to promote order, to maintain the security, health, welfare, and safety of all staff, students and visitors on Charter School property, and to safeguard Charter School facilities and equipment.

The Charter School shall notify staff and students through student/parent and staff handbooks that video surveillance may occur at any location or on any Charter School property. Additionally, notices shall be posted on or about Charter School property alerting those on Charter School property that the Charter School is utilizing the use of Video Surveillance.

Review of any video recordings is restricted to those who have a security, safety or a legitimate educational interest. Absent a specific FERPA or personnel statute exception application, this means that review of video shall be limited to school agents or employees.

Video recordings may become a part of a student's educational record or a staff member's personnel record. The Charter School shall comply with all applicable state and federal laws related to record maintenance and retention.

Video surveillance may be used for investigations of criminal activity by appropriate law enforcement agencies and may be used by the Charter School to investigate violations of Charter School policy.

Students or staff in violation of Board policies, administrative regulations, building rules, or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement agencies.

Video cameras may be installed in public locations as deemed appropriate by the Principal, including but not limited to school busses, hallways, classrooms, computer labs, gymnasiums and cafeterias. Video cameras shall not be installed in areas with a reasonable expectation of privacy such as restrooms and locker rooms.

Audio shall not be part of the video recordings made, reviewed, or stored by the Charter School.

Absent specific board approval limited to possible law enforcement applications, no individual shall be permitted to "tap" into the school's live video feed or otherwise have real-time video streaming access to the school's video recordings for any purpose.

Cross-Reference: 3570                      Student Records

Legal Reference: I.C. § 33-512  
Books v. Logan, 127 Idaho 484, 903 P.2d 73 (1995); Rife v. Long, 127 Idaho 841,  
908 p.2d 143 (1995).  
I.C. § 18-6701 et. seq.  
34 C.F.R. Part 99  
Family Educational Rights and Privacy Act (FERPA)

Policy History:

Adopted on: April 19, 2012

Revised on: May 21, 2015

Revised on: November 15, 2018

Student Records and Release of Student Directory Information

The Family Educational Rights and Privacy Act (FERPA) has specified that student records are confidential, with some exceptions.

The parent/guardian or eligible students (students over the age of eighteen) may inspect and review educational records. The School:

1. personnel will comply with a request of access to records within a reasonable period of time, but in no case more than forty-five (45) days after it has received the request.
2. personnel will respond to reasonable requests for explanations and interpretations of the records.
3. may make a copy of educational records upon a parent/guardian request and may charge for the actual cost of copying the records unless payment is determined to effectively preclude access to the educational records.
4. shall not destroy any educational records if there is an outstanding request to inspect and review the records.

Education records are defined as those records directly related to a student and maintained by the School or by a party acting on behalf of the School.

Education records pertaining to particular students do not include the records of school employees which are kept in the sole possession of the employee, are used only as a personal memory aid, and are not revealed to any other person except a temporary substitute of that employee.

Personally identifiable information will not be released from an education record without the prior written consent of the parent or eligible student, except under specific circumstances.

Personally identifiable information is defined as such information including, but not limited to:

1. the student's legal name;
2. the name of the student's parent/guardian or other family members;
3. the address of the student or student's family;
4. a personal identifier such as the student's social security number or student number;
5. a list of personal characteristics that would make the student's identification easily traceable; or
6. other information that would make the student's identity easily traceable.

Personally identifiable information will be released without prior written consent of the parent or eligible student under the following conditions:

1. the disclosure is to other School officials, including teachers within the School who have a legitimate educational interest. A legitimate educational interest is defined as an interest directly pertaining to a particular student's education;
2. the disclosure is to officials of another school, school system or institution of postsecondary education where the student seeks or intends to enroll;
3. the disclosure is to state and local educational authorities;
4. the disclosure is in connection with financial aid for which the student has applied or which the student has received;
5. the disclosure is to organizations conducting studies for, or on behalf of, the School to develop, validate or administer predictive tests, administer student aid programs or improve instruction;
6. when information is disclosed to organizations as set forth in item 5 above, the study must be conducted in such a manner that does not permit personal identification of the parents and students by individuals other than representatives of the organization. The information must be destroyed when no longer needed for the purposes for which the student was conducted;
7. the disclosure is to an accrediting organization to carry out its crediting function;
8. the disclosure is to parents of a dependent student as defined by the Internal Revenue Code;
9. the disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the School makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance;
10. the disclosure is in connection with a health or safety emergency;
11. the disclosure is information that the School has designated as "directory information;"
12. the disclosure is to the parent of a student who is under the age of eighteen (18) years, or to the student if he/she is 18 years or older.

The School shall maintain a record of each request for access to and each disclosure of personally identifiable information from the information record of each student. This record of access shall be maintained with the education records of each student as long as the records are maintained. The access log shall specify the individuals who have requested or received personally identifiable information from the education records and the legitimate interest the parties had in requesting or obtaining the information. If the information was released without prior parental consent, the specific exception for such consent shall also be set forth. A record is not required to be kept of access to a student's record by the parent or eligible student, a School official with legitimate educational interest, when written consent has been received from the parent or eligible student, a request is received for directory information only, or the School is ordered to not disclose the request for records.

#### Directory Information

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

1. the student's name for school related directories, military or post-secondary requests only and not for public release;
2. address for school related directories, military or post-secondary requests only and not for public release;

3. telephone listing for school related directories , military or post-secondary requests only and not for public release;
4. electronic mail address (e-mail) for school-related directories only and not for public release;
5. photographs of the student used by the School for recognition of student achievement and community relations, including, but not limited to, publication in the School's directory or school's newsletters or publications, yearbooks, in the school setting, and on the school's web site;
6. participation in officially recognized activities such as sports;
7. weight and height of members of athletic teams;
8. dates of attendance, degrees and awards received; and
9. the most recent previous educational agenda or institution attended.

The School may disclose directory information after giving written public notice annually to parents of students in attendance and eligible students in attendance that:

1. all information as set forth in the definition of directory information has been designated as directory information by the School.
2. a parent or eligible student has the right to refuse to allow the School to designate any or all of the types of information about the student as directory information.
3. a parent or eligible student must notify the School in writing that the parent or eligible student does not want any or all of those types of information about the student released within thirty (30) days after receiving notice that directory information may be disclosed.
4. the School may disclose directory information about former students without notice.

#### Military Recruiters/Institutions of High Education

The School shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a parent or secondary school student requests, in writing, that the student's name, address, and telephone listing not be released without prior written parental consent.

#### Student Record Challenges

The parents may challenge the accuracy, relevancy or propriety of the records, except for grades, and references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing at which each party has:

- the right to present evidence and to call witnesses;
- the right to cross-examine witnesses;
- the right to counsel;
- the right to a written statement of any decision and the reasons therefore;
- the right to appeal an adverse decision to an administrative tribunal or official, to

be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include a statement in any release of the information in dispute.

The School will meet State and Federal requirements when dealing with the education records of students with disabilities.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. 99 Family Education Rights and Privacy Act,  
I.C. § 33-209 Transfer of Student Records -- Duties  
I.C. § 32-717A Parents' Access to Records and Information  
No Child Left Behind Act of 2001, P.L. 107-334

Procedure History:

Adopted on: April 19, 2012

Revised on: May 21, 2015

Revised on: June 18, 2015

## Legacy Charter School

### STUDENTS

3570F

#### Student Records

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

*This notification may be distributed by any means likely to reach the parent(s)/guardian(s).*

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

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

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

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

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

Students less than eighteen (18) years of age have the right to inspect and copy their permanent record. Parents/guardians or students should submit to the school Administrator (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The Administrator will make arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the time and place where the records may be inspected.

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

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

When the student reaches eighteen (18) years of age, or is attending an institution of post-secondary education, all rights and privileges accorded to the parent become exclusively those of the student.

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

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

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

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

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

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

Upon request, the Charter School discloses education records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is



released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

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

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

Throughout the school year, the Charter School may release directory information regarding students, limited to:

- the student's name for school related directories, military or post-secondary requests only and not for public release;
- address for school related directories, military or post-secondary requests only and not for public release;
- telephone listing for school related directories , military or post-secondary requests only and not for public release;
- electronic mail address (e-mail) for school-related directories only and not for public release;
- photographs of the student used by the School for recognition of student achievement and
- community relations, including, but not limited to, publication in the School's directory or school's newsletters or publications, yearbooks, in the school setting, and on the school's web site;
- participation in officially recognized activities such as sports;
- weight and height of members of athletic teams;
- dates of attendance, degrees and awards received; and
- the most recent previous educational agenda or institution attended.

*Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building Administrator within thirty (30) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.*

6. **The right to request that that information not be released to military recruiters and/or institutions of higher education.**

Pursuant to federal law, the Charter School is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

Parent(s)/guardian(s) or eligible students may request that the Charter School not release this information, and the Charter School will comply with the request.

Parent(s)/guardian(s) or eligible students may request that the Charter School not release this information, and the Charter School will comply with the request.

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

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

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

Procedure History:

Adopted on: April 19, 2012

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## Legacy Charter School

### STUDENTS

3570P

#### Student Records

##### Maintenance of School Student Records

The Charter School shall maintain a record for each student that shall contain information, including but not limited to the following:

- birth certificate
- proof of residency
- unique student identifier
- basic identifying information
- academic transcripts
- immunization records
- attendance records
- intelligence and aptitude scores
- psychological reports
- achievement test results
- participation in extracurricular activities
- honors and awards
- verified reports or information from non-educational persons
- verified information of clear relevance to the student's education
- log pertaining to release of student's record
- disciplinary information

Information in student files shall be maintained for a period of 5 years after a student graduates or permanently leaves the Charter School unless the information is subject to the Records Retention Schedule in Policy 8605.

Records for a special education student with disabilities who graduates or permanently withdraws from the Charter School, including eligibility documentation, IEPs, Consents and Written notices, will, for at least six (6) years, be maintained until such time or when the Charter School has been given written consent from the parent(s) and/or adult former student to destroy the records or transfer the records to the parent(s) or to the student if the student has succeeded to the rights of the parents. Such written records of individual students are confidential and shall be shredded or burned under supervision of the staff member responsible for the records if not released to the parent(s) and/or adult former student. The records manager should maintain a log that documents the date of destruction or release of records.

The Principal's designee shall be responsible for the maintenance, retention, or destruction of a student's records, in accordance with the Charter School's procedure established by the Principal.

The unique student identifier is a number issued and assigned by the State Department of Education to each student currently enrolled or who will be enrolled. The unique student identifier shall follow the student from each school or Local Education Agency (LEA) or upon return to a school or LEA after an absence no matter the length of absence.

### Access to Student Records

The Charter School shall grant access to student records as follows:

1. The Charter School or any Charter School employee shall not release, disclose, or grant access to information found in any student record except under the conditions set forth in this policy.
2. The parents of a student under eighteen (18) years of age shall be entitled to inspect and copy information in the child's school records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within fifteen (15) days of the Charter School's receipt of such a request.

Where the parents are divorced or separated, both shall be permitted to inspect and copy the student's school records unless a court order indicates otherwise. The Charter School shall send copies of the following to both parents at either one's request, unless a court order indicates otherwise or parental rights have been terminated by court order or parental agreement:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including pupil-parent interaction.

When the student reaches eighteen (18) years of age, graduates from high school, marries, -enters military service, or becomes legally emancipated all rights and privileges accorded to the parent become exclusively those of the student. The parents of dependent students, as defined by the I.R.S. (i.e. student termed dependent for income tax purposes) may have access to student educational records if the parents establish, via either a copy of the applicable tax forms and/or a Parental Affidavit for Educational Records attesting to the student's dependent status.

Access shall not be granted to the parent or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment, or the receipt of an honor or award, if the student has waived his or her right of access, after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The Charter School may grant access to, or release information from, student records to employees or officials of the Charter School or the Idaho State Board of Education, provided a

current, demonstrable, educational or administrative need is shown, without parental consent or notification. Access in such cases shall be limited to the satisfaction of that need.

4. The Charter School may grant access to, or release information from, student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
5. The Charter School shall grant access to, or release information from, a student's records pursuant to a court order or appropriate subpoena. In most instances, the parent/qualified student shall be given prompt written notice of such order/subpoena, a general statement of the documents which will be released, and the proposed date of release of the documentation requested. However, there are very limited circumstances under the USA Patriot Act where schools are required to disclose information without notice to the parent or student to the Attorney General of the United States upon an ex parte order in connection with the investigation or prosecution of terrorism crimes or other such specified situations when the court order prohibits disclosure (i.e. Federal Grand Jury Subpoena or Law Enforcement Subpoena wherein such order indicates disclosure is not permitted).
6. The Charter School shall grant access to or release information from any student record as specifically required by federal or state statute.
7. The Charter School shall grant access to, or release information from, student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy shall be mailed to the parent or eligible student by the Principal. Whenever the Charter School requests the consent to release certain records, the records custodian shall inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.
8. The Charter School may release student records to the Principal or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.
9. Prior to the release of any records or information under items 5, 6, 7, and 8 above, the Charter School shall provide prompt written notice to the parents or eligible student of this intended action except as specified in item 5. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.
10. The Charter School may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian shall make this decision taking

into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. Any release that is made must be narrowly tailored considering the immediacy, magnitude, and specificity of the information concerning the emergency and the information should only be released to those persons whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals (i.e. law enforcement, public health officials, trained medical personnel). The exception is temporarily limited to the period of the emergency and does not allow for a blanket release of personally identifiable information from a student's records. The Charter School shall notify the parents or eligible student as soon as possible of the information released, the date of the release, the person, agency or organization to which the release was made, and the purpose of the release and the same information shall be recorded in the student's record log.

11. The Charter School will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).
12. The Charter School charges a nominal fee for copying information in the student's records. No parent or student shall be precluded from copying information because of financial hardship.
13. A log of all releases of information from student records (including all instances of access granted, whether or not records were copied) shall be kept and maintained as part of such records. This log shall be maintained for the life of the student record and shall be accessible only to the parent or eligible student, records custodian, or other such person. The log of release shall include:
  - a. Information released or made accessible.
  - b. The name and signature of the records custodian.
  - c. The name and position of the person obtaining the release or access.
  - d. The date of the release or grant of access.
  - e. A copy of any consent to such release.

### Directory Information

The Charter School may release certain directory information regarding students, except that parents may prohibit such a release. Directory information shall be limited to:

- the student's name for school related directories, military or post-secondary requests only and not for public release;
- address for school related directories, military or post-secondary requests only and not for public release;
- telephone listing for school related directories , military or post-secondary requests only and not for public release;
- electronic mail address (e-mail) for school-related directories only and not for public release;
- photographs of the student used by the School for recognition of student achievement and

- community relations, including, but not limited to, publication in the School's directory or school's newsletters or publications, yearbooks, in the school setting, and on the school's web site;
- participation in officially recognized activities such as sports;
- weight and height of members of athletic teams;
- dates of attendance, degrees and awards received; and
- the most recent previous educational agenda or institution attended.

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

#### Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the Charter School is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

#### Student Record Challenges

The parents may challenge the accuracy, relevancy or propriety of the records, except for grades, and references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing at which each party has:

- the right to present evidence and to call witnesses;
- the right to cross-examine witnesses;
- the right to counsel;
- the right to a written statement of any decision and the reasons therefore; the right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include a statement in any release of the information in dispute.

Cross Reference: Policy 8605 Retention of Charter School Records

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. 99 Family Education Rights and Privacy Act,  
I.C. § 33-209 Transfer of Student Records - Duties  
I.C. § 32-717A Parents' Access to Records and Information  
IDAPA 08.02.03.009

#### Procedure History:

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## Legacy Charter School

### STUDENTS

3575

#### Relations with Non-custodial Parents

##### **Access to Students**

The parent with whom the student primarily resides shall be recognized by the Charter School as the custodial parent unless a current legal document or signed parental agreement indicates otherwise. Unless there are specific court-imposed restrictions on custody or visitation, such as: 1.) a final divorce decree; 2.) interim orders (in the case that the parents are separated); or 3.) a restraining order, the non-custodial parent, upon written request may visit the child briefly at school. If restrictions are made relative to these rights, the custodial parent will be required to submit a certified copy of all relevant court orders, to the Administrator, which curtails these specific rights.

While both parents, absent a court document described above can visit the student at school, only the custodial parent has the right to remove the student from school property. Only a verified note from the custodial parent will be cause for exception to this provision. If school personnel anticipate a possible student abduction, law enforcement personnel are to be notified immediately.

##### **Access to Student Records**

Unless informed otherwise, the Charter School assumes that there are no restrictions regarding the non-custodial parent's right to be kept informed of the student's school progress and activities. If restrictions are made relative to these rights, the custodial parent will be required to submit a certified copy of all relevant court orders, to the Administrator, which curtails these specific rights. Otherwise, the non-custodial parent, upon written request, may view the student's educational, medical or similar records maintained in such student's cumulative record, receive school progress reports and have an opportunity to conference with the student's teacher(s).

The custodial parent has the responsibility to keep the school office informed as to the address of the student's primary residence, in a manner determined by the school, and how he/she may be contacted at all times. The Charter School reserves the right to request verification in the form of a certified court document from any party presenting legal documents.

Legal Reference: Federal Family Educational Rights and Privacy Act of 1974  
Department of Education 34 C.F.R. Part 99 (May 9, 1980 45FR 30802) regs.  
Implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232G) – parent and student privacy and other rights with respect to educational records

#### Policy History:

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Revised on:

## Legacy Charter School

### STUDENTS

3576

#### Student Data Privacy and Security

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

Student information is compiled and used to evaluate and improve Idaho's educational system and improve transitions from high school to postsecondary education or the workforce. The Data Management Council (DMC) was established by the Idaho State Board of Education to make recommendations on the proper collection, protection, storage and use of confidential student information stored within the Statewide Longitudinal Data System (SLDS). The DMC includes representatives from K-12, higher education institutions and the Department of Labor.

This model policy is required by the Idaho Data Accountability Act. In order to ensure the proper protection of confidential student information, the Charter School shall adopt, implement and electronically post this policy to its' website. It is intended to provide guidance regarding the collection, access, security, and use of education data to protect student privacy. This policy is consistent with the DMC's policies regarding the access, security, and use of data maintained within the SLDS. Violation of the Idaho Data Accountability Act may result in civil penalties.

#### Definitions

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

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

**Data Breach** is the unauthorized acquisition of PII.

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

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

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

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

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

### Collection

The Charter School shall follow applicable state and federal laws related to student privacy in the collection of student data.

### Access

Unless prohibited by law or court order, the Charter School shall provide parents, legal guardians, or eligible students, as applicable, the ability to review their child's educational records.

The Principal 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 Charter School shall be restricted to:

- (1) the authorized staff of the 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

The Charter School shall have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure. The Charter School shall immediately notify the Executive Director of the Idaho State Board of Education and the State Principal of Public Instruction in the case of a confirmed Data Breach or confirmed Unauthorized Data Disclosure. The Charter School shall also notify in a timely manner affected individuals, students, and families if there is a confirmed Data Breach or confirmed Unauthorized Data Disclosure.

### Use

Publicly released reports shall not include PII and shall use Aggregate Data in such a manner that re-identification of individual students is not possible.

Charter School contracts with outside vendors involving student data, which govern databases, online services, assessments, special education or instructional supports, shall include the following provisions which are intended to safeguard student privacy and the security of the data:

1. Requirement that the vendor agree to comply with all applicable state and federal law;
2. Requirement that the vendor have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure;
3. Requirement that the vendor restrict access to PII to the authorized staff of the vendor who require such access to perform their assigned duties;
4. Prohibition against the vendor's secondary use of PII including sales, marketing or advertising;
5. Requirement for data destruction and an associated timeframe; and
6. Penalties for non-compliance with the above provisions.

The Charter School shall clearly define what data is determined to be directory information.

If the 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.

Cross Reference: 3570 – 3570P      Student Records

Legal Reference: 20 U.S.C. § 1232g Family Education Rights and Privacy Act  
34 C.F.R. 99      Family Education Rights and Privacy Act  
I.C. § 33-133      Idaho Student Data Accessibility, Transparency, and Accountability Act

Policy History:

Adopted on: September 9, 2014

Revised on:

## Legacy Charter School

### STUDENTS

3610

#### Records of Missing Children

Upon notification by the Idaho state police of a missing or runaway child currently enrolled in the Charter School, that student's records shall be flagged in such a manner that whenever a copy of or information regarding the record is requested, the school is alerted to the fact that the record is that of a missing or runaway child. If request is made for a flagged record, the record shall not be forwarded and the local law enforcement agency shall be notified of the request for the flagged record.

Any request concerning flagged records or knowledge as to the whereabouts of a missing or runaway child shall immediately be reported to the local law enforcement agency. Upon notification by the Idaho state police of the return of the missing or runaway child, the school shall remove the flag from the student's record.

Legal Reference: I.C. § 18-4511      School Duties—Records of Missing Child—Identification Upon Enrollment—Transfer of Student Records

#### Policy History:

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