

# **Moscow School District 281**

## **SECTION V**

**(5000)**

# **STUDENTS**

**APPROVED: NOVEMBER 1995**

*Entire Policy Reviewed & Revisions Approved  
Completed: January 25, 2023*

**Policy Range**

5000-5049	ATTENDANCE ( <i>Revisions Approved 1/25/23</i> )	
	5000.00 General Statement of Attendance Policy .....	5000-1
	5000.01 Truancy .....	5000-1
	5000.01.01 Definition of Truancy .....	5000-1
	5000.01.02 Consequences of Truancy .....	5000-2
	5000.01.03 Petition to Restore Credit when Credit Loss is Due to Truancy....	5000-2
	5000.02 Responsibility to Report .....	5000-2
	5020.00 Elementary Student Attendance Zone Placement.....	5000-2
	5020.01 Placement Procedures/Regulations.....	5000-3
	5021.00 Enrollment and Placement Requirements ( <i>Updated 7/26/23</i> ).....	5000-3
	5021.10 Out-of-District Transfers ( <i>Updated 7/26/23</i> ) .....	5000-3
	5021.20 In-District Transfers ( <i>Updated 7/26/23</i> ).....	5000-4
	5022.00 Admission Process ( <i>Updated 7/26/23</i> ) .....	5000-5
	5023.00 Maximum Capacity ( <i>Updated 7/26/23</i> ).....	5000-6
	5024.00 Student Appeals ( <i>Updated 7/26/23</i> ) .....	5000-6
	5025.00 Student Rights and Responsibilities( <i>Updated 7/26/23</i> ).....	5000-6
	5026.00 Preventing or Recruiting Potential Open Enrollment Students ( <i>Updated 7/26/23</i> ).....	5000-6
	5027.00 Attendance By Out of State Students ( <i>Updated 7/26/23</i> ).....	5000-6
	5028.00 Student Information .....	5000-7
	5029.00 Enrollment Qualifications.....	5000-7
	5029.01 Special Education .....	5000-7
	5029.02 Special Education Service Agreements .....	5000-7
	5029.03 Guidelines for Private Service Providers in Moscow Schools .....	5000-7
	5030.00 Dual Enrollment and Attendance.....	5000-9
5050-5099	STUDENT CONDUCT ( <i>Revisions Approved 4/26/23</i> )	
	5050.00 Basic Policy .....	5000-10
	5051.00 Building Code of Conduct .....	5000-10
	5051.01 Threatening Violence on School Grounds.....	5000-10
	5052.00 Drug and Alcohol Use/Abuse Prevention.....	5000-10
	5053.00 Suspension and Expulsion .....	5000-11
	5053.09 Schools to be Free of Weapons .....	5000-12
	5053.09.01 Guidelines Defining “weapon” for Purposes of this Policy .....	5000-13
	5053.09.02 Guidelines Defining “firearm” for Purposes of this Policy .....	5000-13
	5053.09.03 Defining “school” for Purposes of this Policy.....	5000-14
	5053.10 Policy Regarding Disciplinary Suspension and Expulsions of Students Having Disabilities .....	5000-14
	5053.11 Guidelines to Implement Discipline Policy Regarding Students Having Disabilities .....	5000-14
	5054.00 Academic Eligibility for Activities.....	5000-15
	5054.01 Definitions .....	5000-15
	5054.01.01 Curricular Activities .....	5000-15
	5054.01.02 Co-curricular Activities .....	5000-15
	5054.01.03 Co-curricular Academic Probation .....	5000-15
	5055.00 Extracurricular Event Attendance.....	5000-17
	5056.00 Searches .....	5000-17
	5056.01 Locker/Desk/Storage Area Searches .....	5000-17

**MOSCOW SCHOOL BOARD POLICY MANUAL**  
**SECTION V – STUDENTS**

5057.00	School Bus Discipline.....	5000-17
5057.01	Guidelines.....	5000-17
5057.02	Report of Violations and Disciplinary Actions .....	5000-17
5057.03	Suspension of Bus Privileges.....	5000-17
5058.00	Bus Supervision for Activities.....	5000-18
5059.00	Student Bus Lists .....	5000-18
5060.00	Student Harassment Basic Policy .....	5000-18
5060.01	Definition of Harassment, Intimidation, Bullying.....	5000-18
5060.02	Reporting Procedures.....	5000-19
5060.03	Investigation .....	5000-19
5060.04	Disciplinary Action.....	5000-20
5060.05	Protection Against Retaliation .....	5000-20
5060.06	Record of Allegations .....	5000-20
5060.07	Sexual Harassment, Discrimination and Retaliation .....	5000-20
5061.00	Title IX Coordinator .....	5000-21
5061.05	Mandatory Reporters .....	5000-22
5061.10	Contact Information.....	5000-22
5061.15	Notice/Formal Complaint of Sex and Gender-Based Harassment, Discrimination, and/or Retaliation.....	5000-22
5061.20	Grievance Processes .....	5000-23
5062.00	Co-curricular Substance Abuse Policy .....	5000-23
5062.01	Philosophy and Objectives .....	5000-23
5062.02	Definitions .....	5000-24
5062.03	Seasons .....	5000-24
5062.04	Commission of a Controlled Substance Violation.....	5000-24
5062.05	Determination of Violations – Student’s Right to Due Process .....	5000-24
5062.06	Appeals .....	5000-25
5062.07	Penalties.....	5000-26
5062.08	Accumulation.....	5000-26
5062.09	Reinstatement .....	5000-26
5062.10	Citizenship .....	5000-26

5100-5149 STUDENT ACTIVITIES (*Revisions Approved 4/26/23*)

5100.00	Basic Policy .....	5000-27
5101.00	General Fund Raising Activities.....	5000-27
5101.01	Elementary and Middle School .....	5000-27
5101.02	High School .....	5000-27

5150-5159 WELFARE OF STUDENTS (*Revisions Approved 4/26/23*)

5150.00	Physical Examinations for Students .....	5000-28
5151.00	Illness.....	5000-28
5151.01	Emergency Contact.....	5000-28
5151.02	Do Not Resuscitate Orders .....	5000-28
5151.03	Exclusion of Students with Contagious or Infectious Diseases.....	5000-29
5151.04	Administration of Medication by School Personnel ( <i>updated 9/27/23</i> ) .....	5000-29
5151.05	Self-administration of Asthma Medication, Insulin/Diabetic Treatment, or Epinephrine Auto-Injectors.....	5000-31
5151.06	Additional Requirements for Self-Administration of Medicines ....	5000-31
5151.07	Handling and Storage of Medicines .....	5000-32
5151.08	Disposal of Medication .....	5000-33

MOSCOW SCHOOL DISTRICT 281 BOARD POLICY  
SECTION V – STUDENTS

5152.00	Immunization .....	5000-33
5152.01	Immunization Exemption .....	5000-33
5153.00	Gifts to Employees .....	5000-33
5154.00	Custody .....	5000-34
5155.00	Police Interviews .....	5000-34
5156.00	Loiterers .....	5000-34
5157.00	Student Use of Telephones .....	5000-34
5158.00	Suicide: Basic Policy .....	5000-34
5158.10	Prevention .....	5000-34
5158.10.01	Notification Responsibilities of Faculty & Staff .....	5000-34
5158.10.02	Crisis Interview .....	5000-34
5158.10.03	Informing Parents .....	5000-34
5158.10.04	Documentation .....	5000-35
5157820	Suicidal Tendencies .....	5000-35
5159.00	Use of Restraint, Seclusion, and Aversive Techniques for Students.....	5000-35
5159.10	Definitions .....	5000-35
5159.20	Conduct of Employees Directed Towards Students .....	5000-35
5159.30	Training of School Personnel .....	5000-36
5160-5169	CHILD ABUSE AND NEGLECT ( <i>Revisions Approved 4/26/23</i> )	
5160.00	Rationale .....	5000-38
5160.01	Reporting of Abuse, Abandonment or Neglect .....	5000-38
5160.02	Immunity .....	5000-38
5161.00	Provisions for Confidentiality .....	5000-38
5170-5179	EDUCATION OF HOMELESS STUDENTS ( <i>Revisions Approved 1/25/23</i> )	
5170.00	Basic Policy .....	5000-39
5170.10	Definition .....	5000-39
5171.00	School Stability .....	5000-40
5172.00	District Liaison .....	5000-40
5173.00	Immediate Enrollment .....	5000-41
5173.10	Records .....	5000-42
5173.20	Placement Choice .....	5000-42
5173.30	Disputes .....	5000-42
5173.40	Privacy .....	5000-42
5173.50	Contact Information .....	5000-42
5174.00	Comparable Services .....	5000-42
5200-5249	STUDENT PROGRESS ( <i>Revisions Approved 1/25/23</i> )	
5200.00	Failure .....	5000-44
5201.00	Success .....	5000-44
5250-5299	EARLY GRADUATION ( <i>Revisions Approved 1/25/23</i> )	
5250.00	Basic Policy .....	5000-45
5300-5349	FOREIGN EXCHANGE STUDENTS ( <i>Revisions Approved 1/25/23</i> )	
5300.00	Basic Policy .....	5000-46
5350-5399	RELIGIOUS ACTIVITIES IN THE SCHOOLS ( <i>Reviewed 1/25/23 – No Changes</i> )	
5350.00	Religious Activities in the Schools .....	5000-47

**MOSCOW SCHOOL BOARD POLICY MANUAL**  
**SECTION V – STUDENTS**

	5350.01 Basic Policy .....	5000-47
	5350.02 Non-students .....	5000-47
	5350.03 Private Religious Expressions .....	5000-47
	5350.04 Private Religious Speech .....	5000-47
	5350.05 Distribution of Literature .....	5000-47
	5350.06 Posting Notices .....	5000-48
	5350.07 Instruction .....	5000-48
	5350.08 Release from Lessons, Based on Religious Objections .....	5000-48
	5350.09 Student Clothing .....	5000-48
	5350.10 Graduation Prayer and Baccalaureates .....	5000-48
5400-5499	<b>GRADUATION OF STUDENTS WITH DISABILITIES</b> ( <i>Revisions Approved 1/25/23</i> )	
	5400.00 Basic Policy .....	5000-49
	5400.10 Requirements .....	5000-49
5500-5599	<b>STUDENT RECORDS</b> ( <i>Revisions Approved 1/25/23</i> )	
	5500.00 Student Education Records .....	5000-50
	5500.10 Student’s Legal Name .....	5000-50
	5505.00 Maintenance of Permanent Student Records .....	5000-50
	5510.00 Inspection of Records .....	5000-51
	5515.00 Family Educational Rights and Privacy Act (FERPA) Requirements ..	5000-51
	5520.00 Disclosure of Student Education Records .....	5000-51
	5520.10 Non-custodial Parent .....	5000-52
	5520.20 Record of Requests .....	5000-52
	5520.30 Directory Information .....	5000-52
	5530.00 Record Amendment .....	5000-53
	5540.00 Transfer of Records .....	5000-53
	5540.10 Disciplinary Records .....	5000-53
	5550.00 Students With Disabilities .....	5000-53
	5555.00 Time Requirements for Maintaining Educational Records .....	5000-53
	5556.00 Student Data Privacy and Security .....	5000-53
	5556.10 Definitions .....	5000-54
	5557.00 Collection .....	5000-54
	5558.00 Access .....	5000-54
	5559.00 Security .....	5000-55
	5560.00 Use .....	5000-55

**PROCEDURES**

- Elementary School Attendance/Placement Procedures (5022.20)
- Procedure for Self-administration of Medical Inhalers or Epinephrine Auto-Injectors (5151.06)
- Child Abuse/Neglect Procedures Checklist (5160.00-5162.00)
- Early Graduation (5250.00)
- Foreign Exchange Students (5300.00)

**FORMS**

- Request for Filing of Habitual Truancy Petition (5000.01.02)
- Open Enrollment Application (5022.00-5022.20)
- Outside Service Provider Agreement for Special Education Related Services (5026.03)
- Medication Consent Form (5151.01)
- Certificate of Exemption School Immunization Requirement (5151.03)

Authorization for Self-Administered Asthma or Other Potentially Life-Threatening Respiratory Illness Medication (5151.06)

Suicide Prevention Report (5158.00 – 5158.02)

Child Abuse/Neglect Reporting Form (5160.00-5162.00)

Student Retention Form (5200.00)

Application for Early Graduation, MHS (5250.00)

Application for Early Graduation, PCRHS (5250.00)

Application to Attend MHS, Foreign Exchange Students (5300.00)

Financial Responsibility and Legal Guardianship Form Foreign Exchange Students (5300.00)

APPENDIX A Title IX Sexual Harassment Grievance Process

**ATTENDANCE  
(Policy Range: 5000 – 5049)**

*(Revisions Approved 1/25/23) (Additional Revisions Approved 7/26/23)*

5000.00 General Statement of Attendance Policy. In accordance with Idaho Code 33-202, parents or guardians who reside in this district shall cause their children between the ages of seven and sixteen to attend school. Such children who are enrolled in the District shall be instructed in subjects commonly and usually taught in the public schools of the state of Idaho. All children who are enrolled shall conform to the attendance policies and regulations established by the Board of Trustees. Each building principal will publish their building's attendance procedures that reflect board policy. Parental permission will not overcome the presumption of truancy. Regular attendance is an important factor in a student's achievement at school and helps prepare them for the world of work. Students not in school have fewer opportunities to learn the material that enables them to succeed in their classes. High attendance rates are indicators of effective schools and enable greater student performance.

**Objectives of Attendance:**

- A. To increase school completion for all students,
- B. To raise student achievement,
- C. To close gaps in student performance,
- D. To know the whereabouts of every student for safety,
- E. To comply with Idaho state education laws,
- F. To increase assessment scores through classroom learning,
- G. To acknowledge educator's accountability for student achievement.

Therefore, Moscow School District #281 requires all school children to be in attendance 90 percent of instruction days.

5000.01 Truancy. Absence without a legitimate excuse shall be deemed truancy. A habitual truant is any pupil who repeatedly has violated the attendance regulations established by the Board of Trustees or other governing body operating the school attended. A child of compulsory school age may also be considered an habitual truant if the child's parents or guardians, or any of them, have failed or refused to cause such a child to be instructed as provided in Idaho Code 33-202.

5000.01.01 Definition of Truancy. All students must be in attendance in each classroom 90% of the days when that class is in session. If a student is not present for more than 50% of an attendance period, regardless of reason, he/she shall be counted as absent for the entire class period. Students are expected to be in class on time. Tardies are defined as the student missing up to ten minutes of class time. Every three tardies accrued in an individual semester attendance period will be counted as one absence. No credit will be granted for the class and a student will be considered habitually truant when attending less than 90% of the days per semester. This attendance policy will be applied on a quarterly basis for Paradise Creek Regional High School due to the structure of the school. The building principal will consider a student's attendance record as a whole in making their decisions. "Extraordinary cases" are generally understood to be those in which a student's absences were due to circumstances beyond the control of the student, parent, and/or the school. Because a student is considered to be in control of

**BOARD POLICY – SECTION V – STUDENTS  
(5000-2)**

his/her own actions, truancy or any suspension from school or a class for disciplinary purposes will not be considered an extraordinary circumstance.

The following “extraordinary” criteria may be considered when reviewing petitions for waiver of the attendance policy:

- a. All school-sponsored activities in which the student is a participant
- b. All district-approved testing or counseling
- c. Illness or injury verified in writing by physician or school district nurse
- d. Death in the immediate family
- e. Activities involving state or national recognition
- f. Requirement to appear for legal proceedings
- g. Absence caused by a natural disaster as confirmed by school administration
- h. Dental, Doctor, and Health & Welfare appointments verified in writing by service provider
- i. Immediate family member leaving or returning from military overseas deployment
- j. College visitation – (Maximum 1 per Junior Year and 2 per Senior Year)

5000.01.02 Consequences of Truancy. Excessive absenteeism shall be considered when deciding to retain or promote a student for the ensuing school year. The building principal shall warn a student and his/her parents in writing of an impending loss of credit due to excessive absences when absences exceed 6 days. The building principal may refer students and their parents to Attendance Court, and include written notification that credit has been withheld, due to absences exceeding 10% of the days per semester.

5000.01.03 Petition to Restore Credit when Credit Loss is Due to Truancy. After a student has been notified that credit has been withheld, he/she may file a petition requesting a waiver of the attendance policy in order that credit may be granted. Such petition shall be filed with the building principal within 10 school days of the notice of loss of credit. The building principal shall notify parents and the student of a time for a review hearing to be held within 10 school days of the receipt of the petition. The building principal, after hearing the petition, may request information from other school personnel and then approve or deny the petition for waiver. A second withholding of credit due to excessive absences in the same semester shall be handled in a like manner except that the building principal may establish additional conditions for the reinstating of credit. Credit shall remain withheld until the completion of the semester at which time the building principal shall approve or deny the petition.

5000.02 Responsibility to Report. Whenever it may come to the attention of the Board of Trustees that the parents or guardians of any child are failing to cause their child of compulsory age to be instructed in the District’s schools, in a private or parochial school, or comparably instructed by the parents or guardians, a petition shall be filed with the probate court or magistrate court, as appropriate, per Idaho Codes 33-202; 33-205; 33-206.

5000.03 A student enrolled in the District who is a habitual truant may be expelled by the Board of Trustees in accordance with Idaho Code 33-205, following notice and hearing.

5020.00 Elementary Student Attendance Zone Placement. The placement plan for students is designed to provide attendance area boundaries as well as fair and flexible procedures that would result in parent choice, efficient and safe busing, and balanced classroom numbers. State class size requirements and local requirements to balance class size coupled with limited



classroom facilities are causes for the District’s continuing need to place students in schools other than their neighborhood or choice school.

**5020.01 Placement Procedures/Regulations.**

- A. An attendance zone surrounding each school has been designated. All students who live within these zones will attend their neighborhood schools if possible. When a student is placed outside his/her attendance area due to lack of space, the student will be moved to his/her neighborhood school at the beginning of the next year if space is available.
- B. Bus students living beyond 1.5 miles from a school or in a district-determined safety busing hazard area will have bus service to a district-determined school.

**5021.00 Enrollment and Placement Requirements.** *(Updated 7/26/23)* The Board of Trustees recognizes that some of its patrons may want to enroll their children in a different school than the school that serves the attendance area in which they reside. The Board also recognizes that some out-of-District parents/guardians may want to send their child to a District school. Therefore, this policy is adopted to allow all in-District and out-of-District patrons to choose among this District’s schools under specified conditions. In making a decision on a student’s open enrollment application, the District shall consider the needs of the student requesting the transfer as well as the other students affected by the transfer and will accept students if capacity allows.

**5021.10 Out-of-District Transfers.** *(Updated 7/26/23)* The District will participate in the out-of-district enrollment option described in Idaho Code, Sections 33-1402-1404, and authorizes the superintendent to enroll out-of-district students. The appropriate Open Enrollment Form must be submitted by February 1. Any applications received after February 1 will be placed on a waiting list.

- A. The District will generate a prioritized list of applications from out-of-district students and may deny the application for one or more of the following reasons:
  - 1. The student was expelled by a previous district.
  - 2. The student has a documented history of significant disciplinary issues or history of chronic absenteeism as defined in Policy 5022.10 (I) (1 & 2). Students applying who have a 504 Plan or Individual Education Plan (IEP) may not be denied enrollment or have enrollment revoked if the behavior resulting in disciplinary action or chronic absenteeism is a manifestation of the student’s disability.
  - 3. That actual student enrollment caused by out-of-district transfers will not cause the grade level class ratios per teacher full-time equivalent (FTE) in the building to exceed:

Grade	Class Size
K-3	15
4-5	16
6-8	17 students per teacher FTE
9-12	18 students per teacher FTE
Special Education	6 students per Special Education teacher FTE
English Language Learners (ELL)	18 students per ELL teacher FTE

- B. A pupil who applies and is accepted into open enrollment will be assigned to that school for that year only. If enrollment is below the threshold stated in 5021.10 (A) (3) above and the student meets the eligibility requirements, they only need to complete an Intent to Return form prior to February 1<sup>st</sup> for the next school year. If they are in the school or district for two consecutive years, they will be considered a permanent placement per Idaho Code 33-1402 (7).

**BOARD POLICY – SECTION V – STUDENTS**  
**(5000-4)**

- C. The process outlined in this policy is required for admission to any school within the District and shall be initiated again when a change in grade warrants a change in school – such as when the student wishes to continue open enrollment into middle school or high school.
- D. Applications for open enrollment along with the student’s cumulative record, including attendance and discipline records, must be submitted to the Superintendent or superintendent’s designee by February 1 for the upcoming school year.
- E. Open enrollment applications received after February 1 will be placed on a waiting list for potential consideration until December 31 of the current year, by date of application within their qualifying grouping as identified in 5022.00 (A) (4) and enrolled when openings occur. Late application waiting list students who are not placed must reapply to be eligible for the following year.
- F. A student who applies and is accepted as a non-resident student in the district but fails to attend the district, will need to submit a new open enrollment application. Assignments of out-of-district students to a school of choice will be done based on parent/guardian request. Class assignment within the selected school is based on equalization of class loads throughout the building. If the desired school’s classes are full at the grade level requested, the parent/guardian will be notified if there are any openings in other schools within the District.
- G. Eligibility rules for participating in extracurricular activities shall apply to out-of- district students who request to attend the District’s high school. A student who is considering submitting an open enrollment application to the District and who anticipates participating in a sport governed by the Idaho High School Activities Association (IHSAA) must review IHSAA rules prior to submitting their open enrollment application. Certain school transfers could lead to a student being ineligible to play at the varsity level for one year.
- H. Out-of-district students are responsible for their own transportation.
- I. Open enrollment students are required to comply with all District policies. Unacceptable behaviors by a student or false or misleading information on their open enrollment application are grounds for the District to remove an out-of-district open enrollment student at any time. The District may revoke a student’s enrollment if one or more of the following occurs:
  - 1. The student is considered chronically absent which is defined as less than 90% attendance.
  - 2. The student commits repeated, serious disciplinary infractions resulting in two (2) or more suspensions.
  - 3. The student has been expelled.
  - 4. The number of resident students exceeds the capacity limits set in 5210.00 (A) (3). If a student’s enrollment is revoked for this reason, the District shall offer information about other District schools that may have openings.
  - 5. A student’s open enrollment cannot be revoked on these grounds if a student has attended the receiving school for more than two consecutive school years.

5021.20 In-District Transfers. (Updated 7/26/23) The District will participate in the in-district open enrollment option described in Idaho Code, Section 33-1402.

- A. Assignment of students to schools will be done based on parent/guardian request. Class assignment within the school is based on equalization of class loads within the selected building. The District reserves the right to reassign any student for equalization. This can include involuntary assignment to another school.

- B. Application for a student to attend an elementary school in an attendance area other than the designated area are valid for one (1) year only and the Open Enrollment Form is to be submitted to the Superintendent or superintendent’s designee by February 1 for the upcoming school year. After the first year, an Intent to Return form must be submitted by February 1. After two (2) years, it will be a permanent placement at that school.
- C. A waiting list will be established from which non-attendance area students will be admitted to a requested school by date of application within their qualifying grouping as identified in 5023.00 (A) (4) to be placed when openings occur.
- D. If a student is receiving Special Education services and the change may result in a disruption of services, a review of the Individual Education Plan (IEP) will be made prior to any change.
- E. Parents are responsible for transportation of the transferred student to the school to which the student is assigned.
- F. Students/families who in mid-year move to a new attendance zone must fill out an open enrollment application to stay in their school. An Intent to Return form will then be required for the next school year and is due by February 1.

5022.00 Admission Process. (Updated 7/26/23) Open enrollment applications for new applicants, both in-district and out-of-district must be submitted by February 1 for the next school year. The transfer request will be reviewed by the District Administration after February 1, with notification of placement status within sixty (60) days.

- A. The process for an In-District or Out-of-District transfer request is as follows:
  - 1. Parents may begin submitting Open Enrollment applications for the next school year beginning September 15. The deadline to submit an application will be no later than February 1.
  - 2. Students will be placed in District’s schools using the following criteria groupings (Note: In-district students who require a change of school or classroom setting to meet accessibility requirements based on an IEP or 504 supersede all other placements):
    - a. Students who reside within the school attendance zone.
    - b. Students of full-time employees of the Moscow School District, including those who live outside the boundaries of the school district.
    - c. Returning In-District Transfer Students.
    - d. Siblings of currently enrolled In-District Transfer Students.
    - e. New In-District Transfer Students.
    - f. Returning Out-of-District Transfer Students.
    - g. Siblings of currently enrolled Out-of-District Transfer Students.
    - h. New Out-of-District Transfer Students.
    - i. Students who reside outside the State of Idaho. (see Policy 5027.00)
  - 3. Once all applications received by February 1 have been reviewed, the District will send a written notice within sixty (60) days to the parent/guardian informing them of their students’ application status for the upcoming school year.
  - 4. After all applicants have been assigned, any remaining students will be placed on a waiting list within their qualifying grouping per Policy 5022.00 (A) (2) above. At this time, the student’s parent/guardian will be asked if they would like their student(s) to remain on the list for the upcoming school year in the event there is a future opening, or if they want to be taken off the list.
  - 5. The list generated through the transfer request process will be utilized throughout the current school year to fill openings. If an opening arises, the District will consult the waiting list and the parent/guardian of the next student on the list will be notified of the

**BOARD POLICY – SECTION V – STUDENTS**  
**(5000-6)**

opening and offered the spot. They will be given a deadline at this time to respond. Applications submitted before the February 1 due date will be given priority over late applications.

6. Students who are placed on the waiting list who do not gain admission must reapply on a new open enrollment application when the window reopens.7. Once a student has been placed per the open enrollment process, at the beginning of January of the following year, an email will be sent out to all parents/guardians requesting they fill out an Intent to Return form. The Intent to Return form will be accessible via the District’s website until the February 1 deadline. The following information will be requested:
  - a. Whether the student currently enrolled at their requested school intends to enroll for the next school year.
  - b. Whether the currently enrolled student will have any siblings who are not currently enrolled who intend to apply for enrollment for the next year. The names of those students may be included on the transfer request and a separate open enrollment application will be required at that time for a sibling who has not previously attended the requested school.
  - c. A follow-up will be made mid-January to ensure the invitation has been received if there has not been a response from the parent/guardian.

5023.00 Maximum Capacity. (Updated 7/26/23) The District will only accept an open enrollment student if the grade level and/or programs they require are below the capacity limits specified in Policy 5021.10 (A) (3). The District shall report, at least four times during the school year, the space available at each grade level, by school, using these capacity limits and will post it prominently on the District website. The admission process is outlined in Policy 5022.00.

5024.00 Student Appeals. (Updated 7/26/23) If an open enrollment application request is denied or revoked, a parent/guardian may request a review by the Board of Trustees. The parent/guardian must request the review within five school days of receiving the written denial or revoked notice. The Board shall consider the appeal at its next regularly scheduled meeting and issue a decision in writing.

5025.00 Student Rights and Responsibilities. (Updated 7/26/23) All student’s rights and responsibilities remain the same regardless of what school they attend within the District and regardless of where the student resides once accepted under the open enrollment policy.

5026.00 Preventing or Recruiting Potential Open Enrollment Students. (Updated 7/26/23) Neither the District nor its employees will take any action to prohibit or prevent application by a student to attend school in another school district or to attend another school within the District. In no event is the District, or an employee of the District to recruit students outside of their attendance area. Violation of this policy may involve disciplinary action up to and including dismissal.

5027.00 Attendance by Out-of-State Students. (Updated 7/26/23) Students who reside in another state may attend a District school when an out-of-state school district and the District mutually agree, provided such transfer would not exceed the limits on enrollment set by 5021.10 (A) (3) at the classroom, program, or school level.

- A. District Students Attending School in Another State. The Board of Trustees may agree in writing, on an annual basis, that a resident student attend school in the nearest appropriate school district in a neighboring state. Such an agreement shall state the rate of tuition and cost of transportation, if any, to be paid by the District. The agreement will be entered into

the records of the Board of Trustees. A copy must be filed with the State Board of Education.

- B. Out of State Students Attending School in the District. The Board of Trustees may, upon approval of the State Board of Education, enter into an agreement with the governing body of a school district in another state for education and/or transportation of an out-of-state student. The rate of tuition (provided by the Idaho State Board of Education), cost of transportation as well as other appropriate costs shall be specifically addressed in the agreement. The agreement will be entered into the records of the Board of Trustees with a copy to be filed with the State Board of Education.

5028.00 Student Information. All students are required to submit information on residence and employment of parents as may be required in order to meet provisions of state and/or federal law.

5029.00 Enrollment Qualifications. Regular school classes shall be open to all students between the ages of five (5) years, which shall have been attained on or before the first day of September of the year during which kindergarten enrollment is sought, and twenty-one (21) years as appropriate. For a child enrolling in the first grade, the age of six (6) years must be reached on or before the first day of September of the school year in which the child is to enroll. Courses are closed to individuals who have graduated from high school or who have completed a General Educational Development (GED) high school graduation equivalent.

5029.01 Special Education. Special education and related services shall be available to all students between ages three (3) and twenty-one (21). The specific special education and related services will be determined by the individual student's IEP Team. Students with disabilities become eligible for special education and related services on their third birthday. If the birthday occurs during the summer vacation, eligibility begins with the resumption of school.

5029.02 Special Education Service Agreements. The Special Services Director may enter into service agreements with neighboring districts to provide services for eligible exceptional children. The services provided may include special education and related services. Such agreements will include provisions as outlined in the State Department of Education "District-to-District Memorandum of Agreement for the Education of Exceptional Children." Agreements will also include provisions for reimbursement of instructional and/or therapeutic costs specific to the students identified in the agreement. Consideration of agreements will include the respective service provider(s), building principal, and superintendent.

5029.03 Guidelines for Private Service Providers in Moscow Schools. Moscow School District is responsible for ensuring that students with disabilities receive a free appropriate public education from the ages of three (3) through the semester in which they turn twenty-one (21). Utilization of a variety of services through private service providers in the District is recognized as a valuable and needed resource for children with disabilities to receive the full benefit of a public education.

These services are a supplement to regular education programs and consist of specially designed instruction and/or related services provided in a variety of settings at no cost to the parents to meet the unique needs of students with disabilities. Therefore, it is critical that these services are coordinated and that all service providers have a complete understanding of the roles and responsibilities of the District prior to, and for, the delivery of services.

**BOARD POLICY – SECTION V – STUDENTS  
(5000-8)**

Private providers can be involved in the District’s special education process by referring parents to the appropriate personnel for identification and evaluation; providing appropriate evaluation information and/or recommendations to multi-disciplinary teams after parent consent is given; participating in Individual Education Program (IEP) team meetings with the consent of the parent; or, participating in the delivery of services through a memorandum of understanding with the District.

Decisions regarding eligibility and the type, length, and duration of services are the responsibility of an appropriately formed IEP team. Information submitted by appropriately certified or licensed outside providers through parent consent will be considered by an IEP team. All decisions regarding education methodology, materials, and personnel are the responsibility of the District, however.

**A. Delivery of Services.**

1. If the student is not eligible for public special education services, but the private provider recommends services:
  - a. The District shall not provide special education services; and
  - b. The District will inform parents that private services contracted by and paid for by parents are not developed into an IEP but should be noted.
2. If a student is eligible for public special education services and the parent requests that private services be utilized to supplement the district services, those services will be noted in the comment section of the IEP, but no additional goals and objectives are required.
3. If a student is eligible for public special education services, but the parent chooses to pay for and have those services provided by a private provider, a complete IEP will be written. It will be documented on the IEP that the District recommended the service, but the parent elected to pay for services from the private provider or allowed third party billing, rather than have the district provide services. It should be noted that when a student is removed from the regular education program for services for which they are not eligible under state and federal criteria, those services might become a detriment to that student’s regular education program. The District has no legal obligation to allow the private service provider to use district space during regular school hours or access to district materials or equipment for any of the above situations.

**B. Contracts.** When the District uses private service providers, the District will have a contract for services in place. For any private service provider that is not contracting with the District for service but is providing direct services in district facilities, a memorandum of understanding must be drafted to include District and provider’s role/responsibilities, name(s) of student(s) being served, time(s) of services, provisions for space, materials and equipment to be used, insurance requirements, billing/paying agreements, etc. (*See Forms Section*) Private providers working in the District must provide the District with the appropriate documentation of certification or licensure, insurance, and background check.

The District is aware of potentially difficult constitutional issues in the above paragraph; public facilities and services may not be used to benefit private individuals (providers). The District will avoid discriminatory practices; if one provider has access to the school, all who request it must have equal opportunity for access.

5030.00 Dual Enrollment and Attendance. The District will implement procedures to enroll students that meet the requirements as given in Idaho Code 33-203 and any stipulations outlined by the Idaho State Board of Education, or as given in the subsections of this policy below.

5030.01 A child of school age, who is enrolled in a nonpublic school, and who has not graduated from high school or obtained a GED graduation equivalent, shall be allowed to enroll in any of the District's programs for dual enrollment purposes, subject to the same requirements as other students who are enrolled full-time in the District, to the requirements set forth in Idaho Code and District Policy, and to the following maximums set by the Board:

Enrollment will not cause the grade level, class, or program ratios in the building or in the District to exceed:

- 19:1 Grades K-3
- 24:1 Grades 4-6
- 25:1 Grades 7-12
- 10:1 Grades K-12 (Special Programs)

Note: Dual enrollment is not applicable to the District's special education program. The District's policies and procedures for this program can be found in the *Idaho Special Education Manual*.

See Policy Section 5054.00 regarding scholastic eligibility for extracurricular activities.

5030.02 A nonpublic school student attending and participating in nonacademic school activities must reside within the attendance boundaries of the school in which the student seeks to participate.

5030.03 Oversight of academic standards relating to participation in nonacademic activities shall be the responsibility of the primary educational provider for that student.

5030.04 Transportation by school bus may be provided if the student would otherwise be eligible for transportation, and there is no resulting change in scheduling or bus routes.

**STUDENT CONDUCT**

(Policy Range: 5050 – 5099)  
(Revisions Approved 4/26/23)

5050.00 Basic Policy. The function of the Moscow Schools is to attempt to meet the educational needs of its students. Effective schools depend on appropriate conduct that allows all students to benefit from a positive, safe and orderly educational experience.

Students enjoy rights within the schools and also must accept the responsibilities of citizenship. These responsibilities require that student behavior contributes to a positive, safe and orderly educational experience.

5051.00 Building Code of Conduct. Each school shall have a plan that is designed to provide K-12 continuity of behavioral expectations. The principal of each school will be responsible for the development of policy and procedures unique to each building and school community within the parameters of the District-wide policies and procedures. The school behavior plan shall be comprised of the administrative behavior plan, the classroom teachers' behavior plans, and the specialty area behavior plans, i.e., library, cafeteria, playground activities, etc. The above mentioned plan will state the desired behaviors, the consequences of noncompliance, as well as the positive reinforcement for acceptable behavior. Students will comply with this policy at school and at all school-sponsored activities. The emphasis will be to ensure safety in an atmosphere conducive to learning.

5051.01 Threatening Violence on School Grounds. Any person, including a student, who willfully threatens on school grounds by word or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds is guilty of a misdemeanor. The threats prohibited by this section encompass only those statements of acts where the speaker or actor intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat.

Definitions as used in this section:

- A. "Deadly or dangerous weapon" means a weapon, device, instrument, material, or substance that is used for, or is readily capable of, causing death or serious bodily injury.
- B. "Firearm" means any weapon, whether loaded or unloaded, from which a shot, projectile or other object may be discharged by force or combustion, explosive, gas and/or mechanical means, regardless of whether such weapon is operable.
- C. "On school grounds" means in, or on the property of, a public or private elementary or secondary school. [Idaho Code 18-3302I]

Principals/administrators shall investigate reports of threats of violence and complete a threat assessment protocol for submittal to the School Resource Officer.

5052.00 Drug and Alcohol Use/Abuse Prevention. The District, recognizing the dangerous effects of alcohol and/or other drug abuse and the fact that chemical dependency frequently results in use and/or abuse, provides drug and alcohol education in the elementary, middle, and high school programs. Education and prevention programs cover the illegal, social and health consequences of drug and alcohol use. Refusal skills or techniques for resisting peer pressure to use illicit drugs or alcohol are also presented in the drug/alcohol education program.



Besides providing education, assistance and support for students affected by chemical dependency or other related problems, the District prohibits the possession, manufacture, distribution, use or sale of drugs or alcoholic beverages by students in school or at school sponsored events. Any violation may result in suspension or expulsion. Suspension and/or expulsion may be modified if the student and his/her parent(s) or guardian(s) consent to have a substance abuse evaluation, at the student's expense, by an agreed upon agency. The health care recommendation of the evaluation must be followed if the student is to remain in school, in which case, disciplinary action may be modified.

5053.00 Suspension and Expulsion.

- 5053.01 The following actions shall be grounds for a suspension or expulsion hearing:
- A. Disruption of the educational process
  - B. Violence or the threat of violence to any person
  - C. Defiance of school authority
  - D. Endangerment of others
  - E. Vandalism and/or theft of property
  - F. Use or abuse, being under the influence, and/or possession of alcohol or controlled substances or drug paraphernalia
  - G. Use of tobacco or nicotine in any form. This includes but shall not be limited to , cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, electronic smoking devices, unapproved nicotine delivery devices, chemicals or devices that produce the same flavor or physical effect of nicotine substances, and any other smoking equipment, material, or tobacco innovation.
  - H. Possession of a weapon or an item intended to be used as a weapon (e.g., baseball bat, scissors, a hat pin, etc.)
  - I. Dishonesty and/or cheating
  - J. Harassment
  - K. Misconduct on buses operated, chartered or leased by the District.
- 5053.02 When any of the above acts is committed or suspected, and it is determined that a student may be suspended from school attendance and/or participation in District activities, the student's parents will be notified if possible, and the student will be given an informal hearing. The hearing may precede or follow the notification of parents.
- 5053.03 At the hearing the reasons for possible suspension will be stated and the student will be given an opportunity to refute those reasons.
- 5053.04 A prohibited act may be determined to have occurred from the examination of facts, information, data, or evidence from any of the following sources:
- A. Direct observation by an administrator, teacher, District staff member, police, or other legal authority.
  - B. Self-admission
  - C. Conviction or other determination of guilt within the legal justice system
  - D. Notification of school authorities by student's parent or guardian
  - E. Persuasive and convincing investigatory information obtained from District employees or students who have credible knowledge of alleged misconduct.
- 5053.05 If it is determined at an informal hearing that the student committed a prohibited act, the student may be suspended by a principal or the Superintendent for up to five (5) school days,

**BOARD POLICY – SECTION V – STUDENTS  
(5000-12)**

which may be extended by the Superintendent an additional ten (10) school days. On a finding by the Board of Trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other students' health, welfare, or safety, the Board may extend the temporary suspension for an additional five (5) school days. Any student who has been suspended may be readmitted by the Superintendent or principal who authorized it upon such reasonable conditions as may be prescribed. The Board of Trustees shall be notified of all temporary suspensions, the reasons for them, and the response, if any, thereto, if known. See Idaho Code 33-205.

- 5053.06 A student whose conduct is such as to be continuously disruptive of school discipline or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils, may be expelled by the Board of Trustees in accordance with Idaho Code 33-205, following formal notice and hearing as required by law. The Board of Trustees may deny attendance at any of its schools to a student who has been expelled from another school district.
- 5053.07 A student who has not attended school for ten or more days at the beginning of a school year will be unenrolled unless the parent/guardian communicates with the building principal to explain the absences. A student who is a habitual truant may be expelled by the Board of Trustees in accordance with Idaho Code 33-205. Per this code, no pupil shall be expelled nor denied enrollment without the Board of Trustees having first given written notice to the parent or guardian of the pupil, which notice shall state 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 to deny school attendance, and which notice shall also state the right of the pupil to be represented by counsel.
- 5053.08 Disruptive actions listed in Section 5053.01 may also be dealt with by loss of extracurricular privileges or through individual building policies.
- 5053.09 Schools to be Free of Weapons.
- A. After immediate suspension, pursuant to Idaho Code 33-205, and in conformity with the federal Gun Free Schools Act, the Board of Trustees shall expel from school for a period of not less than one (1) year (twelve calendar months) a student who has been found to have carried a weapon or firearm on school property. In accordance with Idaho Code 18-3302D and 33-205, the Board of Trustees may modify the expulsion requirement on a case by case basis. The Board of Trustees, at its discretion, may designate the Superintendent to modify the expulsion requirement on a case by case base, in accordance with the federal Gun Free Schools Act. The Superintendent or designee may remove a student to an IAES (individual alternative educational setting) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district. Discipline of students with disabilities shall be in compliance with federal and state statutes and related regulations pertaining to students having disabilities. The Superintendent shall report such student and incident to the appropriate law enforcement agency.
  - B. District employees shall have the right to search, without parental consent, all students or minors, their belongings and lockers which are reasonably believed to be in violation of this policy.

- C. The District will not admit, or continue to enroll, a student who has been expelled from another district for violating applicable federal or state law pertaining to the carrying of a weapon or firearm on school property until the student has completed the expulsion period of not less than one calendar year. The timing of the period of expulsion will be based on written confirmation from the district that initially expelled the student. A student who wishes to challenge a decision made by the Trustees that denies admission to a student from another district, who has been expelled by that district under this policy, is entitled to a hearing in executive session before the Trustees.
- D. This policy does not apply to persons in private vehicles delivering children to and from school or school activities, nor when a person is carrying a firearm as part of the requirements of a hunter safety course offered by or approved by the District, or if a person is carrying a firearm pursuant to a requirement of law or in compliance with law.

5053.09.01 Guidelines Defining “Weapon” for Purposes of this Policy. For the purposes of this policy, the term “weapon” means:

- A. A firearm as defined below,
- B. A device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

5053.09.02 Guidelines Defining “Firearm” for Purposes of this Policy.

- A. The term “firearm” means:
  - 1. any weapon, (including a starter gun), which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
  - 2. the frame or receiver of any such weapon;
  - 3. any firearm muffler or firearm silencer; or
  - 4. any destructive device.
  - 5. The term does not include an antique firearm used with administrative approval for educational purposes.
- B. The term “destructive device” means: any explosive, incendiary, or poison gas, in the form of any apparatus, mechanism or contrivance such as a bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a device similar to any of the devices described in this paragraph.
- C. A firearm is included to mean any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and
- D. Any combination of parts either designed or intended for use in converting any device into any destructive device in B or C above and from which a destructive device may be readily assembled.
- E. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for used as a safety, or similar device; or any other device which the Attorney General finds is not likely to be used as a weapon, such as an antique. [United States Code, Title 18, Chapter 44, 921]
- F. For purposes of this policy, the term “destructive device” or “firearm” does not include a weapon or device which a student is permitted to use for educational purposes, which is brought to school with the explicit approval and permission of a school official.

**BOARD POLICY – SECTION V – STUDENTS  
(5000-14)**

5053.09.03 Defining “School” for Purposes of this Policy.

- A. Any building in which district educational programs are administered or implemented;
- B. District controlled or leased property, including chartered buses and school buses;
- C. Any building, playing field, activity area, parking lot, or location in which district programs, services, or activities are provided.

5053.10 Policy Regarding Disciplinary Suspension and Expulsion of Students Having Disabilities.

Students with disabilities may be suspended and/or expelled as long as the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act are followed. District personnel shall evaluate the misconduct of students receiving services under IDEA or Section 504 to determine whether the misconduct is a manifestation of a disability.

The term “disability” is defined in Section 504 of the Rehabilitation Act as pertaining to a person evaluated according to required procedures who (i) has a physical or mental impairment, which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment, with items (ii) and (iii) pertaining mainly to employment and entrance into post-secondary education. Under Section 504, “major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Students with disabilities under IDEA means those children evaluated in accordance with required procedures as having a Specific Learning Disability (SLD), Autism Spectrum Disorder (ASD), Emotional Disturbance, a Speech or Language Impairment, a Visual impairment, including blindness, a Hearing Impairment including deafness, Deaf-Blindness, an Orthopedic Impairment, Intellectual Disability, Traumatic Brain Injury, Other Health Impairment, or Multiple Disabilities, and who, because of those impairments, need special education and related services. The term includes children with disabilities ages 3 through 5 who meet eligibility criteria for one or more of the foregoing impairments under IDEA, expect specific learning disabilities, or who are experiencing developmental delay in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who, for that reason, need special education and related services.

5053.11 Guidelines to Implement Discipline Policy Regarding Students Having Disabilities.

- A. Students with disabilities that do not meet IDEA eligibility criteria, having an accommodation plan under Section 504, whose misconduct is not found to be a manifestation of a disability, may be suspended or expelled according to district policy and procedures that apply to students without disabilities.
- B. Students with disabilities whose misconduct is found to be a manifestation of a disability may not be suspended from school for an accumulation of more than ten (10) school days in any school year. Exclusion for more than ten (10) days is considered the equivalent of expulsion and a significant change in placement triggering review procedures. The IEP Team or multi-disciplinary team shall evaluate existing Individual Educational Programs (IEPs) or accommodation plans (if only 504 eligible) and the appropriateness of student placements and make needed modifications as applicable. When significant changes have been made in an IEP or an accommodation plan related to student misconduct, a new ten-day limit on days of suspension may begin. Educational services given in IEPs or accommodation plans may be provided in settings or arrangements other than the school the student would otherwise attend.

- C. Removing students from their assigned classrooms for inappropriate behavior may constitute a suspension unless it is for short-term crisis management. Suspension of a disabled student from transportation services, if it causes the student to miss attending school, also counts toward cumulative days of suspension. However, alternative services such as in-school suspension, alternative learning centers, or time-out identified in an IEP or 504 accommodation plan, which ensure the continuation of the provision of special education and related services, or other appropriate accommodation services, will not be counted toward the accumulation of ten (10) school days of suspension.
- D. Students with disabilities eligible under IDEA whose misconduct is not found to be a manifestation of a disability may be excluded from school for up to ten (10) days. If such students are excluded for longer periods of time (expulsion), educational services given in IEPs must continue to be provided in settings or arrangements other than the school the student would otherwise attend. The IEP Team will determine the nature and extent of the special educational services that will be provided during such a period by continuing an existing or modified IEP.
- E. If a parent has initiated administrative due process hearing proceedings, has filed a formal complaint with the State Department of Education or the Office for Civil Rights, or has filed suit in court, the District may suspend up to ten (10) days, but their child's placement of program may not be changed (due to the Maintenance of Placement or Stay Put Requirement for eligible students), unless the parents and the District agree otherwise, or as permitted by the Gun Free Schools Act of 1994.
- F. If students with disabilities manifest behaviors that are determined to be a threat or danger to themselves or others the District may seek a court injunction during the days of permitted suspension/expulsion, or additional period of time with parental agreement, to prevent dangerous students from attending school.

5054.00 Academic Eligibility for Activities. Privileges of activities participation, positions of honor and representation may be forfeited by a student who fails to comply with expectations of scholarship, attendance, citizenship, and conduct.

5054.01 Definitions.

5054.01.01 Curricular Activities. Instructional activities that are integral to the classroom as a part of the curriculum and are a natural extension of classroom activities that result in a course grade or credit. Any activity for which a grade is issued will be considered a curricular activity. Examples of curricular activities include but are not limited to band or choir activities and selected drama productions.

5054.01.02 Co-curricular Activities. Activities sponsored by the District that are in addition to classroom instruction and have no bearing on a course grade or credit. These activities include, but are not limited to school clubs, student government, academic competitions, all IHSAA athletics, pep band, cheerleading and other organized activities where credit is not involved.

5054.01.03 Co-curricular Academic Probation. A study table and tutorial program to address the academic performance of students who are currently participating in co-curricular activities and who received, at the end of the last grading period, two (2) or more grades below a "C."

**BOARD POLICY – SECTION V – STUDENTS  
(5000-16)**

- 5054.02 The District will comply with all Idaho High School Activities Association (IHSAA) rules regarding eligibility for and participation in IHSAA activities. In addition, the IHASS rules are supplemented by District policy and pertain to student participation 7-12.
- 5054.03 To participate in any co-curricular activity, students must have passed at least five (5) classes the previous semester. Credits earned through correspondence study, alternative school, or summer school may be included in the calculation of the number of courses passed during the prior semester.

Students participating in co-curricular activities who receive two or more grades below a “C” at the six and/or twelve-week grading period at Moscow High School and the nine-week grading period at Moscow Middle School will be placed on co-curricular academic probation. Written notice of the co-curricular academic probation and the possible ineligibility to participate in co-curricular activities during the next semester will be provided to the student’s parent(s) and coaches/advisors.

Any student on co-curricular academic probation must sign a written contract agreeing to comply with the terms of the probation. Failure to sign the contract and/or comply with its terms may result in academic ineligibility from participation in co-curricular activities during the period of probation.

- 5054.04 The activities director and/or school principal will meet with the students on academic probation who are currently involved in co-curricular activities to discuss their grades and what can be done to improve them.
- 5054.05 The activities director will encourage and assist students and advisors to arrange study tables and tutorial help for students on activities academic probation.
- 5054.06 Activity coaches/advisors will establish their own academic eligibility checks that exceed the frequency of the checks outlined above, and to actively promote academic excellence.
- 5054.07 Any student who withdraws from a class in which he/she has a grade of “F” or “I,” the end result being that the student is no longer passing at least five (5) classes, to gain eligibility for participation in co-curricular activities under dual enrollment, becomes ineligible for the remainder of the school year in which he/she withdraws and the subsequent school year.
- 5054.08 Students in grades 7 and 8 and incoming freshmen who are declared academically ineligible may file an appeal. The appeal must be submitted to the building principal. It will be heard by the Superintendent and then subsequently by the Board of Trustees.
- 5054.09 Students in grades 10-12 and second semester freshmen who are declared academically ineligible to participate in co-curricular activities governed by the Idaho High School Activities Association may submit appeals to the Executive Director of the Idaho High School Activities Association. The appeal shall be in writing and filed with the Executive Director through the Moscow High School Principal. All other students determined to be ineligible for participation in co-curricular activities may appeal the decision to the Superintendent. If the Superintendent affirms the principal’s decision, the student may appeal to the Board of Trustees.

- 5055.00 Extracurricular Event Attendance. Students attending extracurricular activities are subject to behavioral directives by school personnel.
- 5056.00 Searches. Searches within the school or on school grounds and authorized school functions will be initiated by the principal when there are circumstances which would cause a reasonable person to believe that the search of a particular person, place, or thing will lead to the discovery of:
- A. Evidence of a violation of the student conduct standards contained in the policies of the Board of Trustees or a violation of Federal, State, or local laws.
  - B. Anything which, because of its presence, presents an immediate danger of physical harm or illness to any person.
- 5056.01 Locker/Desk/Storage Area Searches. All lockers and other storage areas provided for student use on school premises remain the property of the School District. These lockers and other storage areas are subject to inspection, access for maintenance, and search pursuant to this policy. No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the principal of the school in which the locker or storage area is located. Unapproved locks shall be removed and destroyed.
- A. The principal, or a member of the administrative staff designated in writing by the principal, will search a locker and its contents when the person or the principal designee has reasonable cause for a search of the locker. Where the locker to be searched is assigned to a particular student and that student is on the school premises at the time of the search, and no danger to the student is apparent, the student shall be notified and given the option to be present during the search.
  - B. The principal, a member of the administrative staff, or a teacher may search a desk or any other storage area on the school premises other than a locker when the person conducting the search has reasonable cause.
- 5057.00 School Bus Discipline. Safety is of prime importance to the students as they are transported to and from school. Bus drivers will be alert and perform their duties safely.
- 5057.01 Guidelines. Students will conduct themselves in a safe and orderly manner when boarding, being transported, and de-boarding school buses. Student conduct shall conform to Regulation Governing Pupils Riding School Buses, which is to be posted in a conspicuous place in all school buses, as provided in Section 8000, Appendix A.
- 5057.02 Reporting of Violations and Disciplinary Actions. Bus drivers will report all cases of violation of good conduct to the principal and Director of Transportation. The student will be given a notice of violation of good conduct as provided in Section 8015.20 and 8015.30.
- 5057.03 Suspension of Bus Privileges. The bus driver will not exclude a student from the bus as it goes to or from school unless:
- the student’s behavior endangers the safety of the other children,
  - the student repeatedly violates the Student Bus Conduct Rules
  - the student does not conform to the regulation “Governing Pupils Riding School Buses”, specifically, fighting, harassment of other students,
  - harassment of the driver may result in a suspension of bus privileges by the school principal and the Transportation Supervisor. (See Section 8015-Appendix A)

**BOARD POLICY – SECTION V – STUDENTS  
(5000-18)**

If a student with disabilities is excluded from the bus and the parent/guardian is unable to provide transportation, resulting in the student missing school, those days are considered a "suspension" and count toward the student's ten (10) day suspension limit.

In all cases, except emergencies, exclusion will come after the parent has been properly notified by the school principal or Transportation Supervisor as provided in Section 8015.20 and 8015.30.

Compulsory attendance laws require attendance of all minors under sixteen years of age. Any student whose bus privileges are suspended must continue his or her attendance in school and responsibility for student transportation lies with the parent or guardian. Any absences resulting from suspension of bus privileges will be considered as truancy and treated as such. Parents should report bus problems to the principal of the school.

5058.00 Bus Supervision for Activities. The supervision of students for activities busing shall conform to Section Eleven (11) of the District's Pupil Transportation Responsibilities and Operations Manual.

5059.00 Student Bus Lists. Each student who rides a school bus must register in the office of the school he or she attends, giving name, address, phone number and the number of the bus to be ridden. Any change of bus assignment must be approved by the Principal of the school the student attends and the Director of Transportation.

The Transportation Supervisor will create a list by school, student name, route, name of parents and phone number, to be sent to each of the district schools by the second full week of school. Building administrators will relay information for students with known medical problems and disabilities to transportation personnel. Transportation personnel will document student identification information for use by the dispatcher and drivers.

5060.00 Student Harassment Basic Policy. It is the policy of the Moscow School District to maintain a learning environment that is free from harassment of any type, including but not limited to sexual harassment. Each student has the right to attend school in an atmosphere that promotes equal opportunities and that is free from all forms of discrimination and conduct that can be considered harassing, intimidating, bullying, cyberbullying, coercive, or disruptive.

A. Individuals attending district schools are:

1. Prohibited from engaging in any conduct that could reasonably be construed as constituting harassment or intimidation on the basis of sex, age, race, religion, color, national origin, disability, marital status, sexual orientation, physical characteristic, gender identity, cultural background, socioeconomic status, or geographic location.
2. Prohibited from bullying, cyberbullying or sexually harassing other students
3. Required to report to the building principal or designee, harassment, intimidation, bullying or cyberbullying of which the student becomes aware.

B. This policy applies to all conduct on the District's premises and at school-sponsored events, conduct during transportation to and from school and school-sponsored events, and to conduct off the District's premises that has an adverse effect upon a student's educational environment.

5060.01 Definition of Harassment, Intimidation, Bullying, or Cyberbullying.

A. Harassment, intimidation, bullying, or cyberbullying is defined to include any act (verbal, written, graphic, or physical conduct) that substantially interferes with a student's



educational benefits, opportunities, or performance that takes place on school grounds, at any school-sponsored activity, or on school-provided transportation, and that has the effect of:

1. Physically harming a student or damaging a student's property.
  2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property.
  3. Creating a hostile educational environment.
  4. Interfering with an individual's educational performance.
  5. Otherwise adversely affecting an individual's educational opportunities.
- B. Harassment or intimidation includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, or physical nature on the basis of sex, age, race, religion, color, national origin, disability, marital status, sexual orientation, physical characteristic, cultural background, socioeconomic status, or geographic location. Harassment also includes an act of retaliation taken against 1) any person bringing a complaint of harassment, 2) any person assisting another person in bringing a complaint of harassment, or 3) any person participating in an investigation of an act of harassment.
- C. Bullying is defined as intentional, repeated hurtful acts, words or other behavior such as name calling, threatening and/or shunning committed by one or more students with an unfair match against another. Bullying can be physical, verbal, or emotional in nature.
- D. Cyberbullying is defined as a student using the Internet, interactive and digital technologies, or mobile phones to torment, threaten, harass, humiliate, embarrass or otherwise target another student.

5060.02 Reporting Procedures.

- A. Any individual, and/or parents of an individual, who believe the individual is being harassed should immediately report the situation to school personnel.
- B. Any district employee who receives a report of harassment from an individual, becomes aware that an individual is being subjected to harassment, or in good faith believes that an individual is being subjected to harassment, is required to report the matter to the building principal immediately. In the event the complaint involves the principal, the matter must be immediately reported to the Superintendent.
- C. Any district employee who witnesses harassment of an individual should take immediate, appropriate action to intervene to stop the harassment.
- D. Any individual who becomes aware that a fellow individual is being subjected to harassment should immediately report the incident to a counselor, teacher, or the building principal.

5060.03 Investigation. When the building principal or the Superintendent receives a report of harassment immediate steps will be taken to do the following:

- A. Obtain a written statement from the complainant regarding the allegations,
- B. Obtain a written statement from the accused,
- C. Obtain written statements from witnesses, if any, and
- D. Prepare a written report detailing the investigation.

An investigator may be appointed to conduct the investigation, or the building principal or Superintendent may conduct the investigation. The investigation should be completed within ten (10) workdays.

**BOARD POLICY – SECTION V – STUDENTS  
(5000-20)**

5060.04 Disciplinary Action. If the allegation of harassment involves a teacher or other school employee, the building principal will submit the report of the investigation to the Superintendent. If there is sufficient evidence to support the allegations, disciplinary action, up to and including dismissal, may be taken against the offender.

If the allegations of harassment are against an individual and there is sufficient evidence to support the allegations, disciplinary action, up to and including expulsion, may be taken against the offender.

If there is insufficient evidence to support the allegations, no record will be made of the allegations in the complaining individual's permanent record. No record of the allegations will be placed in the accused employee's personnel record or in an accused individual's permanent record if there is insufficient evidence to support the allegations.

In the event the investigation discloses that the complaining individual has falsely accused another individual of harassment knowingly or in a malicious manner, the complaining individual may be subject to disciplinary action, up to and including expulsion.

5060.05 Protection Against Retaliation. No retaliation will be taken by this District or by any of its employees or individuals against an individual who reports harassment in good faith. Any person found to have retaliated against another individual for reporting an incident of harassment may be subject to the same disciplinary actions provided for harassment offenders. Those persons who assist or participate in an investigation of harassment are also protected from retaliation under this policy.

5060.06 Record of Allegations. The District will keep and maintain a written record, including, but not limited to witness statements, investigative reports and correspondence, from the date of any allegation of harassment is reported to district personnel. The information in the written record will also include the action taken by the District in response to each allegation. The written record will be kept in the district's administration offices and will not, at any time, be purged by district personnel.

5060.07 Sexual Harassment, Discrimination and Retaliation. The purpose of this policy is to promote working and learning environments that are free from sex and gender-based harassment, discrimination, and retaliation, and to affirm the District's commitment to non-discrimination, equity in education and equal opportunity for employment. This policy applies to all members of the District's community, including students, employees, and other members of the public including guests, visitors, volunteers, and invitees.

A. Title IX sexual harassment, as an umbrella category, includes the actual or attempted offenses of quid pro quo harassment, sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex or that is sexual that satisfies one or more of the following criteria:

1. Quid Pro Quo Harassment: An employee of the District conditions, explicitly or implicitly, the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct.
2. Sexual Harassment: Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the District's Education Program or Activity.

3. Assault: Sexual assault shall mean forcible and non-forcible sex offenses as defined in the Clery Act, or dating violence, domestic violence, stalking as defined in the Violence Against Women Act (VAWA).

Acts of Title IX sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

- B. Examples of sexual harassment include, but are not limited to, the following:
1. Unwelcome verbal statements of a sexual or abusive nature, including requests or demands for sexual activity, sexual jokes, and obscene comments, etc.;
  2. Unwelcome, sexually motivated or inappropriate touching, pinching, or other physical contact;
  3. Unwelcome sexual behavior or communications, accompanied by implied or overt threats concerning an individual's education;
  4. Unwelcome behavior or communications directed at an individual because of his/her gender; and stalking or unwelcome, sexually motivated attention.

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

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

5061.00 Title IX Coordinator. The District's Title IX Coordinator is appointed annually and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the District's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex and gender-based harassment, discrimination, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority and is free from bias and conflicts of interest.

To raise any concern involving bias, conflict of interest, misconduct or discrimination committed by the Title IX Coordinator, contact the Superintendent.

If the District's Title IX Coordinator is the subject of any complaint regarding sex or gender-based harassment or has an apparent bias or conflict of interest regarding such a case, the Superintendent shall be appointed to act as the Title IX Coordinator for handling that case.

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

**BOARD POLICY – SECTION V – STUDENTS  
(5000-22)**

- 5061.05 Mandatory Reporters. The District has classified all employees as mandatory reporters of any knowledge they have that a member of the district community experienced sex or gender-based harassment, discrimination, and/or retaliation. Accordingly, all district employees must promptly report actual or suspected sex and gender-based harassment, discrimination, and/or retaliation to the Title IX Coordinator. District employees must share with the Title IX Coordinator all known details of a report made to them in the course of their employment, as well as all details of behaviors under this policy that they observe or have knowledge of. Failure of a district employee to report an incident of sex or gender-based harassment, discrimination, or retaliation to the Title IX Coordinator of which they become aware is a violation of this policy and can be subject to disciplinary action for failure to comply.

In addition, district employees must also report allegations of suspected child abuse and/or neglect to either law enforcement or the Idaho Department of Health and Welfare as described in Policy Section 5160-5169.

- 5061.10 Contact Information. Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and related procedures, may be made internally to the District’s Title IX Coordinator or the Superintendent if the complaint involves the Title IX Coordinator as listed on the website at:  
[https://www.ms281.org/annual\\_notices\\_for\\_stakeholders\\_community/title\\_i\\_x](https://www.ms281.org/annual_notices_for_stakeholders_community/title_i_x).

External inquiries can be made to the U.S. Department of Education, Office for Civil Rights, Region 10, using the following contact information: Seattle Office, Office for Civil Rights U.S. Department of Education, 915 Second Avenue, #3310, Seattle WA 98174-1099 or by email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov) or by phone: 1-800-877-8339.

- 5061.15 Notice/Formal Complaints of Sex and Gender-Based Harassment, Discrimination, and/or Retaliation. Notice or formal complaints of sex or gender-based harassment, discrimination, and/or retaliation may be made using any of the following options:
1. File a complaint with, or give verbal notice to, the Title IX Coordinator or the Superintendent if the complaint involves the Title IX Coordinator. Such a report may be made at any time, including during non-business hours, by using the telephone number, email address, or by mail to the office address listed for the Title IX Coordinator or Superintendent on the District’s website at:  
[https://www.ms281.org/annual\\_notices\\_for\\_stakeholders\\_community/title\\_i\\_x](https://www.ms281.org/annual_notices_for_stakeholders_community/title_i_x).
  2. File a complaint externally through the U.S. Department of Education information listed in Section 5068.10.
  3. When notice is received regarding conduct that may constitute Title IX sexual harassment, the District shall provide information about supportive measures and how to file a formal complaint, as described in Appendix A of our new Title IX procedures.

A formal complaint means a document filed/signed by the alleged victim or signed by the Title IX Coordinator or Superintendent, if the complaint involves the Title IX Coordinator, alleging an individual violated this policy and requesting that the District investigate the allegation(s). As used in this paragraph, the phrase “document filed/signed by the alleged victim” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District, if applicable) that contains the alleged victim’s physical or digital signature, or otherwise indicates that the alleged victim is the person filing the complaint. For example, an alleged victim may

send an email to the Title IX Coordinator, identify themselves as the alleged victim and the one sending the email, to file a formal complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the alleged victim to ensure that it is filed correctly.

- 5061.20 Grievance Processes. Parents and legal guardians of primary and secondary school students who have the legal authority to act on their child’s behalf may file a formal complaint on behalf of their child. When a formal complaint is made alleging that this policy was violated, the allegations are subject to resolution using the District’s grievance process found in Appendix A. All processes provide for a prompt, fair, and impartial process.

*LEGAL REFERENCE: 20 U.S.C. §§ 1681 – 1682 Title IX of the Education Amendments of 1972 34 CFR Part 106 – Nondiscrimination on the Basis of Sex in the Education Programs or Activities Receiving Federal Financial Assistance*

5062.00 Co-curricular Substance Abuse Policy.

- 5062.01 Philosophy and Objectives. School activities play an integral part of the total educational process of students enrolled in the Moscow School District. Because activities provide an educational opportunity, participants and coaches/advisors strive to meet the following objectives:
- A. Promote and contribute to the goals of the total educational program
  - B. Promote good citizenship and respect for rules and authority
  - C. Promote involvement and community interest in activities
  - D. Promote good sportsmanship
  - E. Learn the value of competitive participation
  - F. Development of individual and team skills
  - G. Practice good health habits
  - H. Practice physical, intellectual, and artistic development
  - I. Represent the school and community in a positive manner

If students choose to participate in activities they do so voluntarily, and, therefore, there are expectations beyond those required of students who do not wish to participate in activities. These include maintaining academic eligibility, abiding by rules set forth by the coach/advisor, and setting high standards for behavior. Moreover, commitment to activities requires that participants refrain from the use or possession of controlled substances. Participation in activities is not considered to be a right, but rather, it is a privilege.

Those students who violate the “Co-curricular Substance Abuse Policy” shall be subject to discipline that may include permanent removal from participation in school district activities. Additionally, the Moscow School District Board of Trustees, by adopting this policy, hopes to decrease peer pressure to use controlled substances on student participating in activities.

5062.02 Definitions.

- A. Curricular Activities – See Policy 5054.01.01 for this definition.
- B. Co-Curricular Activities - See Policy 5054.01.02 for this definition.
- C. Controlled Substances – These include, but are not limited to alcohol, tobacco (including smokeless tobacco), opiates, opium derivatives, stimulants, steroids, hallucinogenic substances, cocaine, cannabis, synthetic equivalents of the substances that have a depressant effect on the central nervous system, and drug paraphernalia.

**BOARD POLICY – SECTION V – STUDENTS  
(5000-24)**

Exempt from this definition are any medications specifically prescribed for a student's use by his/her own doctor.

5062.03 Seasons. The athletic season extends from the first day of tryouts to the last day of competition for that sport. All non-athletic activities begin with the first day of school. This policy shall be applied season by season for athletics, cheerleading, and pep band, or semester by semester for non-athletic co-curricular activities.

5023.04 Commission of a Controlled Substance Violation.

- A. A participant shall not use, consume, possess, transmit, or sell any controlled substance.
- B. A participant shall not engage in conduct detrimental to his/her group or the school at a party or other gathering where one or more minors are using controlled substances.
- C. A participant, within the constraints of safety, shall not knowingly drive or remain in a vehicle where controlled substances are possessed or being used by one or more minors.

5062.05 Determination of Violations – Student's Right to Due Process.

- A. When there is reasonable cause to believe that a student has violated this policy by committing any of the above acts, an investigation will be conducted by the activities director or other appropriate school administrator.

As a part of the investigation process, the student will receive written notice of the allegation that he/she violated the policy and will be given an informal hearing with the investigator. Parents/guardians and the head coach/advisor are also encouraged to attend this hearing.

At the hearing, the reasons for possible suspension from activities will be stated, and the student will be given an opportunity to provide evidence to refute those reasons.

The investigator may determine a violation of the policy has occurred from examination of the facts, information, or evidence from any of the following sources:

- 1. Direct observation by an adult or a student possessing, using, or distributing controlled substances;
- 2. Self-admission by the student to a coach, activities director, or appropriate school administrator;
- 3. Notification of school authorities by the student's parent or guardian;
- 4. A criminal charge involving the possession, use, or distribution of controlled substances.

5062.06 Appeals. A student may appeal the determination that he/she has violated this policy and/or the penalty imposed by filing a written request with the principal within ten (10) days of the date the determination is made. The request for an appeal must clearly state the reasons why the review is being requested. The review will be an informal meeting of the student, parents/guardians if desired, and a panel consisting of the principal, activities director, and head coach/advisor. The panel will issue a written decision within five (5) school days of the date of the review.

If the student's appeal to the panel is not successful, the student has the right to appeal to the Superintendent in writing within ten (10) days of the panel's decision. Within ten (10)

days, the Superintendent will meet with the student and parent(s) and send a written decision within ten (10) days.

If the student's appeal to the Superintendent is not successful, the student has the right to appeal to the Moscow School District Board of Trustees by filing a written request with the Superintendent's office within ten (10) days of the date the determination is made. The request for an appeal must clearly state the reasons why the review is being requested. The Board of Trustees will issue a written decision within five (5) school days of the date of the review. The decision of the Board of Trustees is final.

Students shall abide by all other terms of their suspension until a final determination is made regarding their appeal.

5062.07 Penalties.

A. First Violation.

1. The participant shall be suspended for 50% of the sport season/semester from participating in any game, contest, competition, or event. For athletics, cheerleaders, and pep band, the number of contests per season (rather than the calendar year) shall be used to determine the length of the suspension.
2. In the event that a student self-reports the violation, either voluntarily or upon being questioned by a coach, activities director, or administrator, the suspension will be reduced to 25% of the season/semester.
3. If a police citation is given related to the use of controlled substances, the student must self-report within 72 hours of the citation, or when questioned by a school official if less than 72 hours have elapsed, for the reduction in suspension to be granted.
4. For controlled substance violations, the student must also attend a controlled substance education program approved by the school district before he/she is eligible for reinstatement. The cost of the program will be borne by the participant and/or his/her parents. Failure to complete the program will result in continued suspension from activities.
5. For activities with performances/contests, students must attend all practices and performances/contests while suspended. Failure to do so will result in continued suspension from activities. For all other activities such as student council, students will not be allowed to participate while suspended.
6. When the full penalty cannot be imposed, the remaining portion of the suspension will be carried over and served during the next activity participated in by the student.
7. A participant must conclude the season/semester with any activity that is used to finish a penalty from a previous season/semester. Failure to complete the activity will result in the penalty being carried over to the next activity participated in by the student.
8. When a student commits a violation during the school year during a period of time when he/she is not involved in any activity covered by this policy, the violation will be recorded but no punishment rendered. However, when the student subsequently becomes involved in an activity, the student will begin the activity with one violation on his/her record. The first violation that occurs while involved in an activity will then automatically be treated as a second violation. If a student commits two or more violations while not involved in an activity, or as a combination of out-of-season and in-season violations, the student will have two

**BOARD POLICY – SECTION V – STUDENTS  
(5000-26)**

violations recorded on the record as he/she enters a new activity. A subsequent in-season violation will result in the offense being treated as a third violation.

**B. Second Violation.**

1. A participant who commits a second violation shall be suspended from all participation in co-curricular activities for one calendar year from the date it is determined that a second violation occurred.
2. In addition, for a second alcohol or drug violation, the participant must undergo a drug and alcohol assessment program approved by the school district, comply with the recommendations of the professional conducting the test assessment, and provide documentation of the assessment and compliance with the recommendations in order to be eligible for reinstatement at the end of the calendar year. The expenses of the assessment and any actions necessary to comply with the recommendations must be borne by the student and his/her parents.

**C. Third Violation.**

1. A participant in grades 9-12 who commits a third violation shall be suspended from participation in activities for the remainder of his/her high school career.

5062.08 Accumulation. Penalties accumulate in grades 9-12. A student who has committed one or more controlled substance violations as defined in this policy in grades 6-8, or transfers in from another school district with a record of having violated any policy prohibiting the use, possession, or distribution of controlled substances will enter grades 9-12 with one violation on their record.

5062.09 Reinstatement. A student who has completed an approved treatment program and provides a recommendation from that treatment program that the student has successfully completed the program and is unlikely to use controlled substances in the future may apply for reinstatement of eligibility following a second violation. This application for reinstatement must be submitted in writing to the principal.

In the event of a third violation, any request for reinstatement must be submitted to the Superintendent.

5062.10 Citizenship. Other undesirable student behavior not covered in the above policy, including, but not limited to, violations requiring administrative action as established in the “Behavior Violations” section of the Moscow Middle School handbook, and in the “Discipline/Student Hearings” section of the Moscow High School student handbook, may be cause for activities suspension at the discretion of the appropriate school administrator and/or the head coach.

*PLEASE NOTE: This statement must be included with the policy, and having read the policy, the form must be signed by both the student and the parent/guardian before a student may participate in co-curricular activities. This signed form must be returned to the appropriate coach/advisor.*

*I have read the Moscow School District Co-curricular Substance Abuse Policy and understand that violation of its provisions will result in the penalties described therein.*

**MOSCOW SCHOOL DISTRICT**



\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

**STUDENT ACTIVITIES**

(Policy Range: 5100 - 5149)  
(Revisions Approved 4/26/23)

- 5100.00 Basic Policy. Entertainments, plays and special group activities afford special opportunities for student self-expression and initiative. A balanced program of such activities is encouraged. Their coordination and integration will be managed by District administrators and designated instructional personnel.
- 5101.00 General Fund Raising Activities. Fund raising activities associated with the school district must be approved by the building administration prior to initiation of the fundraiser. The following information must be provided for the request to be considered: identification of the name of the organization completing the fundraiser, person responsible for oversight, purpose, and time frame of the fundraiser. Fund raising activities will not be scheduled or items purchased for such activities without the consent of the building administration. All contractual agreements for fundraising must be agreed upon and signed by the superintendent.
- A. Contests within the schools must be approved by the building administrator.
  - B. Fund raising by charging admission to performances or sales, etc., within the individual schools will be permitted, subject to approval by the building administration.
  - C. All funds raised must be processed through the school’s accounting system.
  - D. All resale items are subject to the current sales tax and must be reported.
  - E. Students shall be permitted on their own initiative to raise a fund among themselves in recognition of sympathy in case of severe illness or death of a schoolmate or teacher.
  - F. Parent/patron organizations that have been officially recognized by the Board of Trustees may distribute fund raising announcements to students provided that announcements indicate the name of the parent/patron organization.
- 5101.01 Elementary and Middle School. No door to door sales fund drives will be permitted
- 5101.02 High School. All fund drives for high school activities must be cleared through the high school administration. All door to door sales must be reported to the Moscow Police Department. Moscow does enforce the “Green River Law.”

WELFARE OF STUDENTS

(Policy Range: 5150 - 5159)  
(Revisions Approved 4/26/23)

- 5150.00 Physical Examinations for Students. A pre-school, pre-fifth grade, and pre-ninth grade well-child physical for students is strongly recommended. All students participating in interscholastic athletics will be required to have a well-child physical prior to participation in the seventh, ninth, and eleventh grades.
- 5151.00 Illness. Children too ill to benefit from instruction will be sent home. Parents, guardians or designated persons will be notified by telephone. Parents or guardians have the responsibility to make arrangements for childcare. Pupils exhibiting symptoms of infections or contagious diseases shall be excluded from school in the same manner.
- 5151.01 Emergency Contact. The schools shall keep a record of persons who may be contacted in the event of a student illness or emergency.
- 5151.02 Do Not Resuscitate Orders. This District has a statutory duty to protect the health of all students enrolled in the District. [IC 33-512 (4)] Medical personnel who are employed by the District or whose medical services are contracted by the District also have statutory duties to adhere to certain protocols. Based on these statutory duties this District’s medical personnel or health care providers will honor a Do Not Resuscitate (DNR) order or identification presented by or on behalf of a student who has a terminal condition unless an exception applies.

In the event a DNR order or identification for a student enrolled in this District is presented to district personnel by the student or his or her parent/guardian, a copy of the order and/or a notation that the student has DNR identification, will be placed in the student’s educational record. Nursing staff will also be notified and provided with a copy of such order or notation. The individual presenting the DNR order or identification will be informed of this policy.

In the event emergency medical services personnel are called by this District to assist a student, district personnel knowledgeable of a DNR order or identification will make reasonable effort to inform the medical services personnel of the DNR order or identification. Medical personnel or health care providers employed or contracted by the District or contracted to provide medical services, if on site at the time of an emergency, will comply with the DNR order or identification and provide comfort care, unless an exception applies.

A DNR order may be disregarded by medical personnel or health care providers in the following situations, pursuant to Idaho Code Section 56-1027: 1) If the health care provider believes in good faith that the order has been revoked; or 2) to avoid verbal or physical confrontation; or 3) If ordered to do so by the attending physician.

Definitions:

- A. “Comfort care” means treatment given in an attempt to protect and enhance quality of life without artificially prolonging that life.

- B. “Do Not Resuscitate order” or “DNR order” means a documented directive from a licensed physician that emergency life-sustaining procedures should not be administered to a particular person.
- C. “DNR identification” means a bracelet or necklace issued to an individual consistent with a valid DNR order which is in place. Typically, such bracelets or necklaces will also contain the words “comfort ONE.”
- D. “Emergency medical services personnel” means the personnel of a service engaged in providing initial emergency medical assistance, including, but not limited to, first responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.
- E. “Life-sustaining procedure” means cardiopulmonary resuscitation (CPR) or a component of CPR.
- F. “Medical personnel or health care provider” means any person licensed, certified, or otherwise authorized by law to administer health care in the ordinary course of business or practice of a profession, including emergency and other medical personnel.
- G. “Terminal condition” means an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a relatively short time. [Idaho Code 56 1020-1035]

5151.03 Exclusion of Students with Contagious or Infectious Diseases. [Idaho Code 33-512 (7)]  
The Board of Trustees may exclude students from school:

- A. Who have contagious or infectious diseases, or
- B. Who are diagnosed or suspected as having a contagious or infectious disease, or
- C. Who are those not immune and have been exposed to a contagious or infectious disease.
- D. The Board of Trustees may close school on order of the State Board of Health or local health authorities as a result of contagious or infectious diseases.

5151.04 Administration of Medication by School Personnel. (updated 9/27/23) When school personnel must administer medication, the following guidelines must be followed:

- A. Any medication brought to school must come in the original container.
  - 1. Prescription medication must be in the prescription bottle with the correct label that includes the student’s name, name and dose of medicine, directions for taking the medicine, doctor’s name, pharmacy’s name, and current date.
  - 2. “Over the counter” medicine must be in the original container with a note from the parent/guardian giving directions that include what the medicine is for, when, and how much is to be given. If parent directions do not follow the guidelines written on the label regarding frequency and dose, the medicine will not be given without a written note from a doctor.
- B. Written consent for giving medication from a parent/guardian must accompany any medicine brought to school.
  - 1. For long-term medications (those given at school for longer than a week) a parent/guardian must complete the *Medication Consent Form* and it must be returned to the school before any medication is given to the student.
  - 2. Short-term medications, like antibiotics given for just a few days at school, must come with a written note from a parent/guardian that includes consent for school personnel to give the medicine to the student and directions for when and how much is to be given.

**BOARD POLICY – SECTION V – STUDENTS  
(5000-30)**

- C. The Board of Trustees wishes to prevent opiate-related overdose deaths. For this reason, the Board authorizes the Superintendent to work with the district's school nurses to make available in any schools the Superintendent deems appropriate, any opioid antagonists (marketed as Narcan, Naloxone) permitted by Idaho Code 54-1733B. If the Superintendent elects to make opioid antagonists available in district schools, the Superintendent or their designee shall establish procedures for the acquisition, storage, and administration of opioid antagonists and for the training of staff members in how to administer them. This procedure shall also provide a process for ensuring there is an adequate supply of opioid antagonists at each school designated to have a supply, ensuring that the medication has not expired, and replacing the medication as needed.

The Superintendent or their designee may obtain opioid antagonists from a licensed health professional authorized to prescribe and dispense them by Idaho law. Documentation that the opioid antagonist was prescribed and dispensed in accordance with State law shall be maintained in the Superintendent's office, and copies of any directions provided with the opioid antagonist shall be kept with the medication. Administration of an opioid antagonist shall not be required in circumstances of unavailability of the medication, unavailability of an employee trained to administer it, and/or uncertainty as to whether an opioid overdose is occurring, among other reasons. This policy shall not create a duty on the part of the District and/or its personnel to administer opioid antagonists.

1. Training. Before any District employee may administer an opioid antagonist under this policy, the employee must successfully complete training on recognizing opioid-related overdoses, administering the opioid antagonist provided by the District, promptly seeking medical attention for drug overdoses, and on this policy.
  - a. Employees shall be trained every other year on these topics.
  - b. Evidence that such training has been completed shall be placed in the employee's personnel file.
  - c. A list of District employees who successfully completed such training shall be maintained, updated, and kept in the school nurse's office District office.
2. Storage of Opioid Antagonists. If the Superintendent directs opioid antagonists to be kept at a school, the medication shall be stored in a safe location in compliance with the drug manufacturer's instructions. The opioid antagonist shall be readily accessible to those employees who have completed the required training to administer it in the event of a suspected drug overdose. All properly trained employees shall be made aware of exactly where the medication is being stored.
3. Administration of Opioid Antagonist. These protocols shall be followed when administering an opioid antagonist to respond to a suspected drug overdose:
  - a. The employee shall immediately ensure that someone calls 911 for emergency medical service personnel to be dispatched to respond to a suspected drug overdose.
  - b. The employee shall administer the opioid antagonist in accordance with the training they have received and take any further measures directed by their training.
  - c. The employee shall fully cooperate with emergency medical service personnel responding to the scene and shall not interfere with or impede the

administration of emergency medical services to the individual suffering the suspected drug overdose.

- d. The employee shall notify the building administrator of the incident as soon as possible.
  - e. The employee shall provide a written report describing the facts and circumstances surrounding the event.
  - f. The principal shall provide a copy of the report to the Superintendent
4. Indemnification. Any person who administers an opioid antagonist provided under this policy to another person who appears to be experiencing an opiate-related overdose and who:
- a. Acts in good faith and exercises reasonable care; and
  - b. Contacts emergency medical services as soon as possible will not be liable in a civil or administrative action or subject to criminal prosecution for such acts, as described in Idaho Code 54-1735B.
5. Parental Notification. The District shall notify all parents/guardians of students of this policy once each school year through methods which may include providing it in the student handbook. A student's parent/guardian, as well as law enforcement, shall be notified of any incident in which their student is believed to have been under the influence of alcohol or controlled substances. In addition, the student's parent/guardian shall be notified of any health emergency they experience.
6. Non-Employee Administration of Opioid Antagonists. Nothing in this policy is intended to regulate, restrict, or otherwise deter any emergency medical technician from administering their own supply of an opioid antagonist when responding in good faith to a suspected drug overdose occurring on district property.
- D. Only designated school personnel who have received training by the school nurse on dispensing medications may administer medication to students.

5151.05 Self-Administration of Asthma Medication . Insulin/Diabetic Treatment, or Epinephrine Auto-Injectors. The Board authorizes the Superintendent or designee to establish procedures which allow for the safe, reliable, and timely access in self-administration of student medication administered by way of a metered-dose inhaler by a student for asthma or other potentially life-threatening respiratory illness or by way of an epinephrine auto-injector for severe allergic reaction (anaphylaxis). [Idaho Code 33-520] (See Procedures Section)

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 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.

5151.06 Additional Requirements for Self-Administration of Medicines. The District 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 District, 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

**BOARD POLICY – SECTION V – STUDENTS**  
**(5000-32)**

by the District, its employees, or its agents, or in the absence of such nurse, to the school administrator. 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:

- A. "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;
- B. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician; and
- C. 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 school nurse may assist with self-administration of medications provided that only the following acts are used:

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

5151.07 Handling and Storage of Medicines. All medications, including those approved for keeping by students for self-medication, must first be delivered by the parent or other responsible adult to the nurse or employee assisting with the self-administration of medication. The nurse or the employee must:

- A. Examine any new medication to ensure that it is properly labeled with dates, name of student, medication name, dosage, and physician's name;
- B. If administration is necessary, the nurse must develop a medication administration plan for the student before any medication is given by school personnel;
- C. Record on the Student's Individual Medication Record the date the medication is delivered, and the amount of medication received;
- D. Store medication requiring refrigeration at 36F - 46F; and
- E. 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 medication for a student will be stored at the school. All medications, prescription and nonprescription, will be stored in their original containers. Access to all stored medication will be limited to persons

authorized to administer medications or assist in the self-administration of medications. Each school will maintain a current list of those persons authorized by delegation from the school nurse to administer medications.

5151.08 Disposal of Medication. School personnel must either return to the parent/guardian or destroy (with permission of the parent/guardian) any unused, discontinued, or obsolete medication. Medicine which is not repossessed by the parent/guardian within a seven day period of notification by school authorities will be destroyed by the school nurse in the presence of a witness.

5152.00 Immunization. Idaho Code 39-4801 requires students entering school to provide proof of required immunizations signed by a physician or physician's representative stating the type, number, student name and dates of all immunizations which are required. This documentation will be placed in the student's file. Students will not be permitted to attend school without the required immunizations unless there is an exemption certificate on file. Immunization requirements for school entry can be found at the website for Health and Welfare by searching for Idaho Immunization Requirements for School Attendance.

All students who are enrolling, transferring, or returning after withdrawal must show verifiable documentation of immunizations at entry or reentry. The documentation of the required vaccination or the appropriate signed waiver is required to be on file at the school office.

5152.01 Immunization Exemption. Certain children shall be exempt from the immunization requirement of Idaho Code 39-4801 by Idaho Code 39-4802 provided the following is on file:

- A. Any student claiming an exemption must have a completed *Idaho Certificate of Immunization Exemption* on file at the school office. This form is available at your child's school, from the school nurse, or at the District Office.
- B. Any student who is declared exempt from immunization requirements will be excluded from school should an outbreak occur. The period of exclusion may be for a few days up to several weeks after the last reported case, depending upon the disease and the number of cases.

5153.00 Gifts to Employees. A professional educator maintains integrity with students when accepting gifts per the Code of Ethics for Professional Educators.

5154.00 Custody. When it is known that a custody question exists that involves the relevant legal status of one or both parents of a student in one of the District's schools, the parent(s) may furnish a copy of the pertinent court order or decree, if one exists, that provides information or guidance to clarify the question at issue. School personnel will abide by the court order or decree. Unless otherwise indicated by a court order or decree, separated or divorced parents will have equal rights regarding access and matters involving the education of their children. Unless otherwise indicated by a court order or decree, where the school receives conflicting instructions from the two parents, it will resolve this conflict by following the instructions of the parent with whom the child then currently resides. School records shall indicate the student's legal first, middle and last name.

**BOARD POLICY – SECTION V – STUDENTS  
(5000-34)**

- 5155.00 Police Interviews. In the event a member of a law enforcement agency requests an interview with a student during school hours, school personnel will adhere to the following: Treat the representative of the law enforcement agency with courtesy.
- A. Contact the Superintendent or superintendent’s designee and parent or parents of the student to be interviewed and advise them of the circumstances. Request that one or both parents be present at the interview.
  - B. Should the parent not be able to come to the school and should the parent not wish the child to be interviewed at school, so advise the officer.
  - C. If the officer indicates that to do otherwise would be considered an obstruction of justice, provide the student for an interview and notify the parents of the circumstances.
  - D. School authorities will not permit a student to leave the school with an officer of the law unless that student’s parent is present and consents, or unless a police detention order is declared, or a formal arrest is made.
  - E. School authorities will permit a student to leave the school with a Youth Services official if that is court-ordered and/or the parent has given written permission for such a release.
- 5156.00 Loiterers. All visitors to schools are to first report to the school office. Any unauthorized person on a school campus or place of instruction who annoys any student or who loiters about any school or place at or near where children attend shall be reported to the school office. When unauthorized persons on a school campus or place of instruction persist in loitering, annoying students or school personnel or disrupt the educational process or engage in threatening conduct, the incident shall be reported to the Moscow Police Department, and/or the person removed from the school building. [Idaho Code 33-512 (11)]
- 5157.00 Student Use of Telephones. Building administrators shall govern the use of telephones by students.
- 5158.00 Suicide, Basic Policy. Suicide is increasing as a cause of death among children and adolescents. It is the aim of this policy to decrease the potential of suicide by observing early warning signs and giving students at risk qualified help.
- All district employees will annually complete a training course in suicide prevention that is assigned by the District .
- 5158.10 Prevention. Counselors and school psychologists, while often trained in suicide prevention and intervention, do not provide mental health care for students in crisis. Therefore, information about community mental health resources and referral procedures will be available in each building to reference.
- 5158.10.01 Notification Responsibilities of Faculty & Staff. Any staff member who has reason to suspect a student is at risk of suicide shall notify the building counselor or school psychologist, who will contact the building administrator.
  - 5158.10.02 Crisis Interview. The counselor or school psychologist will conduct an interview with the student, if possible, to gather pertinent information.
  - 5158.10.03 Informing Parents. The counselor or school psychologist will contact the parent or guardian, informing them of the situation and providing them with community mental health resources and referral procedures information. If parents cannot be contacted, the police will be notified. The student at risk should not be left unattended.



5158.10.04 Documentation. The counselor or school psychologist will complete a *Suicide Prevention Report* that provides a summary of the interview. Copies of the completed report shall be provided to the parent or guardian, the counselor/school psychologist and the building administrator. (*See Forms Section*)

5158.20 Suicidal Tendencies. Neither this school district nor any teacher has a duty to warn of the suicidal tendencies of a student when the teacher’s knowledge of direct evidence of such suicidal tendencies is absent.

“Direct evidence” is defined as evidence which directly proves a fact without inference and which in itself, if true, conclusively establishes that fact. Direct evidence includes unequivocal and unambiguous oral or written statements by the student which would not cause a reasonable teacher to speculate regarding the existence of the fact in question. Direct evidence does not include equivocal or ambiguous oral or written statements by a student which would cause a reasonable teacher to speculate regarding the existence of the fact in question. [Idaho Code 33-512B]

5159.00 Use of Restraint, Seclusion, and Aversive Techniques for Students.

5159.10 Definitions.

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

**Seclusion:** Involuntary confinement in a room or other space during which a student is prevented from leaving or reasonably believes that 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.

5159.20 Conduct of Employees Directed Toward Students. The use of any form of restraint or seclusion as defined in this policy is prohibited unless the employee is appropriately trained per Policy 5159.30 and there is a reasonable belief that the conduct of the student has placed the student, the employee, or any other individual in imminent danger of serious bodily harm.

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

**BOARD POLICY – SECTION V – STUDENTS  
(5000-36)**

Seclusion or restraint of a student shall immediately be terminated when it is determined the student:

- no longer is an immediate danger to him/herself or to any other third person
- is exhibiting extreme distress
- is in custody of appropriate administrative personnel
- is in custody of their parent/legal guardian

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

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

- A. The employee shall immediately, following the incident, report to their building principal, in writing, the following information:
  1. The dates the event occurred;
  2. The circumstances leading to the event;
  3. The student involved; and
  4. Other witnesses or participants to the event.
- B. The building principal shall notify the Superintendent's office of the event, providing the Superintendent's office with a copy of the report of events.
- C. The building principal shall ascertain if any of the school's video equipment captured the event on a recording. If such an event was captured, the principal shall take all best efforts to maintain a copy of the recording and provide such to the Superintendent's office for the Superintendent's official records of the event.
- D. The Superintendent 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).
- E. The Superintendent or designee shall notify the parent/legal guardian of the subject student of the situation and the event of the 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/legal guardian may obtain additional information regarding the event.
- F. The Superintendent or designee shall provide the parent/legal guardian of the student with written notice of the event of restraint or seclusion of their student.
- G. The Superintendent's office shall maintain documentation as to events of restraint and seclusion and shall prepare all necessary reports to legal entities upon whom such reports are or may become due pursuant to State and federal regulations.

5159.30 Training of School Personnel. All training and procedural responsibilities regarding restraint and seclusion will follow the guidelines stated in Public Law 106-310 [The Children's Health Act of 2000, Section 595 (b) (2) (b)]. As part of the training and preparation for the certificated administrator, certificated teacher, and in-building classified employee of the District, the following shall occur:

- A. Training of personnel as to proper situations and events leading to student seclusion and intervention, including possible preventative alternatives to seclusion and restraint, safe physical escort, de-escalation of student crisis situations, and positive behavioral intervention techniques and supports;
- B. Training of personnel in crisis/conflict management and emergency situations which may occur in the school setting, including examples and demonstrations of proper

- activities and techniques and trainers observing employee use of proper activities and techniques in the training setting;
- C. Techniques to utilize to limit the possibility of injury to the student, the employee and any other third party in the area;
  - D. Information as to the school's student seclusion areas in each respective school building to which the employee is assigned;
  - E. Training of personnel must be completed through an approved program;
  - F. Employee must provide current certification of completion of the program to the Human Resources office to be placed in their personnel file; and
  - G. Provision of the employee with a copy of this policy.
  - H. If any employee has not yet undergone training and a situation necessitating student restraint or seclusion occurs, and another properly trained employee of the District is present at the event, the properly trained employee shall take the lead in addressing the student crisis.

**CHILD ABUSE AND NEGLECT**

(Policy Range: 5160 – 5169)  
(Revisions Approved 4/26/23)

5160.00 Rationale. The teacher-student relationship is a special one where the adult has the responsibility to ensure that children receive appropriate supervision and care. Because of their sustained contact with children, school employees are in a position to identify when possible abuse/neglect exists. It is important then, to recognize that school personnel need to be aware of the signs and symptoms of abuse/neglect as well as specific reporting procedures.

Reporting of Abuse, Abandonment, or Neglect.

- A. Any Moscow School District employee having reason to believe that a student has been abused, abandoned or neglected or who observes the student being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or Child and Family Services of the Idaho Department of Health and Welfare. The employee shall also inform a building administrator, either before or after the report to law enforcement or Child and Family Services and complete a *Child Abuse/Neglect Reporting Form*. (See *Forms Section*) This form will be kept on file for future reference and as documentation of the report. [Idaho Code 16-1605 (1)]
- B. Failure to report as required in this section shall be a misdemeanor. [Idaho Code 16-1605 (4)]

5160.02 Immunity. Employees making reports in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report. [Idaho Code 16-1606]

5161.00 Provisions for Confidentiality. Confidential documents of alleged abuse/neglect are a serious responsibility. Protection of the child's interests may be compromised if records of incidents are made a part of the individual's cumulative file. Therefore, it will be the responsibility of the individual building principal to maintain separate files for records of reports made to outside agencies. All such records shall be maintained in secured files in the respective schools. Access to reports will be to the Idaho Department of Health and Welfare, Child and Family Services, designated administrators, and others through the established subpoena process.

**EDUCATION OF HOMELESS STUDENTS**

(Policy Range: 5170 – 5179)  
(Revisions Approved 1/25/23)

- 5170.00 Basic Policy. Moscow School District recognizes the right of all students residing within the District’s boundaries, including those who are homeless, to enroll in school and participate in the District’s educational and support programs.
- A. 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;
  - B. Homelessness does not in any way separate homeless students from the mainstream school environment; and
  - C. 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 Trustees directs all District schools 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 schools and employees of the District shall work to ensure that children and youth who are homeless are free from discrimination, segregation, and harassment. The District will also strive to prevent stigma against students who are homeless.

- 5170.10 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:

- A. 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;
- B. 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;
- C. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- D. 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
- E. An unaccompanied student and homeless families with children and youth are also defined as homeless if they:
  - 1. Have experienced a long-term period without living independently in permanent housing;
  - 2. Have experienced persistent instability as measured by frequent moves over such period, and
  - 3. 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

**BOARD POLICY – SECTION V – STUDENTS  
(5000-40)**

addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

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 student's school of origin; the school of origin shall progress to the designated receiving school at the next grade level for all of its feeder schools the same as for all students attending one school and progressing to another school in the District.

5171.00 School Stability. The District shall ensure the following is provided according to the homeless student's best interest:

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

In determining the best interest of the homeless student, each school within the District shall:

- A. 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;
- B. 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;
- C. If, after conducting the best interest determination based on consideration of the above presumptions, the Superintendent 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 Board Policy 5173.20; and
- D. In the case of an unaccompanied student, ensure that the District's liaison designated under Board Policy 5172.00, 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 Board Policy 5173.20.

5172.00 District Liaison. The Superintendent shall designate a District employee to serve as its liaison to serve homeless students in accordance with the following provisions. The liaison for homeless students designated by the Superintendent shall ensure that:

- A. All homeless students are identified by school personnel through outreach and coordination activities with other entities and agencies;
- B. All homeless students are enrolled in, and have a full and equal opportunity to succeed the same as non-homeless students of the District;

- C. 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 District;
- D. 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;
- E. 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;
- F. 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;
- G. Enrollment disputes are mediated in accordance with Board Policy 5173.20;
- H. 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;
- I. School personnel providing services to homeless students receive professional development and other support; and
- J. Unaccompanied homeless students:
  - 1. Are enrolled in school;
  - 2. Have opportunities to meet the same challenging state academic standards as the State establishes for other students; and
  - 3. Are informed of their status as independent students under 20 USC § 1087vv(d), and that such students may obtain assistance from the District Liaison to obtain verification of such status for purposes of the Free Application for Federal Student Aid.

The District’s Liaison for homeless students shall, as a part of his/her 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. 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).

The District’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 District, 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.

- 5173.00 Immediate Enrollment. 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.

**BOARD POLICY – SECTION V – STUDENTS  
(5000-42)**

C. Has outstanding fees or fines, including fees associated with extracurricular activities.

Relevant Academic Records: The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

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), to the District’s liaison designated by the District, who shall assist in obtaining all necessary immunizations and/or screenings, or other required health records.

5173.10 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, in a manner consistent with FERPA, Idaho Law and District Policy, so that the records involved are available, in a timely fashion, when the student enters a new school or school district.

5173.20 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.

5173.30 Disputes. If a dispute arises over eligibility, school selection or enrollment in a particular school, or any other issue addressed in this policy:

- A. The student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
- B. 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 bases for any decisions related to school selection or enrollment made by the District, or other entity, including the rights of the parent, guardian, or unaccompanied student to appeal such decisions;
- C. The parent, guardian, or unaccompanied student shall be referred to the local educational agency liaison designated under “District Liaison” below, and upon being informed of the dispute, the liaison shall provide parents/unaccompanied students with a dispute resolution packet containing a written step-by-step description of how to dispute the school district’s decision.
- D. 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.

5173.40 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).

5173.50 Contact Information. Nothing in this policy shall prohibit the District and/or the enrolling school from requiring the parent or guardian of a homeless student to submit contact information.

5174.00 Comparable Services. Each homeless student in the District shall be provided services comparable to those services provided to other students in the school attended by the homeless student, including the following:



***BOARD POLICY – SECTION V – STUDENTS  
(5000-43)***

- A. Transportation shall be provided to homeless students comparable to those offered to other students at the school of attendance. If a homeless student moves to a shelter that is in another attendance zone within the District, the District may arrange transportation that enables the student to continue to attend the same school whenever feasible;
- B. 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 District sponsored programs, educational programs for children with disabilities, and educational programs for English Learners;
- C. Programs in career and technical education;
- D. Programs for gifted and talented students; and
- E. School nutrition programs.

**STUDENT PROGRESS**

(Policy Range: 5200 – 5249)  
(Revisions Approved 1/25/23)

- 5200.00 Failure. In the event of failure, pupils may be required to repeat a grade or a course whenever the teacher, with administrative approval, decides that the best interest of the pupil will be served. All retentions must be discussed with parents or guardians. All student retentions shall be reported by the principal to the Superintendent at the end of the academic year. (See the *Elementary Student Retention Form* requesting documentation of staff-parent conferences, a program to address skill deficiencies, and parent approval to be on file.)
- 5200.01 No student may be failed in any grade or subject without the parent having prior knowledge through conferences or reports that such a possibility may occur. Parent-teacher conferences are encouraged for the purpose of avoiding such failures.
- 5200.02 Parents' request for retention of a student in grades seven through twelve (7-12), for other than academic reasons, must be approved by the Board of Trustees.
- 5200.03 All students in grades seven and eight will earn one (1) middle level credit per semester for each passed course with a grade of D or above. With the exception of Algebra I, Advanced Algebra, Geometry, and Foreign Language, these credits will not count toward high school graduation. Students in grades seven and eight must pass 80% of their classes each year to progress to the next grade level. In addition, if a student fails two (2) semesters of the same course in Math, Science, Social Studies or English the course will need to be repeated.

If a student is in jeopardy of not meeting the promotion requirements, a Panel Review will take place. The Panel will include the student's teacher team, counselor, and administrator. The Panel shall specify a Remediation Plan for school success. Students who are required to complete a Remediation Plan must submit their completed plan to the Moscow Middle School Principal at least thirty (30) days before the start of the next school year to be considered for promotion. If a student successfully completes the Remediation Plan, he/she will be promoted. If the plan is not successfully completed, the student will be retained. [IDAPA 08.02.03.107]

- 5201.00 Success. In courses of instruction and related learning activities, the schools will take into account the diverse strengths, limitations, and personal characteristics of students to enhance their progress in academic, personal-social and career development within the curriculum. Courses, content, progression, and the measurement of progress or attainment may be modified and adjusted so that the instructional needs and proficiencies of students may be met or taken into account.

**EARLY GRADUATION**

(Policy Range: 5250 – 5299)  
(Revisions Approved 1/25/23)

5250.00 Basic Policy. Students who meet the requirements for graduation as established by the State of Idaho and the Board of Trustees may leave Moscow High School and Paradise Creek Regional High School upon completion of those requirements. Those students who complete requirements early may participate in commencement ceremonies and receive their diplomas at the end of the academic year in which they complete their credits.

The student will notify the building administrator (or designee) of their desire to complete the credit requirements for early graduation no later than two semesters prior to expected graduation.

Students must meet all state requirements before the end of their eleventh grade year. The student must have completed a Senior Project before graduation.

**FOREIGN EXCHANGE STUDENTS**

(Policy Range: 5300 – 5349)  
(Revisions Approved 1/25/23)

5300.00 Basic Policy. It is the policy of the Board of Trustees to accept foreign students in the following categories:

- A. Foreign exchange students from local (within a radius of 50 miles) recognized non-profit exchange programs. These programs must be approved by October 1 of the year prior to placement. Exchange students will be given junior year status. All students must obtain either a J-1 or F-1 visa.
  1. Local, non-profit exchange programs shall be awarded no more than three total student positions per year. The exchange program will complete the application to the high school for selected students. The Board of Trustees authorizes the school principal to approve or reject foreign exchange student applications for whatever reason deemed appropriate by the Board, so long as the reason for the rejection is not based on the applicant's race, creed, color, sex, national origin, religion, sexual orientation, gender identity, disability, or socioeconomic status. The foreign exchange student's English language skills are the responsibility of the sponsoring exchange agency, and the sponsoring agency must submit proof of the student's English proficiency.
  2. Application for first semester placement must be made by June 1, and for second semester placement by November 15. The sponsoring exchange program will be notified of acceptance by the principal.

**RELIGIOUS ACTIVITIES IN THE SCHOOLS**

(Policy Range: 5350 – 5399)  
(Reviewed 1/25/23 – No Changes)

- 5350.00 Religious Activities in the Schools. Teachers and administrators, when acting in those capacities, are representatives of the State of Idaho and are prohibited by the Establishment Clause of the First Amendment of the U.S. Constitution from soliciting or encouraging religious activity, participating in religious activity with students, discouraging religious activity because of its religious content and from soliciting or encouraging anti-religious activity. The schools play an active role with respect to teaching civic values and virtue, and the moral social code that holds us together as a community within the schools, and as a part of the large community of which we are a part. The fact that some of these values are also held by various religions does not make it inappropriate or unlawful to promote or teach them in school.
- 5350.01 Basic Policy. The Moscow School District’s buildings, grounds, and facilities shall not be used to promote any religious doctrine, belief, denomination, or organization, except to the extent that students are entitled to engage in such activities by virtue of their constitutional rights of speech, association, and religious exercise.
- 5350.02 Non-students. Non-students will not be permitted on school grounds to promote any religious organization or its beliefs, doctrines, purposes or activities.
- 5350.03 Private Religious Expressions. Private religious expressions are allowed in school buildings and on school grounds subject to reasonable regulation by building administrators as to the time, place, manner, courtesy, and orderliness to protect the rights of other students, and to prevent disruption of school activities or the educational process, as these same rules apply to other student speech. Students may speak to and attempt to persuade their peers about religious topics just as they may do with regard to political topics. The right of religious expression in school buildings, on school grounds or at school sponsored events does not include the right to compel other students to participate, to make repeated invitations to other students to participate in religious activity when requested to stop, and does not include religious speech that becomes religious harassment aimed at a student or group of students, nor does the right include other similar types of speech or conduct which has the effect of harassing other students and/or unduly disrupting the educational environment.
- 5350.04 Private Religious Speech. Private religious speech by students is allowed. For example, students may engage in oral discussions of religious beliefs, private individual or group prayer, saying grace before a meal, private reading of religious scriptures or texts, and they may invite other students to participate in religious activities taking place elsewhere. Student religious groups at the District’s secondary schools have the same right of access to school facilities as other comparable student groups. Under the Federal Equal Access Act, non-curriculum-related clubs, including religious clubs, may meet on the premises of a school during non-instructional times.
- 5350.05 Distribution of Literature. Students have a right to distribute religious literature to other students on the same terms as they are permitted to distribute other literature that is unrelated to the school curriculum or activities.

**BOARD POLICY – SECTION V – STUDENTS  
(5000-48)**

- 5350.06 Posting Notices. Announcements of religious activities or activities of religious groups may be posted on school property, subject to reasonable regulation by the building administration as to size, appearance, location, and duration, if the manner of posting and labeling makes clear to student readers that the activity and sponsoring organization are neither school-sponsored nor school-approved. Announcements to publicize religious meetings shall be limited to the same terms and conditions as other non-curriculum-related media announcements.
- 5350.07 Instruction. The schools may not provide religious instruction, but may teach about religion, for example: the history of religion, comparative religion, scriptures as literature, the role of religion in the history of the United States or other countries, the religious aspects of holidays, religious influences on art, music, literature and social studies.
- A. The schools may celebrate the secular aspects of holidays but may not observe holidays as religious events or promote or encourage through school activities such religious observances by students.
- B. Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate educational standards of professional educators.
- 5350.08 Release from Lessons, Based on Religious Objections. Subject to any applicable State laws, school officials may neither encourage nor discourage students from availing themselves of being excused from lessons that are objectionable to the student or the student’s parents on religious or other conscientious grounds. If it is proved that the particular lessons substantially burden a student’s free exercise of religion and if the school cannot prove a compelling interest in requiring attendance, the school administration is to excuse the student from such lessons.
- 5350.09 Student Clothing. Students may display religious messages on items of clothing to the same extent that they are permitted to display comparable non-religious messages. When wearing particular attire, such as yarmulkes and head scarves, during the school day is part of students’ religious practices, under the Religious Freedom Restoration Act, District personnel generally may not prohibit the wearing of such items.
- 5350.10 Graduation Prayer and Baccalaureates. Under current U.S. Supreme Court decisions, school officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. The District generally opens its facilities to private groups, within limitations, and must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services, if facilities for such services are sought. The District may not extend preferential treatment to baccalaureate ceremonies, and it may be obligated to disclaim official endorsement of such religious ceremonies.
- 5350.11 None of the foregoing shall prohibit rental of school facilities in accordance with Policy 7100-7199.

**GRADUATION OF STUDENTS WITH DISABILITIES**

(Policy Range: 5400 – 5499)  
(Revisions Approved 1/25/23)

- 5400.00 Basic Policy. The function of the Moscow School District is to strive to meet the educational needs of its students. The Moscow Board of Trustees has the authority and responsibility to provide for the individual differences among students and to provide a free appropriate education. Students having disabilities, who meet the requirements of graduation, as established by the Board of Trustees, may participate in commencement ceremonies and receive their diplomas with the graduating class.
- 5400.10 Requirements. All students, including students with disabilities, shall be given the opportunity to complete prescribed minimum graduation requirements and to receive a diploma. The transcript will serve as a record of regular, modified, or special courses completed, individual accomplishments, and achievements.
- A. Individual Education Program (IEP) teams designing Individual Education Programs (IEPs) shall have the responsibility to prescribe programs that meet graduation requirements.
  - B. IEP teams are responsible for outlining coursework and graduation requirements on an individualized graduation plan. Graduation requirements shall be carried out in special and/or general education classes and may be academic, functional, prevocational, or vocationally oriented.
  - C. Annual reviews of IEPs and graduation plans will provide evidence of proficiency leading to completion of graduation requirements.

**STUDENT RECORDS**

(Policy Range: 5500 – 5599)  
(Revisions Approved 1/25/23)

5500.00 Student Education Records. Student education records include a range of information about a student that is maintained in schools in any recorded way. Student records are confidential, and information from them shall not be released other than as provided by law.

Records include:

- A. student's name, date and place of birth, parent(s)/guardian(s) name(s) and address(es)
- B. academic transcripts, schools attended, attendance records, and special education records
- C. disciplinary records (severe disruptive behavior)
- D. medical and health records collected and maintained by the school which include immunization record and birth certificate
- E. personal information including a unique student identification number and school pictures
- F. educational assessment data
- G. a record of all releases of information from student records, or access granted.

Records falling within the definition of education record pursuant to the Family Educational Rights and Privacy Act (FERPA) do not fall within the purview of Health Insurance Portability and Accountability Act (HIPAA) requirements. Reports, evaluations, summaries received by a school, including health records may be shared with individuals with legitimate educational interest and will move with a student if he/she transfers.

Personal notes made by teachers and other school officials that are not shared with others (except substitutes) are not considered educational records.

5500.10 Student's Legal Name. The use of the student's legal name is required in the permanent file.

5505.00 Maintenance of Permanent Student Records. The following information will be retained in the permanent education records of students who have graduated from Moscow High School or Paradise Creek Regional High School:

- A. Student's name
- B. Date and place of birth
- C. Last address
- D. Names of parent(s)/guardian(s)
- E. Unique student identification number
- F. Final high school transcript
- G. Dates of attendance

The cumulative record of each student is maintained at the school level. The principal, individual teachers and special education personnel may also have files containing specific education records. Upon the student's withdrawal or graduation from the District, student files will be transferred to the District Office for storage. The files for students who have graduated from Moscow High School or Paradise Creek Regional High School shall be purged prior to being sent to the district office for permanent storage.

The unique student identification number 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 district or LEA after an absence no matter the length of the absence.

5510.00 Inspection of Records. Student records will be available for inspection by parents/guardians and eligible students upon written request. The request will be granted within a reasonable time not to exceed forty-five (45) days. A copy of the records will be given to the parent/guardian or eligible student upon request. When a record contains information about students other than a parent/guardian’s child or the eligible student, the parent/guardian or eligible student may not inspect and review the portion of the record that pertains to other students. Actual copying costs may be collected from the parent/guardian or student at the rate of ten cents (10¢) per page.

5515.00 Family Educational Rights and Privacy Act (FERPA) Requirements. 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. Parents/guardians and students will be given notification of their rights as defined by FERPA once every year. This notification will be given using a parent letter from the Superintendent. The annual notice will contain information regarding the right to inspect and copy the records, the right to seek an amendment to the record, and the right to consent or object to the disclosure of personally identifiable information as authorized by law. The notice will inform parent/guardians and students of the right to make a written request to opt-out of the requirements of Section 9528-Every Student Succeeds Act (ESSA) Laws & Guidance, U.S. Department of Education that requires schools to release names, addresses, and phone numbers of students to the United States Military. The notice will also inform the parents/ guardians and students of their right to file a complaint concerning alleged failures by the District to comply with the requirements of FERPA with the U. S. Department of Education.

5520.00 Disclosure of Student Education Records. The District will disclose information from a student’s education record only with the written consent of the parent/guardian or eligible student with the exception that the District may disclose without consent when the disclosure is:

- A. To school officials who have a legitimate educational interest in the records and is:
  - 1. A person employed by the District as an administrator, supervisor, instructor, or support staff member, including health and medical staff.
  - 2. A person elected or appointed to the Board of Trustees.
  - 3. A person employed by or under contract to the District to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
  - 4. A person who is employed as a school resource officer.

A school official has a legitimate educational interest if the official is:

- 1. Performing a task that is specified in his/her position description or by a contract agreement.
- 2. Performing a task related to a student’s education.
- 3. Performing a task related to the discipline of a student.
- 4. Providing a service or benefit relating to the student or student’s family, such as health care, counseling, job placement, or financial aid.

- B. Maintaining the safety and security of the campus.
- C. To officials of another school, upon request, in which a student seeks or intends to enroll.
- D. To officials of the U. S. Department of Education, the Comptroller General, the state and local educational authorities, in connection with audit or evaluations of state or federally supported education programs.

**BOARD POLICY – SECTION V – STUDENTS**  
**(5000-52)**

- E. In connection with a student’s request of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
- F. To state and local officials or authorities if specifically required by state law.
- G. To organizations conducting studies for or on behalf of the District.
- H. To accrediting organizations to carry out their functions.
- I. To parents/guardians of an eligible student if the student is a dependent for income tax purposes.
- J. To comply with a judicial order or a lawfully issued subpoena.
- K. To appropriate parties in a health or safety emergency.
- L. To individuals requesting directory information designated by the District.

5520.10 Non-custodial Parent. Access to records and information pertaining to a minor child including, but not limited to, medical, dental, health, and school or educational records, shall not be denied to a parent because the parent is not the child’s custodial parent. If the custodial parent requests, in writing, the District will remove information regarding the address of the minor child prior to providing the information to the non-custodial parent. [Idaho Code 32-717A]

5520.20 Record of Requests. The District will maintain a record of all requests for information from a student’s education records. The record will indicate the name of the party making the request, any additional party to whom the information may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parent/guardian or eligible student.

5520.30 Directory Information. Directory information can be made public if the District provides parents/guardians written notice of the right of the parents/guardians to prohibit such a release. This notice will be given annually, in writing, using a parent letter from the Superintendent.

The notice will include:

- A. The information is designated as directory information.
- B. The right of the parent/guardian or eligible student to refuse to allow the District to disclose the directory information regarding that particular student. This request must be received in writing within ten (10) calendar days of receipt of the notice.

Directory information includes:

- A. student name and gender
- B. address
- C. telephone number
- D. date and place of birth
- E. parent(s)/guardian(s) name(s)
- F. attendance dates, awards earned, honor roll data, and diploma earned
- G. height and weight of members of athletic teams
- H. information typically found in school yearbooks or athletic programs.

Directory information will be made available to the military according to the requirement of Section 9528-Every Student Succeeds Act (ESSA) Laws & Guidance, U.S. Department of Education unless the parent/guardian or eligible student makes a written request to opt-out by the annual deadline. Forms are available at the high school or on the District’s website.

- 5530.00 Record Amendment. Parents/guardians or eligible students have the right to ask to have records corrected if they believe are inaccurate, misleading, or in violation of their privacy rights. (See Procedures for Correction of Records.)
- 5540.00 Transfer of Records. Whenever a student transfers from one school to another, within the District, within the state, or elsewhere, and the sending school is requested to forward student records, the sending school shall respond by forwarding a certified copy of the transferred student’s record within ten (10) days of receipt of the request, unless the record has been flagged pursuant to Idaho Code 18-4511 (1). [Idaho Code 33-209]
- 5540.10 Disciplinary Records. When a school record contains information of violent or disruptive behavior or disciplinary action involving a student, the information shall be included in the transfer of the student’s records. The disciplinary information must be transferred by placing it in a sealed envelope, marked “confidential,” and addressed to the principal or other administrative officer of the school. [Idaho Code 33-209]
- 5550.00 Students with Disabilities. The parents/guardians of students with disabilities have the right to inspect and review the educational records of their child upon written request. The request will be granted within a reasonable time not to exceed fifteen (15) working days.

Typical situations for request include:

- A. Before any meeting regarding an Individual Education Program (IEP).
- B. Before any hearing relating to the identification, evaluation, or educational placement of a child.
- C. Before any hearing relating to the provision of a Free Appropriate Public Education (FAPE) to a child.

Parents/guardians of students with disabilities shall be notified when personally identifiable information that has been collected for more than six (6) years is no longer needed to provide services to the child. Permanent student records as identified in Policy Section 5505.00 will not be destroyed.

- 5555.00 Time Requirements for Maintaining General Educational Records. The General Education Provisions Act and the federal regulations for State-Administered Programs both require that records be retained for at least five (5) years. With the exception of permanent records as identified in Policy Section 5505.00, student records will only be kept for a period of five (5) years after the student withdraws from the school district.
- 5556.00 Student Data Privacy and Security. The efficient collection, analysis, and storage of student information is essential to improve the education of 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 Education 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 education 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

**BOARD POLICY – SECTION V – STUDENTS  
(5000-54)**

student information stored within the Idaho System for Educational Excellence (ISEE) The DMC includes representatives from K12, higher education institutions and the Department of Labor.

This policy is intended to provide guidance regarding the collection, access, security, and use of education data to protect student privacy and is consistent with the DMC’s policies regarding access, security and use of data maintained within ISEE.

**5556.10 Definitions.**

- A. 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 evaluation, 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.
- B. Aggregate Data. Collected or reported at a group, cohort, or institutional level and does not contain personally identifiable information (PII).
- C. Data Breach. Unauthorized acquisition of PII.
- D. 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.
- E. Personally Identifiable Information (PII). Includes a student’s name; the name of a student’s family; the student’s address; the student’s 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 a personal knowledge of relevant circumstances, to identify the student.
- F. Physical Security. Describes security measures designed to deny unauthorized access to facilities or equipment.
- G. Student Data. Data collected at the student level and included in a student’s education record.
- H. Unauthorized Data Disclosure. The intentional or unintentional release of PII to an unauthorized person or untrusted environment.

**5557.00 Collection.** The District shall follow applicable State and federal laws related to student privacy in the collection of student data.

**5558.00 Access.** Unless prohibited by law or court order, the District shall provide parents, legal guardians, or eligible students, as applicable, the ability to review their child’s educational records.

The Superintendent 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 District shall be restricted to:

- A. The authorized staff of the District who require access to perform their assigned duties; and
- B. Authorized employees of the State Board of Education and the State Department of Education who require access to perform their assigned duties; and

C. Vendors who require access to perform their assigned duties.

5559.00 Security. The District shall have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure. The District shall immediately notify the Executive Director of the Idaho State Board of Education and the State Superintendent of Public Instruction in the case of a confirmed Data Breach or confirmed Unauthorized Data Disclosure. The District shall also notify in a timely manner affected individuals, students, and families if there is a confirmed Data Breach or confirmed Unauthorized Data Disclosure.

5560.00 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.

District 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:

- A. Requirement that the vendor agrees to comply with all applicable State and federal law;
- B. Requirement that the vendor has in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure;
- C. Requirement that the vendor restricts access to PII to the authorized staff or the vendor who requires such access to perform their assigned duties;
- D. Prohibition against the vendor's secondary use of PII including sales, marketing, or advertising;
- E. Requirement for data destruction and an associated timeframe; and
- F. Penalties for non-compliance with the above provisions.

The District shall clearly define what data is determined to be directory information. If the District chooses to publish directory information, which includes PII, it will do so in accordance with Board Policy 5520.30.

# **PROCEDURES**

## **SECTION V BOARD POLICY: STUDENTS**

**ELEMENTARY SCHOOL ATTENDANCE/PLACEMENT PROCEDURE**

(Refer to Policy Section 5022.20)

1. An attendance zone surrounding each elementary school has been designated. Students residing in a designated attendance zone will attend that neighborhood school.
2. Students living 1.5 miles or beyond a school or in a district-determined hazardous area will have bus service to a designated school.
3. New students registering after the initial placement of returning students completed in May of the previous school year may need to be placed in a school other than their neighborhood school for the first year due to the consideration of such factors as class size and space availability. Placement will be decided by the Superintendent/superintendent's designee in consultation with the building principals. The administration will do their best in attempting to place as many students as possible within their neighborhood schools.
4. Students wanting to attend a school other than their designated school may make an in-district open enrollment request in accordance with Board Policy 5022.20 with the understanding that transportation responsibility rests with the parent(s).
5. Each school will track students by grade level in the following manner:
  - a. attendance zone students
  - b. in-district open enrollment students\*
  - c. out-of-district open enrollment students\*
  - d. total number of students\*need to keep original enrollment dates
6. Parents wishing to enroll their kindergarten student should register (or pre-register) the student in their neighborhood attendance school. If the student wishes to attend another school, the parent will need to fill out an in-district open enrollment form.
7. The student's residence is determined by the residence address of their parent or guardian. The before and after school daycare address may not be used to establish residency.

(4/26/23)

*The following procedure executes Board Policy 5151.04*

**PROCEDURE FOR ADMINISTRATION OF ASTHMA MEDICATION,  
INSULIN/DIABETIC TREATMENT, OR EPINEPHRINE AUTO-INJECTORS**

Parents or guardians of the student will provide:

1. Written authorization to the school for the self-administration of the medication.
2. Written authorization from the physician that the pupil has asthma or other potentially life-threatening respiratory illness or severe allergic reaction (anaphylaxis) and is instructed in and capable of the proper self-administration.
3. Written authorization from the student's parent/guardian and written authorization from the student's treating physician, for a student to be permitted to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia.
4. Physician or health care provider information shall contain:
  - a. The student's name, address, and an emergency phone number for contacting the parents, guardian, or other person having charge of care of the student in an emergency.
  - b. The name, dosage, directions for and purpose of the medication in the inhaler, insulin delivery system, or epinephrine auto-injector.
  - c. Circumstances under which the medication should be administered.
  - d. Possible side effects of the medicine.
  - e. Known allergies and triggers.
  - f. Actions to take in the event of an emergency, including if the medication does not improve the child's breathing.
  - g. Adverse reactions that should be reported to a physician.
  - h. Any severe adverse reactions that may occur to another child, for whom the inhaler, insulin, or epinephrine auto-injector is not prescribed, should such a child receive a dose of the medication.
  - i. At least one emergency number for the physician.
  - j. Verification of training in self-administration.



*The following administrative procedure executes Board Policy 5160.00 through 5162.00*

### **CHILD ABUSE/NEGLECT PROCEDURES CHECKLIST**

The investigation (gathering evidence) of an apparent substantiated child abuse/neglect case is a tedious process in which attention to details is extremely important. However, one must keep in mind that the child has already been traumatized and excessive attention or curiosity by adults or other students serves only to compound the problem.

1. If indicators of abuse/neglect are present, report immediately to the designated building administrator.
2. The designated administrator will immediately report the suspected incident to the Superintendent/superintendent's designee to discuss the appropriate action to be taken.
3. If determined that an outside agency is to be involved, the Superintendent/superintendent's designee will designate the administrator (usually the building principal) or nurse.
4. By the end of the school day, the employee originating the report will fill out a child abuse/neglect reporting form. The form will be maintained by the building principal in a secured file separate from the student's cumulative folder.
5. The building principal will keep the Superintendent updated on the current status of the situation.
6. Notification of the appropriate administrators in the proper order is absolutely necessary if they are to act as a buffer between staff members and parents, relatives, friends, neighbors, police, social services, etc.

### **DON'TS FOR PARTICIPATING IN AN INVESTIGATION**

- DON'T Make any physical inspection of a child's problem without another adult present (preferably the building principal).
- DON'T Interrupt the child's school day more than absolutely necessary.
- DON'T Photograph injuries – the police or social services will do this.
- DON'T Question the child beyond the point of determining that abuse/neglect may have occurred.
- DON'T Make promises or attempt to give explanations to the child about what may or may not happen.
- DON'T Exhibit morbid curiosity.
- DON'T Subject the child to excess attention during the investigation. You have the responsibility to say something to others who have overstepped the bounds of reasonable behavior.
- DON'T Call law enforcement agencies or social services directly.
- DON'T Interfere with the investigation by your physical presence or attempts to direct questioning.
- DON'T Refuse a parent access to the child unless the child is in imminent danger of bodily harm (let an administrator do this).

### **DO'S FOR PARTICIPATING IN AN INVESTIGATION**

- DO Have another adult present (preferably the building principal) from your initial observation of a problem.
- DO Shield the child from embarrassment, interrogation, curiosity seekers, etc.
- DO Follow channels in notifying appropriate parties (for your protection).
- DO Be calm and attempt to reassure the child.
- DO Be confidential (especially for the child's sake).
- DO Preserve the child's privacy (especially when a physical examination must be performed).
- DO Have written documentation ready for the appropriate authorities.
- DO Have administrators review your report before it is placed in the file.

*The following administrative procedure executes Board Policy 5250.00*

**Early Graduation**

- A. The student will schedule a conference with his/her counselor to discuss the feasibility of early graduation.
- B. If recommended by the counselor for early graduation, the student and his/her parents will be scheduled for an appointment with the principal to sign the *Application for Early Graduation*.
- C. The principal will submit the completed application form to the Superintendent for signature acknowledging the student's request for early graduation.

*The following administrative procedures execute Board Policy 5300.00*

**FOREIGN EXCHANGE STUDENTS**

- A. No more than two total student positions will be made available per year. Any foreign exchange student accepted to attend Moscow High School will be given Junior Level status. No diploma will be granted and participation in graduation ceremonies will not be allowed.
- B. Only local, non-profit exchange programs recognized by Moscow School District can submit student applications for consideration.
- C. The completed application must be submitted to the principal at Moscow High School. The application must include proof that the student has obtained a J-1 or F-1 visa, a statement of legal guardianship and financial responsibility, a birth certificate, current and required immunization records, and a complete official transcript that has been translated into English.
- D. Application for first semester must be made by **June 1** and for second semester by **November 15**. The sponsoring exchange program director will be notified of acceptance by the principal of the high school one week after the deadline

# **FORMS**

## **SECTION V BOARD POLICY: STUDENTS**

**REQUEST FOR FILING OF HABITUAL TRUANCY PETITION  
Moscow School District 281**

DATE INITIATED \_\_\_\_\_

IN THE INTEREST OF \_\_\_\_\_ DOB \_\_\_\_\_

PARENT OR GUARDIAN \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

1. The above named child has been repeatedly absent from school. The lack of attendance has undermined academic growth and is out of compliance with state law. Attached is an Attendance Record showing periods and dates of absences.

2. All of the unexcused absences listed herein are truant as defined by the Board of Trustees of the Moscow School District 281 and Idaho Code.

1. \_\_\_\_\_, on behalf of the School District, has contacted the child and his/her parents with the following results:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based on the Moscow School District Attendance Policy 5000.01.02 and Idaho Code 33-202 and 33-206, the above named student is being referred to the court as a habitual truant.

\_\_\_\_\_  
For the School District Title

\_\_\_\_\_  
School

**SECTION V- STUDENTS  
FORMS**

School Year Request: 20\_\_/20\_\_

<b>New Application</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date:
<b>In-district Transfer Request</b>	Yes <input type="checkbox"/>	Requested School:	
Zoned School:	Current School:		
<b>Out of-district Transfer Request</b>	Yes <input type="checkbox"/>	Requested School:	
Resident School District:	<b>Copy of Student's Grade Report <u>must be attached for Out of District Applicants.</u></b>		
<b>Student Information</b>			
Last:	First:	Middle:	
Date of Birth ____/____/____	Parent/Legal Guardian Name:		
Grade Entering:	Parent/Legal Guardian Email:		
Street Address	Cell/Home Phone		
City	Zip Code	Work Phone	
Is your student on an IEP YES <input type="checkbox"/> NO <input type="checkbox"/>	Is your student on a 504 Plan? YES <input type="checkbox"/> NO <input type="checkbox"/>		
Has your student had a history of attendance infractions within the past three years? ( <i>less than 90% attendance during a semester.</i> ) YES <input type="checkbox"/> NO <input type="checkbox"/>			
If <b>YES</b> , please explain:			
Has your student had a history of disciplinary infractions within the past three years? ( <i>Two or more suspensions or expulsion</i> ) YES <input type="checkbox"/> NO <input type="checkbox"/>			
If <b>YES</b> , please explain:			
<b>Reason for Transfer Request</b>			
<b>SPORTS (High School Only)</b>			
Will your student participate in IHSAA sanctioned activities? YES <input type="checkbox"/> NO <input type="checkbox"/>			
If <b>YES</b> , which sports/activities:			
If the student participates in any athletic program governed by IHSAA, the student may not be eligible to participate at the new high school. <b>It is the responsibility of the parent/guardian to <u>check</u> the IHSAA website for participation rules before submitting this application.</b>			

**Considerations:**

- The transfer request for an out of district student is not complete until notification has been sent to the resident school district's superintendent. The student should remain enrolled in their resident school district until there is an effective start date at the requested school.
- The transfer request for a student residing in the Moscow School District should remain enrolled at their hard zone school until notified of acceptance to attend another school within the district.
- The District will notify parents of acceptance and the effective start date or denial.
- Transportation of open-enrolled students is the responsibility of the parent/guardian.

**SECTION V – STUDENTS  
FORMS**

**Decision-Making Criteria, Revocation, and Appeals:**

**Space Availability**

All applications will be considered on a stringent space-available basis. In the event there is not space available in the grade level, class or program requested, other options will be provided if the request cannot be filled. In the event there are no spaces available, the student will be placed on a waiting list in order of the date of the request.

**Attendance and Disciplinary Infractions**

Open enrolled students from out of the district are expected to follow all discipline and attendance policies and regulations applicable to all Moscow School District students. Failure to meet these conditions may result in revocation of this open enrollment transfer and a return to the student’s resident school district.

**Appeals**

Appeals of denial or revocation of open enrollment for students residing within or outside of the Moscow School District boundary will be directed to the Board of Trustees except for denials based on space availability, in which case the Superintendent’s decision is final.

**Acknowledgements:**

- I certify that the information provided is accurate and complete.
- I understand that approval of this request shall be dependent upon the acceptance and rejection standards stated in the District’s policy, and revocation of this transfer may occur in accordance to the conditions listed in the District’s policy.
- I understand that my student must continue to attend the resident school until the effective start date of the transfer and that non-attendance is subject to truancy procedures.
- I understand that I am responsible for providing transportation to and from school for my student.
- I understand that requests are approved for one school year only, and it is my responsibility to complete an Intent to Return the following year.
- I understand when my student moves to the next school level (elementary to middle school, middle school to high school) a new Open Enrollment Application will be required.
- I understand that the transfer can be revoked at any time during the first two (2) years if there are attendance or discipline issues or if there is no longer space within the grade level, class or program.

By signing this application, I acknowledge that I have read the school district policies and procedures on Open Enrollment and hereby request that my student be permitted to attend the requested school.

Parent/Legal Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Student Signature (6-12 only) \_\_\_\_\_ Date \_\_\_\_\_

<b>For District Use Only</b>	
Date Application Received:	By:
In-District Transfer Request:    Approved <input type="checkbox"/> Denied <input type="checkbox"/>	
Reason for Denial:	
Out-of-District Transfer Request:    Approved <input type="checkbox"/> Denied <input type="checkbox"/>	
Reason for Denial:	
Date of Parent Notification:	Notification Sent to Resident School District: YES <input type="checkbox"/> Date:
Superintendent Signature:	Date:

*Created 07/27/2023 (adapted from SDE form)*

**SECTION V- STUDENTS  
FORMS**

**Outside Service Provider Agreement**

*Request for Private Service Provider at a Moscow School District Facility*

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

Private Service Provider Agency: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_ Supervisor: \_\_\_\_\_

***Student's treatment plan must be attached when applicable.***

\*\*\*\*\*

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

Name of Service Provider: \_\_\_\_\_

Services to be provided: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

When services will be provided:

Days: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_ Duration: \_\_\_\_\_

Date services will be reviewed: \_\_\_\_\_

Private Services Provider Responsibilities:

- Sign in and out of the school office each visit.
- Wear an ID badge if requested to do so by the building administrator.
- Adhere to set schedule—arrive and leave on time.
- Notify building administrator if you will be absent (one day notice if possible).
- Must pick up student from and return him/her to an appropriate school staff member each visit.
- Remain in assigned location.
- Become familiar with school emergency procedures of the school.

(over)



Comments relating to materials, equipment, space, etc.: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Parent/Guardian Authorization for Services:** My signature also indicates that I understand that these services are supplemental to the school district services and this agreement may be terminated at any time by the school district. (Parent must also sign District’s form, *Authorization for Exchange of Confidential Information*.)

\_\_\_\_\_  
Parent/Guardian Signature Date

**Private Agency Supervisor:**

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

NOTE: Signature verifies that a criminal history check comparable to those done by the school district has been completed for these providers and that it revealed no convictions that would jeopardize the health or safety of children or adults.

**Agency Service Provider(s):**

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

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

**School Principal Approval:**

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

**Special Services Director Approval:**

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

**SECTION V- STUDENTS  
FORMS**

**Medication Consent Form**

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

Grade \_\_\_\_\_ Teacher \_\_\_\_\_

Name of Medication \_\_\_\_\_

Dosage \_\_\_\_\_ Time \_\_\_\_\_

When it is necessary for medication to be given during school hours, the following regulations must be Followed:

1. Medication must be brought to school in the original container with appropriate label intact. If medication is not properly labeled, it will not be given.
2. Parent/guardian must sign this form granting permission for the designated school personnel to administer medication.

Designated school personnel have my permission to administer the above medication to my child as prescribed by Dr. \_\_\_\_\_ for the purpose of treating \_\_\_\_\_. I give my permission for the School Nurse to contact the Physician/Dentist, if necessary, regarding the medication.

\_\_\_\_\_ Student will be responsible for bringing his/her medication to school.

\_\_\_\_\_ Parent/Guardian will bring medication to school.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daytime Phone Number

Email address: \_\_\_\_\_

**Additional Medication(s) Taken at Home:**

Name of medication, dose, and time taken:

\_\_\_\_\_  
\_\_\_\_\_

CHILD'S NAME _____ Full Name of Child (PRINT)	DATE OF BIRTH ____ / ____ / ____ MM DD YYYY
--	--



## IDAHO SCHOOL IMMUNIZATION REQUIREMENTS EXEMPTION

In the event of a disease outbreak, a child exempted from Idaho school immunization requirements may be excluded from school for the duration of the outbreak. Please check the box(es) below for each vaccine preventable diseases for which an exemption is claimed.

- Diphtheria (DTaP, Tdap, Td)
- Tetanus (DTaP, Tdap, Td)
- Pertussis (Whooping Cough) (DTaP, Tdap)
- Measles (MMR)
- Mumps (MMR)
- Rubella (German Measles) (MMR)
- Polio (IPV)

- Hepatitis B
- Hepatitis A
- Meningococcal
- Varicella (Chickenpox)
  - Varicella Disease History:** My child has had chickenpox but was not diagnosed by a licensed healthcare professional
- All required Immunizations

I decline to provide details regarding my child's immunization status.  
*NOTE: Your child will be considered exempt for all required school immunizations.*

**MEDICAL EXEMPTION (Requires the signature of a licensed physician)**

As this child's physician, I certify that the physical condition of this child is such that the immunizations(s) checked above would endanger the health of the child.

- This medical exemption is permanent.
- This medical exemption is temporary. Duration of temporary exemption: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

I hereby request that this child be exempted from the Immunization Requirements for Idaho School Children (IDAPA 16.02.15) due to a medical condition from which immunizations are contraindicated.

\_\_\_\_\_  
Name of Licensed Healthcare Provider (PRINT)      Signature of Licensed Healthcare Provider      \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
MM DD YYYY

**RELIGIOUS/OTHER EXEMPTION** As the child's parent/guardian, I am exempting for religious or other reasons.

As the child's parent/guardian, I understand that in the event of a disease outbreak, my child may be excluded from school for the duration of the outbreak. By signing this form, I am not waiving any of my child's rights to an education under Article 9, Section 1, of the Idaho Constitution if my child is excluded from school during a disease outbreak.

\_\_\_\_\_  
Name of Parent/Guardian (PRINT)      Signature of Parent/Guardian      \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
MM DD YYYY

\_\_\_\_\_  
Full Name of Child (PRINT)      Child's Date of Birth      \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
MM DD YYYY

*Parents/Guardians may include a signed written statement regarding religious/other exemptions on the back of this form.*



**SECTION V – STUDENTS  
FORMS**

**AUTHORIZATION FOR SELF-ADMINISTRATION OF ASTHMA MEDICATION,  
INSULIN/DIABETIC TREATMENT, EPINEPHRINE AUTO-INJECTORS OR OTHER  
POTENTIALLY LIFE-THREATENING RESPIRATORY ILLNESS MEDICATION**

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

Address \_\_\_\_\_

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

Phone (Home) \_\_\_\_\_ Phone (Work) \_\_\_\_\_ Cell Phone \_\_\_\_\_

Emergency Contact if Parent/Guardian Not Available \_\_\_\_\_  
Name Phone

I give my permission for my child to self-administer the medication described below. I shall indemnify and hold harmless the District 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 of Signature

**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 (dates) \_\_\_\_\_

Conditions under which self-medication will take place:  Independently  Under the supervision of school nurse

Possible side effects and/or special precautions to be taken \_\_\_\_\_

Known allergies and triggers \_\_\_\_\_

Actions to be taken in the event of an emergency, including if the medication does not improve the child's breathing \_\_\_\_\_

Adverse reactions that should be reported to a physician \_\_\_\_\_

Any severe adverse reactions that may occur to another child, for whom the inhaler is not prescribed, should such a child receive a dose of the medication \_\_\_\_\_

*Child must have had training and be proficient in self-administering medication.*

Trainer's Name \_\_\_\_\_ Date of Training \_\_\_\_\_

\_\_\_\_\_  
Physician's Signature Type or Print Physician's Name Emergency Telephone Number

**SECTION V- STUDENTS  
FORMS**

**Moscow School District No. 281**  
650 N Cleveland  
Moscow ID 83843-3659  
208-882-1120

**SUICIDE PREVENTION REPORT**

Student Name \_\_\_\_\_ Address \_\_\_\_\_

Parent/Guardian(s) \_\_\_\_\_

Home Phone \_\_\_\_\_ Parent(s) Work Phone \_\_\_\_\_

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

Initial report given by: Student(s)  Parent  Teacher/Staff  Other

Brief Description of Initial Report: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Crisis Interview facilitated by: \_\_\_\_\_ Date \_\_\_\_\_

Brief Description of Crisis Interview: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notification of Administrator \_\_\_\_\_ Date \_\_\_\_\_  
Signature

Name of Parent/Guardian notified \_\_\_\_\_ Date/Time \_\_\_\_\_

List referrals given \_\_\_\_\_

Student released to \_\_\_\_\_

- Copies: Counselor/School Psychologist   
Parent/Guardian   
Building Administrator

**MOSCOW SCHOOL DISTRICT NO. 281  
CHILD ABUSE/NEGLECT REPORTING FORM**

CHILD'S NAME \_\_\_\_\_ DOB/AGE \_\_\_\_\_ SEX \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

SCHOOL \_\_\_\_\_ GRADE \_\_\_\_\_ TEACHER \_\_\_\_\_

NAMES OF PARENTS OR OTHER PERSONS RESPONSIBLE FOR THE CHILD'S CARE

FATHER \_\_\_\_\_ MOTHER \_\_\_\_\_

OTHER (NAME AND TITLE/RELATIONSHIP) \_\_\_\_\_

ALLEGED PERPETRATOR \_\_\_\_\_

CIRCUMSTANCES LEADING TO THE SUSPICION THAT THE CHILD IS A VICTIM OF ABUSE/NEGLECT.  
SUPPLY TIME AND DATE OF OBSERVATION OR RECEIPT OF INFORMATION.

NATURE OF ABUSE/NEGLECT. INCLUDE TIME, DATE, DURATION, AND DESCRIPTION. USE BACK OF PAGE  
FOR DRAWING OF INJURIES. SHOW RELATIVE SIZE, LOCATION, SHAPE, COLOR, ETC. OF INJURY.

ADDITIONAL INFORMATION FROM INTERVIEW WITH THE CHILD. INCLUDE TIME, DATE, LOCATION,  
PARTICIPANTS.

DATE \_\_\_\_\_ TIME \_\_\_\_\_ ORAL REPORT MADE TO PRINCIPAL

INITIATOR OF THE REPORT – NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ WRITTEN REPORT RECEIVED BY PRINCIPAL

AGENCY CONTACT \_\_\_\_\_ DATE \_\_\_\_\_

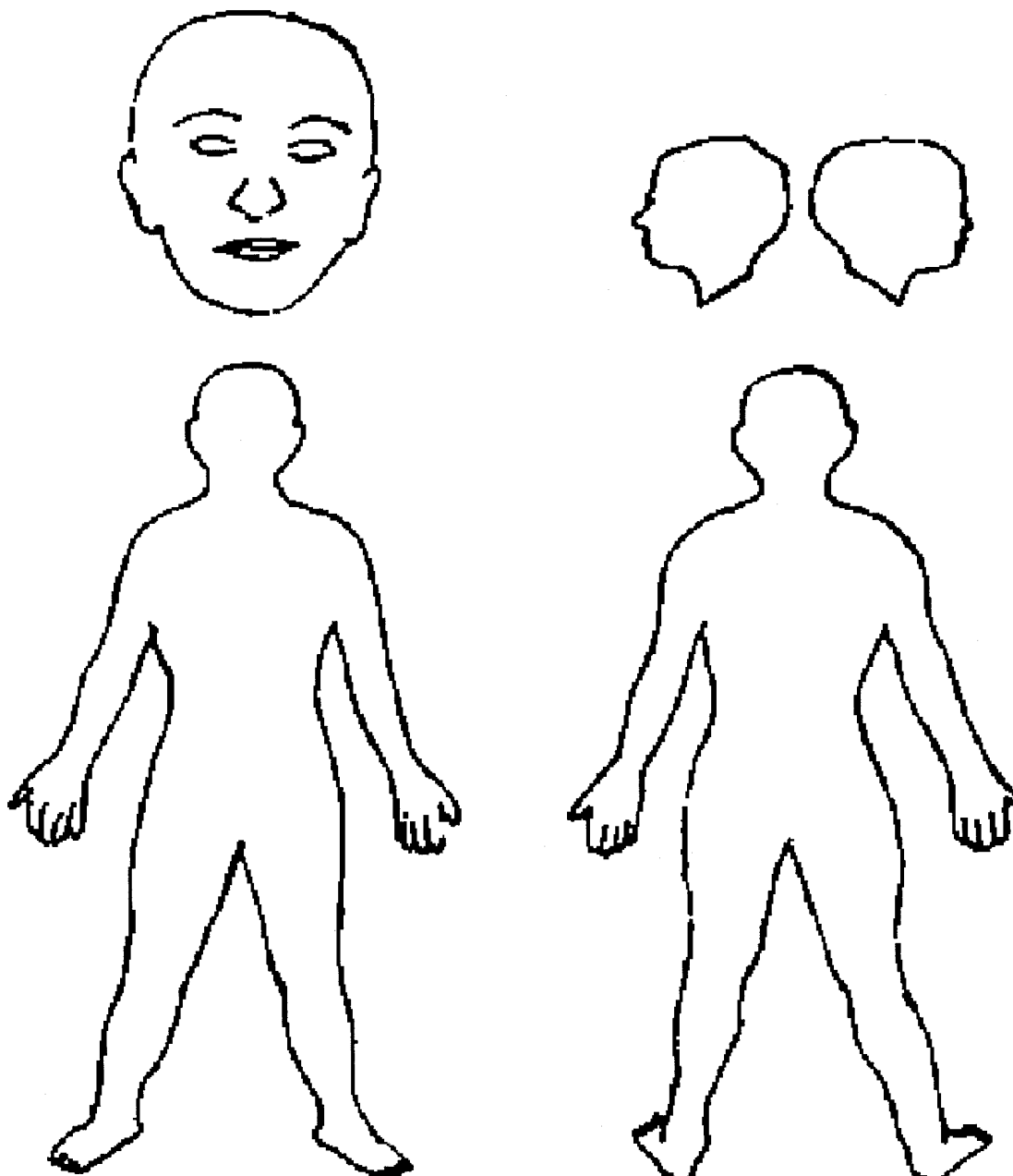
**SECTION V- STUDENTS  
FORMS**

**MOSCOW SCHOOL DISTRICT NO. 281**

Child's Name \_\_\_\_\_

Date \_\_\_\_\_

Form completed by \_\_\_\_\_





**MOSCOW SCHOOL DISTRICT NO. 281**

**STUDENT RETENTION FORM**

Student's Name \_\_\_\_\_ Grade \_\_\_\_\_ Date \_\_\_\_\_

Reason(s) for Retention:

Test Information:

Parent-Staff Conference Dates and Results:

Specific Skills Required for Promotion:

Anticipated Program Description to Address Skill Deficiencies:

	Agree	Disagree
_____ Parent/Guardian	_____	_____
_____ Principal	_____	_____
_____ Classroom Teacher	_____	_____
_____ Counselor	_____	_____





**SECTION V- STUDENTS  
FORMS**

**MOSCOW SCHOOL DISTRICT NO. 281  
APPLICATION TO ATTEND MOSCOW HIGH SCHOOL  
Foreign Exchange Students**

This application must be completed in English before a foreign exchange student will be considered for enrollment at Moscow High School. Students seeking enrollment at Moscow High School will be given no higher than Junior Level status. An official, signed transcript from the student's school must be submitted with this application and must be translated into English.

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

Address \_\_\_\_\_

Date of Birth \_\_\_\_\_ Place of Birth \_\_\_\_\_

School Name \_\_\_\_\_

School Address \_\_\_\_\_

Grade level completed at time of withdrawal \_\_\_\_\_

Was student awarded a diploma from the above named school? \_\_\_\_\_

Name and title of person completing this form \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

\*\*\*\*\*  
***\*No foreign exchange student will be granted a high school diploma from Moscow High School.***  
\*\*\*\*\*

**MOSCOW SCHOOL DISTRICT NO. 281  
FOREIGN EXCHANGE STUDENTS**

**Financial Responsibility and Legal Guardianship Form**

Date \_\_\_\_\_

**A. FINANCIAL RESPONSIBILITY**

I, \_\_\_\_\_, hereby certify that I shall assume all financial  
(sponsor)

responsibility for \_\_\_\_\_ while said student is  
residing in the United States.

Name of Sponsor \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**B. LEGAL GUARDIANSHIP**

I, \_\_\_\_\_, do hereby grant legal guardianship of the  
(parent or current legal guardian)

student, \_\_\_\_\_, to the sponsor, \_\_\_\_\_.

Parent Name \_\_\_\_\_ (please print)

Address \_\_\_\_\_

\_\_\_\_\_

Parent's Signature \_\_\_\_\_

Notarized by:

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ My commission expires on \_\_\_\_\_

Notary Public Signature

# **APPENDICES**

## **SECTION V BOARD POLICY: STUDENTS**

**APPENDIX A**

**Moscow School District 281**

**Title IX Sexual Harassment  
Grievance Process**

## **Title IX Sexual Harassment Grievance Process**

### **When This Process Will Be Used**

The procedures outlined in this process apply only to qualifying allegations of Title IX sexual harassment involving members of the Moscow School District community, which include students, staff, administrators, and faculty members. A qualifying allegation must include all of the following elements:

1. The alleged conduct would constitute Title IX sexual harassment as defined below;
2. The conduct occurred in a District educational program or activity as defined below;
3. The respondent is a member of the District community as defined below;
4. The conduct occurred against a person in the United States; and
5. In cases where formal complaints are filed, at the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District’s education program or activity.

Allegations of sexual misconduct that do not meet the criteria above will be addressed through the applicable procedures outlined in Policy 5062.00, as determined by the Title IX Coordinator.

### **Collateral Misconduct**

This procedure may be used to address collateral misconduct (e.g., vandalism, physical abuse of another, retaliation, etc.) arising from the investigation of, or occurring in conjunction with, reported conduct that meets the criteria of a qualifying allegation of Title IX sexual harassment as described above. For example, if a formal complaint is filed alleging that a qualifying allegation of Title IX sexual harassment and an act of vandalism occurred during the same incident, both allegations may be addressed using the procedures described below.

### **Terms Used for this Process**

“Advisor” means a person chosen by a party or provided by the District to accompany the party to meetings, interviews, or hearings related to this grievance process and to advise the party on the process.

“Appeal decision-maker or panel” refers to those who have decision-making authority during the appeals phase of the District’s formal grievance process.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment, as defined below.

“Moscow School District No. 281” community means, for the purpose of this process, District students, staff, administrators, and faculty members.

“Education Program or Activity” means locations, events, or circumstances where the District exercises substantial control over both the respondent and the context in which the Title IX sexual harassment occurs. For example, this could include, but is not limited to, conduct that takes place within a District school or on property owned or controlled by the District, or at District-sponsored events.

“Formal complaint” means a document submitted by a complainant or their parent/guardian or signed by the Title IX Coordinator alleging Policy 5067.00 and 5067.05 and requesting that the District investigate.



“Formal grievance process” is the method of formal resolution used to determine whether a qualifying allegation of Title IX sexual harassment as described above violates Policy 5067.00 and 5067.05. The formal grievance process is used in a manner that complies with the requirements of the 34 CFR §106.45.

“Investigator” means the person or persons assigned by the District to gather facts during the formal grievance process, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report.

“Notice” means that any District employee, including the Title IX Coordinator, is made aware of conduct that may constitute a violation of Policy 5067.00 and 5067.05.

“Parties” include the complainant(s) and respondent(s), collectively.

“Remedies” are applied to the complainant and/or the District community, following a resolution, to address safety, prevent recurrence, and restore access to the District’s educational program.

“Respondent” means someone who has been reported as having engaged in conduct that could constitute Title IX sexual harassment, as defined below.

“Sanction” means a consequence imposed by the District on a respondent who is found to have violated Policy 5067.00 and 5067.05 subsequent to engaging in the formal grievance process.

“Title IX Coordinator” is the official designated by the District to ensure compliance with Title IX and the District’s Title IX program. References to the Title IX Coordinator throughout this document may also include a designee of the Title IX Coordinator for specific tasks.

### **Definition of Title IX Sexual Harassment**

Title IX sexual harassment, as an umbrella category, includes the actual or attempted offenses of quid pro quo harassment, sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following criteria:

1. Quid pro quo harassment: An employee of the Moscow School District No. 281 conditions, explicitly or implicitly, the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct.
2. Sexual harassment: Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the District’s Education Program or Activity.
3. Sexual assault: Sexual assault shall mean forcible and non-forcible sex offenses as defined in the Clery Act, or dating violence, domestic violence, stalking as defined in the Violence Against Women Act (VAWA).

Acts of Title IX sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

**Definitions of Force, Coercion, Consent, and Incapacitation**

As used in the definitions referenced for the offenses listed above, the following definitions and understandings apply:

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent to reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn in the middle of a sexual act, that sexual activity should stop immediately. If consent is withdrawn while the other party is not present, the activity shall cease as soon as is practicable.

Consent to some sexual contact, such as kissing or fondling, does not imply there is consent for other sexual activity, such as intercourse. A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the District to determine whether policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. It is a violation of policy if a respondent engages in sexual activity with someone who is incapable of giving consent.

It is a defense to a District policy violation that the respondent neither knew nor should have known the complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. Incapacitation also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

### **Retaliation**

Moscow School District No. 281 and any member of the District community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Policy 5068.05 and 5068.15 or its associated grievance processes.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated either as collateral misconduct under this process or, as determined by the Title IX Coordinator, through the applicable procedures outlined in Policy 5068.15 and 5067.05. The District will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Filing a complaint under another District policy or procedure related to the incident could be considered retaliatory if those charges are made for the purpose of interfering with or circumventing any right or privilege provided under this process that is not provided under the other District policy/procedure that was used. Therefore, the District vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance process does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. Supportive measures are designed to restore or preserve access to the District's Education Program or Activity, including measures designed to protect the safety of all parties or the District's educational environment, and/or deter Title IX sexual harassment.

The Title IX Coordinator shall promptly make supportive measures available to the complainant upon receiving notice or a formal complaint alleging they were the victim of Title IX sexual harassment, and to the respondent upon receipt of a formal complaint alleging that they engaged in Title IX sexual harassment in violation of Policy 5067.00 and 5067.05. At the time that supportive measures are offered, the District will inform the complainant, in writing, that they may file a formal complaint with the District either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the complainant and/or their parent/guardian to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The District shall maintain the privacy of the supportive measures so long as the privacy does not impair the District's ability to provide the supportive measures. The District shall reduce the academic or occupational impact on the parties as much as possible and shall implement measures in a way that does not unreasonably burden the other party.

Examples of supportive measures may include, but are not limited to:

1. Referral to counseling, medical, and/or other healthcare services;
2. Referral to community-based service providers;
3. Visa and immigration assistance;
4. Education of the school community or community subgroup(s);
5. Altering work arrangements for employees;
6. Safety planning;
7. Providing school safety escorts;
8. Providing transportation accommodations;
9. Implementing contact limitations, such as no contact orders, between the parties;
10. Academic support, extensions of deadlines, or other course or program-related adjustments;
11. Emergency warnings;
12. Class schedule modifications, withdrawals, or leaves of absence;
13. Increased security and monitoring of certain areas of the school; and
14. Any other actions deemed appropriate by the Title IX Coordinator

Allegations of violations of no contact orders will be investigated either as collateral misconduct under this process as determined by the Title IX Coordinator.

### **Emergency Removal**

The District can act to remove a student respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the District's Resource Officer or Superintendent. In cases when an emergency removal involves a student with a disability who is receiving services under an Individualized Education Program (IEP), this risk analysis will also be performed in conjunction with the student's IEP Team and may present the need for a manifestation determination.

In all cases in which an emergency removal is imposed, the student respondent and their parent/guardian will be given notice of the action and the option to request to meet with the Title IX Coordinator in conjunction with the District's Resource Officer or Superintendent prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A student respondent may be accompanied by an advisor of their choice during the meeting. The student respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. A complainant and their advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

When this meeting is not requested, objections to the emergency removal will be deemed waived, except as described below.

In cases when an emergency removal involves a student with a disability who is receiving services under an IEP, this meeting can serve as the student's manifestation determination hearing and will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). The student will not have to request such a meeting as it will be scheduled and held within ten days of the decision to implement the emergency removal. If it is determined that an emergency removal is necessary for more than ten school days, the removal would constitute a change in placement and shall be addressed in accordance with the requirements of IDEA. The results of the manifestation determination may be appealed in accordance with the requirements under the IDEA.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX sexual harassment. There is no appeal process for emergency removal decisions.

The Title IX Coordinator or Superintendent shall have discretion under this process to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal shall be grounds for discipline, which may include expulsion.

The District will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns.

At the discretion of the Title IX Coordinator Superintendent, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the respondent is an employee, existing provisions for interim action are applicable.

### **Promptness**

All allegations of Title IX sexual harassment, whether by notice or formal complaint, shall be acted upon promptly. Formal complaints that are addressed through this process can take not less than 30 days or more than 60 days business days to resolve. There may be exceptions and extenuating circumstances that cause a resolution to take longer, but the District will avoid all undue delays within its control.

If the timeframes for resolution outlined in these procedures will be delayed, the District shall provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

**Privacy**

The District shall make every effort to preserve the privacy of reports of Title IX sexual harassment.

“Privacy” means that information related to notice, or a formal complaint will only be shared with the parties, their advisors, and a limited number of District employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the District’s Title IX sexual harassment response under this process shall receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the District’s policies and procedures on student records. The privacy of employee records will be protected in accordance with District policies regarding personnel records.

The District shall not share the identity of any individual who has made a report or formal complaint of Title IX sexual harassment, any complainant, any respondent, or any witness, except as permitted by the 20 U.S.C. 1232g or 34 CFR part 99 or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these procedures.

The District reserves the right to determine which District officials have a legitimate educational interest in information about incidents that fall within this process, pursuant to FERPA.

**Time Limits on Reporting**

There is no time limit on providing notice or formal complaints to the Title IX Coordinator. However, if the respondent is no longer subject to the District’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/formal complaints significantly impacted by the passage of time shall be at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

**Online Harassment**

Policy 5067.00 and 5067.05 and these procedures are written and interpreted to include online manifestations of any of the conduct prohibited above, when the conduct occurs in the District’s Education Program and Activities or uses the District’s networks, technology, or equipment.

**When a Complainant Does Not Wish to Proceed**

If a complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who shall evaluate that request in light of the duty to ensure the safety of the Moscow School District No. 281 community and to comply with state or federal law.

The Title IX Coordinator shall have ultimate discretion over whether the District proceeds when the complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate

the applicable grievance process. Any decision to proceed should be due to a compelling risk to health and/or safety that requires the District to pursue formal action to protect the District community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The District may be compelled to act on alleged employee misconduct irrespective of a complainant's wishes.

The Title IX Coordinator shall also consider the effect that non-participation by the complainant may have on the availability of evidence and the District's ability to pursue a grievance process fairly and effectively.

When the Title IX Coordinator signs the formal complaint, they do not become the complainant. The complainant is the individual who is alleged to have experienced conduct that may constitute Title IX sexual harassment.

When the District proceeds, the complainant (or their advisor) may have as much or as little involvement in the process as they wish. The complainant retains all rights of a complainant under this process irrespective of their level of participation. Typically, when the complainant chooses not to participate, the advisor or the complainant's parent/guardian may be appointed as proxy for the complainant throughout the process, acting to ensure and protect the rights of the complainant, though this does not extend to the provision of evidence or testimony except in situations where a complainant is unable to provide evidence or testimony without assistance (e.g., due to age, disability, etc.).

The District's ability to remedy and respond to notice of Title IX sexual harassment may be limited if the complainant does not want the District to proceed with an investigation and/or grievance process. The goal is to provide the complainant with as much control over the process as possible, while balancing the District's obligation to protect its community.

In cases in which the complainant requests no formal action and the circumstances allow the District to honor that request, the District shall offer informal resolution options as described below, supportive measures, and remedies to the complainant, but will not otherwise pursue the formal grievance process.

If the complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a complainant has the right, and can expect, to have allegations taken seriously by the District, and to have the incident investigated and properly resolved through the applicable procedures, as determined by the Title IX Coordinator, as outlined in Policy 5068.05 and 5068.15. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### **False Allegations and Evidence**

Deliberately false and/or malicious accusations are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under District policy.

### **Resolution Processes for Qualifying Allegations of Title IX Sexual Harassment**

Upon receiving a formal complaint or notice pertaining to a qualifying allegation of Title IX sexual harassment, the Title IX Coordinator initiates a prompt initial assessment. The Title IX Coordinator will initiate at least one of the following responses:

1. Offering and/or implementing only supportive measures because the complainant does not want to file a formal complaint. References to the complainant, respondent, or to the parties collectively throughout these procedures may also include their parent(s)/guardian(s) when applicable.
2. An informal resolution process upon submission of a formal complaint; and/or
3. A formal grievance, upon submission of a formal complaint, including an investigation and a determination of whether Policy 5067.00 and 5067.05 was violated.

The District shall use the formal grievance process as detailed by the procedures below to determine whether or not a qualifying allegation of Title IX sexual harassment violates Policy 5067.00 and 5067.05. If so, the District will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to Title IX sexual harassment, its potential recurrence, or its effects.

### **Initial Assessment**

The Title IX Coordinator’s initial assessment typically occurs within one to three business days. The steps in an initial assessment can include:

1. If notice is given, the Title IX Coordinator seeks to determine whether the complainant wishes to make a formal complaint and will assist them in doing so, if desired. If the complainant does not wish to make a formal complaint, the Title IX Coordinator determines whether to initiate a formal complaint due to a compelling threat to health and/or safety.
2. If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the complainant to make sure it is correctly completed.
3. The Title IX Coordinator reaches out to the complainant to offer supportive measures.
4. The Title IX Coordinator works with the complainant to ensure they are aware of the right to have an Advisor.
5. The Title IX Coordinator works with the complainant to determine whether the complainant prefers supportive measures only response, an informal resolution process, or a formal grievance process.
  - A. If supportive measures only response is preferred, the Title IX Coordinator works with the complainant to identify their wishes, assesses the request, and implement the measures accordingly. No formal grievance process is initiated, though the complainant can elect to initiate one later, if desired.
  - B. If an informal resolution process is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine whether the respondent is also willing to engage in informal resolution.



- C. If a formal grievance process is preferred, the Title IX Coordinator determines whether the conduct alleged constitutes a qualifying allegation of Title IX sexual harassment:
1. If it does, the Title IX Coordinator will initiate the formal grievance process.
  2. If it does not, the Title IX Coordinator will “dismiss” the complaint under this process and may address the allegation(s) using the applicable grievance process as outlined in Policy 5064.00. Dismissing a complaint under this process is solely a procedural requirement under Title IX and does not limit the District’s authority to address a formal complaint through a different applicable process.

### **Dismissal - Mandatory and Discretionary**

**[NOTE: These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.]**

The District must dismiss a formal complaint or any allegations therein if, at any time during the investigation or meeting with the Decision-maker, it is determined that the conduct alleged in the formal complaint would not constitute a qualifying allegation of Title IX sexual harassment as defined above, even if proved.

The District may dismiss a formal complaint or any allegations therein if, at any time during the investigation or meeting with the Decision-maker:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint in whole or in part; or
2. The respondent is no longer enrolled in or employed by the District; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the District will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the appeal procedures below.

### **Counterclaims**

The District shall ensure that the grievance process is not abused for retaliatory purposes. The District permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the applicable procedure, as determined by the Title IX Coordinator. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of Policy 5067.00 and 5067.05.

**Statement of the Rights of the Parties**

Any party, as defined in this procedure, has the following rights:

1. The right to an equitable investigation and resolution of all credible allegations of Title IX sexual harassment made in good faith to District officials.
2. The right to timely written notice of all alleged violations, including the identity of the parties involved, if known; the precise misconduct being alleged; the date and location of the alleged misconduct, if known; the implicated policies and procedures; and possible sanctions.
3. The right to timely written notice of any material adjustments to the allegations, such as additional incidents or allegations, additional complainants, or unsubstantiated allegations; and any attendant adjustments needed to clarify potentially implicated policy violations.
4. The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
5. The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
6. The right to be treated with respect by District officials.
7. The right to have District policies and procedures followed without material deviation.
8. The right not to be pressured to informally resolve any reported misconduct involving violence, including sexual violence.
9. The right not to be discouraged by District officials from reporting Title IX sexual harassment to both District and local authorities.
10. The right to have allegations of violations of Policy 5067.00 and 5067.05 responded to promptly and with sensitivity by other District officials.
11. The right to be informed of available supportive measures, or other services, both in the District and in the community.
12. The right to a District-implemented no contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
13. The right to be informed of available assistance in changing academic and/or working situations after an alleged incident of Title IX sexual harassment if such changes are reasonably available. No formal complaint or investigation, either District or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - A. Changing an employee’s work environment, such as changing their reporting structure or office or workspace relocation;
  - B. Transportation accommodations;
  - C. Visa or immigration assistance;
  - D. Exam, paper, and/or assignment rescheduling or adjustment;
  - E. Transferring classes;
  - F. Temporary leave of absence;
  - G. School safety escorts;
  - H. Alternative course completion options.
14. The right to have the District maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the District’s ability to provide the supportive measures.
15. The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
16. The right to ask the investigator(s) and decision-maker(s) to identify and question relevant witnesses, including expert witnesses.

17. The right to provide the investigator(s)/decision-maker(s) with a list of questions that, if deemed relevant by the investigator(s)/Chair, may be asked of any party or witness.
18. The right not to have irrelevant prior sexual history or character admitted as evidence.
19. The right to know the relevant and directly related evidence obtained and to respond to that evidence.
20. The right to a fair opportunity to provide the investigator(s) with their account of the alleged misconduct.
21. The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law and the right to have at least ten business days to review the report prior to any determination being made.
22. The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report.
23. The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
24. The right to regular updates on the status of the investigation and/or resolution.
25. The right to have reports of alleged policy violations addressed by investigators, Title IX Coordinators, and decision-maker(s) who have received relevant training.
26. The right to preservation of privacy, to the extent possible and permitted by law.
27. The right to meetings, interviews, and/or hearings that are closed to the public.
28. The right to petition that any District representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
29. The right to have an advisor of their choice to accompany and assist the party in all meetings, interviews, and/or hearings associated with the resolution process.
30. The right to the use of the appropriate standard of evidence, to make a finding after an objective evaluation of all relevant evidence.
31. The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
32. The right to be promptly informed in a written notice of outcome letter of the finding(s) and sanction(s) of the formal grievance process and a detailed rationale of the decision, including an explanation of how credibility was assessed, delivered simultaneously—meaning without undue delay—to the parties.
33. The right to be informed in writing of when a decision by the District is considered final and any changes to the sanction(s) that occur before the decision is finalized.
34. The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the formal grievance process, and the procedures for doing so in accordance with the standards for appeal established by the District.
35. The right to a fundamentally fair resolution as defined in these procedures.

### **Right to an Advisor**

The parties may each have an advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. This could include an attorney, advocate, or support person. The parties may select whoever they wish to serve as their advisor as long as the advisor is eligible and available. “Available” means the party cannot insist on an advisor who simply does not have inclination, time, or availability. Also, the advisor cannot have conflicting roles, (such as being a Title IX administrator, who has an active role in the matter), or a supervisor, who must monitor and implement sanctions.

For students, this advisor can be someone in addition to their parent/guardian who may also be present with them for all meetings, interviews, and hearings within the resolution process.

### **Who Can Serve as an Advisor**

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose advisors from inside or outside of the Moscow School District No. 281 community.

Parties also have the right to choose not to have an advisor during the resolution process.

### **Advisor’s Role in Meetings and Interviews**

The parties may be accompanied by their advisor in all meetings, interviews, and hearings at which the party is entitled to be present, including intake and investigation interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The District cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, the District is not obligated to provide an attorney.

### **Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews, meetings, or hearings in advance of these interviews or meetings. This pre-meeting allows advisors to clarify and understand their role and the District’s policies and procedures.

### **Advisor Violations of District Policy**

All advisors shall be subject to the same District policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings or meetings. Advisors shall not address District officials in a meeting or interview unless invited to. For example, they should not ask procedural questions unless invited to. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigator(s) or other decision-maker(s), unless so permitted by the provisions of state law or this policy. In situations where the conduct at issue may also be a violation of criminal law, a legal Advisor may direct their client to refrain from answering a question(s) due to 5<sup>th</sup> Amendment Constitutional Right associated with self-incrimination. In such circumstance, no inferences should be drawn from this action by an accused person.

The parties are expected to ask and respond to questions on their own behalf throughout the resolution process. In cases where a party requires assistance in asking and/or responding to questions on their own behalf, (for example, due to age or disability), the advisor shall be allowed to ask and/or respond to questions on behalf of their advisee, at the discretion of the investigator(s) or decision-maker(s). Although the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private consultation.

Any advisor who oversteps their role as defined by this process shall be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator shall determine how to address the advisor's non-compliance and future role.

#### **Sharing Information with the Advisor**

The District expects that the parties may wish to have the District share documentation and evidence related to the allegations with their advisors. Parties may share this information directly with their advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The District shall also provide a consent form which authorizes the District to share such information directly with the party's advisor. The parties must submit this completed form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the advisor before the District is able to share records with an advisor.

#### **Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. Advisors may not share these records with third parties, disclose them publicly, or use them for purposes not explicitly authorized by the District. The District may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the District's privacy expectations.

Advisors who are also District staff members may also be subject to more stringent confidentiality law, administrative rules, and policies.

#### **Expectations of an Advisor**

The District generally expects an advisor to adjust their schedule to ensure attendance at resolution process meetings when planned but may change scheduled meetings to accommodate an advisor's inability to attend, if doing so does not cause an unreasonable delay.

The District may also make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

#### **Expectations of the Parties with Respect to Advisors**

A party may elect to change advisors during the resolution process and is not obligated to use the same advisor throughout. The parties are expected to inform the investigator(s) and decision-maker(s) of the identity of their advisor at least two business days before the date of their first meeting with investigators and decision-makers, or as soon as possible if a more expeditious meeting is necessary or desired.

If a party changes advisors consent to share information with the previous advisor is terminated, and a release for the new advisor must be secured before documentation and evidence related to the investigation will be provided to them.

#### **Resolution Process**

Resolution processes are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with District policy. Although there is an expectation of privacy around what investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to an informal resolution, if applicable, and as discussed below. The District encourages parties to discuss any sharing of information with their advisors before doing so.

### **Informal Resolution Process**

An informal resolution process can include the following different approaches:

1. The Title IX Coordinator resolves the matter informally by providing supportive measures only to remedy the situation.
2. The respondent accepts responsibility for violating Policy 5067.00 and 5067.05 and desires to accept a sanction and end the resolution process. This usually occurs after the investigation phase of the formal grievance process.
3. The Title IX Coordinator negotiates a resolution that is satisfactory to the parties and the District.

To initiate the informal resolution process, a complainant must first submit a formal complaint. A respondent who wishes to initiate the informal resolution process should contact the Title IX Coordinator.

It is not necessary to pursue informal resolution first in order to engage in the formal grievance process. Any party participating in the informal resolution process can stop the process at any time and begin or resume the formal grievance process.

Prior to implementing the informal resolution process, the District shall provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the District.

The District shall obtain voluntary, written confirmation that all parties wish to resolve the matter through an informal resolution process before proceeding and shall not pressure the parties to participate in informal resolution.

Informal resolution shall not be used to resolve allegations or complaints where the complainant is a student, and the respondent is an employee.

### **Respondent Accepts Responsibility for Alleged Violations**

The respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal grievance process will be paused, and the Title IX Coordinator will determine whether informal resolution can be used according to the criteria above. If so, the Title IX Coordinator shall determine whether all parties and the District are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator shall implement the accepted finding that the respondent is in violation of Policy 5067.00 and 5067.05 and implement agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written agreement to the terms of resolution. If the parties cannot agree on all terms of resolution, the formal grievance process shall resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanctions shall be promptly implemented in order to effectively stop the Title IX sexual harassment, prevent its recurrence, and remedy its effects.

### **Negotiated Resolution**

The Title IX Coordinator may, with the consent of the parties, negotiate and implement an agreement to resolve the allegations that satisfies all parties and the District. Negotiated resolutions are not appealable.

### **Formal Grievance Process**

The formal grievance process described below is the method of formal resolution used to determine whether a qualifying allegation of Title IX sexual harassment violates Policy 5067.00 and 5067.05, as determined by an investigation and determination of responsibility made by a decision-maker. The formal grievance process shall be used in a manner that complies with the requirements of 34 CFR §106.45.

### **Grievance Process Pool**

The formal grievance process relies on a pool of personnel (“the Pool”) to carry out the process. The list of Pool members and a description of the Pool can be found on the District’s website.

### **Pool Member Roles**

Members of the Pool are trained, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

1. To investigate complaints;
2. To serve as a decision-maker regarding the formal complaint; and
3. To serve as an appeal decision-maker.

### **Pool Member Training**

The Pool members receive training based on their respective roles. This training includes, but is not limited to:

1. The scope of the District’s Title IX sexual harassment policies and procedures;
2. How to conduct investigations, meetings, and hearings in a manner that protects the safety of complainants and respondents and promotes accountability;
3. Reporting, confidentiality, and privacy requirements;
4. How to implement appropriate and situation-specific remedies;
5. How to investigate in a thorough, reliable, and impartial manner;
6. How to uphold fairness, equity, and due process;
7. How to weigh evidence;
8. How to conduct questioning;

9. How to assess credibility;
10. Impartiality and objectivity;
11. How to render findings and generate clear, concise, evidence-based rationales;
12. The definitions of all offenses;
13. How to apply definitions used by the District with respect to consent or the absence of consent consistently, impartially, and in accordance with District policies and procedures;
14. How to conduct an investigation and grievance process including meetings, hearings, appeals, and informal resolution processes;
15. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
16. Any technology to be used during an interview, meeting, or hearing;
17. Issues of relevance of questions and evidence;
18. Issues of relevance to create an investigation report that fairly summarizes relevant evidence; and
19. How to determine appropriate sanctions in reference to Title IX sexual harassment.

### **Pool Membership**

The Pool Membership will include:

- 1 representative or administrator from each school within the District;
- 3 or more members of the academic administration staff;
- 3 or more members of student services administration;
- 3 or more members of the staff;
- 2 representatives from School Safety;
- 2 representatives from Human Resources;
- 2 representatives from Athletics;

### **Notice of Investigation and Allegations**

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (NOIA) to the respondent upon commencement of the formal grievance process. This facilitates the respondent's ability to prepare for the interview and to identify and choose an advisor to accompany them. A copy of the NOIA shall also be provided to the complainant, who shall be given advance notice of when the NOIA will be delivered to the respondent.

The NOIA will include:

1. A meaningful summary of all of allegations;
2. The identity of the involved parties, if known;
3. The precise misconduct being alleged;
4. The date and location of the alleged incident(s), if known;
5. The specific policies implicated;
6. A description of the applicable procedures;
7. A statement of the potential sanctions that could result;
8. A statement that the District presumes the respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
9. A statement that determinations of responsibility are made at the conclusion of the formal grievance process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
10. A statement about the District's policy on retaliation;
11. Information about the privacy of the process;
12. Information on the need for each party to have an advisor of their choosing;



13. A statement informing the parties that the District's policies and procedures prohibit knowingly making false statements, including knowingly submitting false information during the resolution process;
14. Detail on how the party may request disability accommodations during the resolution process;
15. The name(s) of the investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the investigator(s) may have, and
16. Instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of any allegations.

Notice shall be made in writing and may be delivered by one or more of the following methods:

1. In person;
2. Mailed to the local or permanent address(es) of the parties as indicated in official District records; or
3. Emailed to the parties' District-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

### **Formal Grievance Process Timeline**

The District will make a good faith effort to complete the formal grievance process within 30 TO 60] days, including appeal. This time frame can be extended as necessary by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **Appointment of Investigators**

Once the Title IX Coordinator decides to begin an investigation as part of the formal grievance process, the Title IX Coordinator shall appoint Pool members to conduct the investigation, usually within two business days of determining that an investigation should proceed.

### **Ensuring Impartiality**

Any individual materially involved in the administration of the formal grievance process including the Title IX Coordinator, investigator(s), decision-maker(s) and appeal decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent.

The Title IX Coordinator shall vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the formal grievance process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator shall determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, shall be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Superintendent.

The formal grievance process involves an objective evaluation of all relevant evidence obtained, including evidence that supports the conclusion the respondent engaged in a policy violation and evidence that supports the conclusion the respondent did not engage in a policy violation. Credibility

determinations may not be based solely on an individual’s status or participation as a complainant, respondent, or witness.

The District presumes that the respondent is not responsible for the reported misconduct unless and until a final determination is made, that Policy 5067.00 and 5067.05 has been violated.

### **Investigation Timeline**

Investigations are completed promptly, normally within 30 business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations; availability of witnesses; police involvement; and other factors.

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

### **Delays in the Investigation Process and Interactions with Law Enforcement**

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

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

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

### **Steps in the Investigation Process**

All investigations shall be thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

The Title IX Coordinator may act as the investigator.

All parties shall have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The investigator(s) will typically take(s) the following steps, if not already completed. The steps will not necessarily be completed in this order:

1. Determine the identity and contact information of the complainant;
2. In coordination with school partners, initiate or assist with any necessary supportive measures;

3. Identify all policies implicated by the alleged misconduct and notify the complainant and respondent of all of the specific policies implicated;
4. Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation;
5. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties;
6. Meet with the complainant to finalize their interview or statement, if necessary;
7. Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations;
8. Provide each interviewed party and witness an opportunity to review and verify the investigator's summary notes or transcript of the relevant evidence/testimony from their respective interviews and meetings;
9. Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible;
10. When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose;
11. Interview all available, relevant witnesses and conduct follow-up interviews as necessary;
12. Allow each party the opportunity to suggest witnesses and questions they wish the investigator(s) to ask of the other party and witnesses, and document in the investigation report which questions were asked and the rationale for any changes or omissions;
13. Complete the investigation promptly and without unreasonable deviation from the intended timeline;
14. Provide regular status updates to the parties throughout the investigation;
15. Prior to the conclusion of the investigation, provide the parties and their respective advisors, if so desired by the parties, with a list of witnesses whose information will be used to render a finding;
16. Write a comprehensive investigation report fully summarizing the investigation and all witness interviews and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included;
17. The investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report;
18. Prior to the conclusion of the investigation, provide the parties and their respective advisors, when advisors are identified, a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the District does not intend to rely in reaching a determination, for a ten business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
19. The investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses;
20. The investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report;
21. The Investigator will incorporate any relevant feedback, and the final investigation report is then shared with all parties and their advisors through secure electronic transmission or hard copy at least ten business days prior to a meeting with the decision-maker. The parties are also provided with a file of any directly related evidence that was not included in the report

**Role and Participation of Witnesses in the Investigation**

Witnesses, as distinguished from the parties, who are employees of the District are expected to cooperate with and participate in the District’s investigation and formal grievance process. Failure of such witnesses to cooperate with and/or participate in the formal grievance process constitutes a violation of policy and may warrant discipline. Student witnesses and witnesses from outside the District community are encouraged to share what they know about the complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (such as summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The District will take appropriate steps to reasonably ensure the security and privacy of remote interviews.

Though not preferred, witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the investigator(s).

### **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If investigator(s) elect to make an audio and/or video record of interviews, all involved parties will be made aware of audio and/or video recording.

### **Evidentiary Considerations in the Investigation**

The investigation shall not consider:

1. Incidents not directly related to the possible violation, unless they evidence a pattern;
2. The character of the parties; or
3. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

### **Referral to a Decision-maker**

If the complaint is not resolved through informal resolution as described above, and after the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter to a Decision-maker to make a determination regarding responsibility.

The Decision-maker cannot make a determination regarding responsibility prior to ten business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the decision-maker—unless all parties and the decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate decision-maker from the Pool depending on whether the respondent is an employee or a student.

### **Decision-Maker Designation**

The District shall designate a single Decision-maker from the Pool, at the discretion of the Title IX Coordinator, and inform the parties and advisors.

The Decision-maker(s) shall not have had any previous involvement with the investigation. Those who have served as investigators in this investigation may not serve as decision-makers. Those who are serving as advisors for any party may not serve as decision-makers in that matter. The Title IX Coordinator may not serve as a decision-maker in the matter.

All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator no later than two business days after being notified of the identity of the Decision-maker. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial consideration of the evidence.

The Title IX Coordinator shall give the decision-maker(s) a list of the names of all parties, witnesses, and advisors. Any decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and advisors. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they shall raise the concern with the Title IX Coordinator as soon as possible.

### **Evidentiary Consideration by the Decision-Maker**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The decision-maker will not consider:

1. Incidents not directly related to the possible violation, unless they evidence a pattern;
2. The character of the parties; or
3. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the respondent may be considered in determining an appropriate sanction upon a determination of a policy violation. This information is only considered at the sanction stage of the process and is not shared with the Decision-maker until then.

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

### **Notice of Decision-Making**

The Decision-maker may choose to meet with each party individually [OPTIONAL: or jointly] and with any witnesses, as needed, prior to making a determination of responsibility.

No less than ten business days prior to any meeting or the decision-making phase of the process, the Title IX Coordinator or the decision-maker shall send notice to each party. Once mailed, emailed, or received in-person, notice will be presumptively delivered.

The notice shall contain:

1. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions that could result.
2. The time, date, and location of any meeting.
3. Any technology that will be used to facilitate the meeting.

4. The name and contact information of the decision-maker, along with an invitation to object to any decision-maker on the basis of demonstrated bias. Such objections must be raised with the Title IX Coordinator at least two days prior to the meeting.
5. Information on whether the meeting will be recorded and, if so, information on access to the recording for the parties after the meeting.
6. A statement that if any party does not appear at the scheduled meeting, the meeting will only be rescheduled for compelling reasons.
7. Notification that the parties may have the assistance of an advisor of their choosing at the meeting.
8. A copy of all the materials provided to the decision-maker(s) about the matter.
9. An invitation for the parties to review and submit a written response to the final investigation report within three to seven business days of the date of the notice.
10. An invitation to each party to submit to the decision-maker any written, relevant questions they want the decision-maker to ask of any other party or witness within three to seven days of the date of the notice.
11. An invitation to each party to submit to the decision-maker an impact statement pre-meeting that the decision-maker will review during any sanction determination.
12. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at any meeting or in the decision-making process, at least three to seven days prior to the meeting/final determination.
13. Whether parties can or cannot bring mobile phones or devices into the meeting.

Meetings for possible violations that occur near or after the end of a school year, assuming the respondent is still subject to Policy 5067.00 and 5067.05, and are unable to be resolved prior to the end of the school year will typically be held as soon as possible given the availability of the parties, but no later than immediately upon the start of the following school year. The District will implement appropriate supportive measures intended to correct and remediate any hostile environment while the resolution is delayed.

### **Decision-Maker Meeting Procedures**

Participants at a meeting may include the Decision-maker, the party, any witness, the party’s advisor, the Title IX Coordinator, the parent/guardian of any party who is a student, and anyone providing authorized accommodations or assistive services.

At a meeting, the decision-maker shall have the authority to hear and make determinations on all allegations of Title IX sexual harassment and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the Title IX sexual harassment, even though those collateral allegations may not specifically fall within Policy 5067.00 and 5067.05.

Any witness scheduled to meet with the decision-maker must have been first interviewed by the investigator(s) or have proffered a written statement or answered written questions unless all parties and the decision-maker agree to the witness’s participation.

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

If the parties raise an issue of bias or conflict of interest of an investigator or decision-maker at the meeting, the decision-maker may elect to address those issues, consult with legal counsel, and/or refer

them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the meeting, the decision-maker shall not permit irrelevant questions that probe for bias.

### **Deliberation, Decision-Making, and Standard of Proof**

The decision-maker(s) will then deliberate to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. When determining whether respondent violated Policy 5067.00 and 5067.05, the Decision-maker(s) use the preponderance of the evidence standard; whether it is more likely than not that the respondent violated Policy 5067.00 and 5067.05 as alleged OR clear and convincing evidence standard; whether there is a high probability that the respondent violated Policy 5067.00 and 5067.05 as alleged.

When there is a finding of responsibility on one or more of the allegations, the decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The decision-maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The decision-maker(s) may, at their discretion, consider the statements; but they are not binding.

The decision-maker(s) shall review the statements and any pertinent conduct history provided by the appropriate administrator, such as the Title IX Coordinator and shall determine the appropriate sanction(s) in consultation with other appropriate administrators, as required]

The decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within two business days after the decision-maker held their final meeting with the parties and witnesses or concluded the paper evidence exchange and questioning process, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **Notice of Outcome**

Using the deliberation statement, the decision-maker shall work in conjunction with the Title IX Coordinator as needed to prepare a notice of outcome. The notice of outcome will then be reviewed by legal counsel. The Title IX Coordinator shall then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their advisors within three to seven business days of receiving the decision-maker(s)' deliberation statement.

The notice of outcome shall be shared with the parties simultaneously. Notification shall be made in writing and may be delivered by one or more of the following methods:

1. In person;
2. Mailed to the local or permanent address of the parties as indicated in official District records; or
3. Emailed to the parties' District-issued email or otherwise approved account.

Once mailed, emailed, or received in-person, notice will be presumptively delivered.

The notice of outcome shall articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and shall contain a description of the procedural steps taken by the District from the receipt of the misconduct report to the determination, including any and all notifications to the

parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The notice of outcome shall specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the District is permitted to share such information under state or federal law; any sanctions issued which the District is permitted to share such information according to state or federal law; and any remedies provided to the complainant designed to ensure access to the District’s educational or employment program or activity, to the extent the District is permitted to share such information under state or federal law. Detail regarding the final item listed is not typically shared with the respondent unless the remedy directly relates to the respondent.

The notice of outcome shall also include the relevant procedures and bases for any available appeal options.

**Sanctions**

Factors considered when determining sanctions may include, but are not limited to:

1. The nature, severity of, and circumstances surrounding the violation(s);
2. The respondent’s disciplinary history;
3. Previous allegations or allegations involving similar conduct;
4. The need for sanctions to bring an end to the Title IX sexual harassment;
5. The need for sanctions to prevent the future recurrence of Title IX Sexual harassment;
6. The need to remedy the effects of the Title IX sexual harassment;
7. The impact on the parties; and
8. Any other information deemed relevant by the decision-maker(s)

The sanctions shall be implemented as soon as is feasible, either upon the outcome of any appeal or upon the expiration of the window to appeal if no appeal is requested. The sanctions described in this process are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

**Student Sanctions**

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

A warning;

1. Required counseling;
2. A required substance abuse treatment program;
3. Exclusion from participating in extracurricular activities or other District programs/activities;
4. Alternative placement;
5. Suspension, which may be in-school, out-of-school, long-term, short-term, extended, or other suspensions;
6. Expulsion; and
7. Other actions: In addition to or in place of the above sanctions, the District may assign any other sanctions deemed appropriate.

**Employee Sanctions**



Sanctions for an employee may include:

1. A verbal or written warning;
2. A performance improvement plan or management process;
3. Enhanced supervision, observation, or review;
4. Required counseling;
5. Required training or education;
6. Probation;
7. Denial of pay increase or pay grade;
8. Loss of oversight or supervisory responsibility;
9. Demotion;
10. Transfer;
11. Reassignment;
12. Assignment to a new supervisor;
13. Restriction of professional development resources;
14. Suspension with pay;
15. Suspension without pay;
16. Termination;
17. Other actions: In addition to or in place of the above sanctions, the District may assign any other sanctions as deemed appropriate.

### **Withdrawal or Resignation While Charges Pending**

Should a student decide to not participate in the formal grievance process, the process proceeds absent their participation to a reasonable resolution. Should a student respondent permanently withdraw from the District, the formal grievance process shall end, as the District no longer has disciplinary jurisdiction over the withdrawn student.

Should an employee respondent resign with unresolved allegations pending, the formal grievance process shall end, as the District no longer has disciplinary jurisdiction over the resigned employee.

Even if a respondent withdraws from the District or resigns, the District shall continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged Title IX sexual harassment.

An employee who resigns with unresolved allegations pending shall not be eligible for rehire with the District or any school with the District, and the records retained by the Title IX Coordinator shall reflect that status. Any state mandates for reporting of this resignation with respect to licensure or certification shall be met.

All District responses to future inquiries regarding employment references for that individual shall note that the former employee resigned during a pending disciplinary matter.

### **Appeals**

Any party may file a request for appeal in writing with the Title IX Coordinator within three to seven business days of the delivery of the notice of outcome.

A three-member appeal panel chosen from the Pool shall be designated by the Title IX Coordinator. A voting chair of the appeal panel will be designated by the three-member panel. No appeal panelists OR appeal decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

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

**Grounds for Appeal**

Appeals shall be limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

If any of the grounds in the request for appeal do not meet the grounds in this procedure, that request will be denied by the appeal chair, and the parties and their advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the request for appeal meet the grounds in this procedure, then the appeal chair will notify the other party(ies) and their advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original decision-maker(s).

The other party(ies) and their advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original decision-maker(s) shall be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be three to seven business days to submit a response to the portion of the appeal that was approved and involves them. All responses shall be forwarded by the appeal chair to all parties for review and comment.

The party who did not bring the appeal, if there is such a party, may also choose to raise a new ground for appeal at this time. If so, the new ground will be reviewed by the appeal chair to determine if it meets the grounds in this procedure and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the investigator(s) and/or original decision-maker(s), as necessary, who will submit their responses in three to seven business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The appeal chair shall collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel and the Panel will render a decision in no more than three to seven days, barring unusual circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A notice of appeal outcome shall be sent to all parties simultaneously including the decision on each approved ground and the rationale for each decision. The notice of appeal outcome shall specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the District is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the District is permitted to share these under state or federal law.

Notification shall be made in writing and may be delivered by one or more of the following methods:

1. In person;
2. Mailed to the local or permanent address of the parties as indicated in official institutional records;  
or
3. Emailed to the parties' District-issued email or otherwise approved account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

### **Sanctions Status During the Appeal**

Any sanctions imposed by the decision-maker shall take effect following the appeal process. Supportive measures may remain in effect during an appeal process, subject to the same supportive measure procedures above.

### **Appeal Considerations**

1. Appeal decisions shall defer to the original decision, making changes to the determination only when there is clear error and to the sanction(s) only if there is a compelling justification to do so.
2. Appeals shall not provide for a full reconsideration of the allegation(s) and evidence. In most cases, appeals will be confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
3. An appeal is not an opportunity for appeal decision-makers to substitute their judgment for that of the original decision-maker(s) merely because they disagree with the determination and/or sanction(s).
4. The appeal chair or decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation shall be maintained.
5. Appeals granted based on new evidence should normally be returned to the original investigator(s) and/or decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
6. Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand, except in the case of a new hearing.
7. When appeals result in no change to the determination or sanction, that decision is final.
8. When an appeal results in a new determination or sanction, that determination or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
9. In rare cases where a procedural error cannot be cured by the original decision-maker(s), as in cases of bias, the appeal may order a new hearing with a new Decision-maker(s).
10. The results of a new hearing can be appealed once on any of the available appeal grounds.
11. In cases in which the appeal results in reinstatement to the District or resumption of privileges, all reasonable attempts shall be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the school or the Moscow School District No. 281 community that are intended to stop the Title IX sexual harassment, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

1. Referral to counseling and health services;
2. Education of the individual and/or the community;
3. Permanent alteration of work arrangements for employees
4. Provision of school safety escorts;
5. Climate surveys;
6. Policy or procedure modification and/or training;
7. Provision of transportation accommodations;
8. Implementation of long-term contact limitations between the parties;
9. Implementation of adjustments to academic deadlines, course schedules, or other, similar factors.

At the discretion of the Title IX Coordinator, certain long-term supports or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator shall address any remedies owed by the District to the respondent to ensure no effective denial of educational access.

The District shall maintain the privacy of any long-term remedies, actions, and measures, provided privacy does not impair the District’s ability to provide these services.

**Failure to Comply with Sanctions and/or Interim and Long-Term Remedies and/or Responsive Actions**

All respondents are expected to comply with the assigned sanctions and corrective actions within the timeframe specified by the final decision-maker(s).

Failure to abide by the sanction(s) or action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s) or action(s), including suspension, expulsion, and/or termination from the District.

**Recordkeeping**

The District will maintain for a period of seven years records of:

1. Each Title IX sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the respondent;
3. Any remedies provided to the complainant designed to restore or preserve equal access to the District’s education program or activity;
4. Any appeal and the result therefrom;
5. Any informal resolution and the result therefrom;
  
6. All materials used to train Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and any person who facilitates an informal resolution process. The District shall make these training materials publicly available on the District’s website.
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment, including:
  - A. The basis for all conclusions that the response was not deliberately indifferent;

- B. Any measures designed to restore or preserve equal access to the District's education program or activity; and
- C. If no supportive measures were provided to the complainant, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The District will also maintain any and all records in accordance with state and federal laws.

**Disabilities Accommodations in the Resolution Process**

The District is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the District's resolution process.

Anyone needing such accommodations or support should contact the Superintendent who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

**Revision of These Procedures**

The District reserves the right to make changes to these procedures, as necessary. If laws or regulations change – or court decisions alter – the requirements in a way that impacts these procedures, this document shall be construed to comply with the most recent government regulations or holdings.