

SCHOOL SAFETY AND DISCIPLINE POLICY

Mountain Home School District No. 193 believes each student deserves the opportunity to learn to his/her full potential. In order to achieve this, no student will be allowed to hinder any other student's opportunities to learn and/or cause any unsafe conditions or acts that hinder any other student's opportunities to learn.

Mountain Home School District No. 193 believes each employee has the right to attend work in an atmosphere that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. Each employee deserves the right to work, educate, mentor, guide, etc., students without being harassed, threatened, intimidated, bullied, etc., by other school district employees, school district students, and visitors/guests.

Mountain Home School District No. 193 believes all visitors/guests deserve the right to visit without being harassed, threatened, intimidated, bullied, etc., by school district employees, school district students, and other visitors/guests.

Mountain Home School District No. 193 School Board of Trustees holds school district employees, school district students, and visitors/guests, to this school district policy and any correlating policies and procedures.

AUTHORITY & DISCIPLINE: (I.C. 33-205, 33-512)

The District has the authority to control student, employee, and visitor/guest conduct and to adopt rules necessary to maintain proper discipline.

1. Each school will review the discipline plan annually, which includes procedures for due process in accordance with Idaho Code. The discipline plan must be provided, at the beginning of each school year to the students, staff, and parents.
2. Denial of enrollment – (I.C. 33-205) Students, who have been expelled from any school district, including Mountain Home School District No. 193, must notify school authorities of their expulsion upon requesting admittance to the Mountain Home School District. A readmittance hearing before the Board of Trustees must be held prior to the admittance of a student who has been expelled from any school district, as described above.
3. All staff members will be notified that they are responsible to take appropriate action for discipline situations that may arise in their presence.
4. Release of a student to law enforcement officials – (I.C. 20-516, MHSD School Safety & Discipline Form 2 – Release to Law Enforcement) The school administrator, or designee, may release a student to law enforcement officials if a warrant is issued, or if the officer is arresting the student without a warrant, or the officer requires the removal of a student from school district property. In the absence of parental or guardian consent, the school

- administrator, or designee, shall document the release by using the MHSD School Safety & Discipline Form 2 – Release to Law Enforcement.
5. Building administrators may temporarily suspend any student for disciplinary reasons, or for other conduct disruptive of good order, or which impedes the effectiveness of the school (I.C. 33-205).
 6. The Superintendent may suspend any employee or place any certified employee on administrative leave for disciplinary reasons, or for other conduct disruptive of good order, or which impedes the effectiveness of the school, or in the case of certified employees until the outcome of the due process hearing (I.C. Title 33, Chapters 5 and 12).
 7. Students with disabilities violating this policy will be dealt with within the guidelines of Individuals with Disabilities Educational Act (IDEA), the American Disabilities Act (ADA), and the Special Education Manual. Each incident will be addressed on a case-by-case basis.
 8. Students in violation of the zero tolerance guidelines as set forth will be referred to the District Review Committee for disciplinary measures including, but not limited to, suspension or recommended for expulsion, and referred to the appropriate authorities (I.C. 33-205, 33-512).
 9. Certified school district employees in violation of the zero tolerance guidelines may be referred to the School Board of Trustees for a due process hearing and referred to the appropriate authorities (I.C. 33-512 & 33-513).
 10. Classified school district employees in violation of the zero tolerance guidelines may be referred to the Superintendent for disciplinary measures and referred to the appropriate authorities (I.C. 33-512 & 33-513).
 11. Visitors/parents/guardians in violation of the zero tolerance guidelines will be prohibited from entering any school premises or attending any school sponsored activity, regardless of location, including, but not limited to, the school district filing a No Trespass Order against the individual, and individual referred to the appropriate authorities (I.C. 33-512).
 12. Discipline shall be appropriate to the offense, age, and standing of the individual.
 13. The Superintendent or designee shall submit the case to the appropriate law enforcement agency when the charges warrant such action.
 14. Right of Appeal: Should a certified employee wish to challenge an administrative decision, (s)he may request a hearing before District Administration with right of appeal to the School Board of Trustees using the Grievance Policy for Certified Employees.

A classified employee of the district may file a grievance about any matter related to their employment, only if the grievance is directly related to the classified employee's belief they have been unfairly treated or the District is in violation of any District Policy, State Regulation or Law, or Federal Regulation or Law. The grievance must be submitted in accordance with the Grievance Policy for Classified Employees. (I.C. 33-517)

A student of the district may file a grievance who has reason to believe he/she has been unfairly treated or the District is in violation of any District Policy, State Regulation or Law, or Federal Regulation or Law. The grievance must be submitted in accordance with the Student Grievance Policy and Form.

SCHOOL SAFETY & DISCIPLINE –

Mountain Home School District properties and facilities include, but are not limited to: buildings, facilities, grounds, district campus, school buses, district parking areas, and the location of all school district sponsored activity regardless of the location, and in or on property owned or operated by a school district.

Mountain Home School District has Zero Tolerance by students, employees, and visitors/parents/guardians for the following:

A. ZERO TOLERANCE:

Mountain Home School District No. 193 has adopted a zero tolerance stand against the following including, but not limited to:

1. Weapons and look alike weapons at school, on or near owned or contracted school property and school buses, or at school-sponsored events regardless of location, and as interpreted by the School Board of Trustees. Willful threats of violence directed at schools, school buses, school activity venues, school staff and/or students regardless of the point of origin and delivered by any means of communication. (see item B)
2. Violent, abusive, sexual abuse/assault, threatening, discriminative, intimidating, bullying, cyber-bullying, texting, sexting, harassing, hazing, etc., acts including, but not limited to, teen/adolescent dating violence/abuse (unhealthy relationships), inappropriate use of cellular, digital, technological, and electronic devices at school, etc., on or near owned or contracted school property, or at school sponsored events regardless of location, and as interpreted by the School Board of Trustees. (see item C)
 - Technological abuse means the behavior used to harm, threaten, intimidate, control, harass, monitor, coerce, stalk, or victimize, except as otherwise permitted by law, that is perpetrated through the internet, social networking sites, spyware, global positioning system (GPS) tracking technology, cellular phones, or instant or text messages. Technological abuse includes, but is not limited to, monitoring; unwanted, repeated calls or text messages; non-consensual access to email, social networking accounts, text or cell phone call logs; and pressuring for or disseminating private or embarrassing pictures, videos, or other personal

information.

3. Verbal or written bomb threats, or placing or detonating a bomb at school, on or near owned or contracted school property, or at school sponsored events regardless of location, and as interpreted by the School Board of Trustees. (see item D)
 - Idaho Code 18-3313 false reports of explosives in public or private places is a felony.
4. Drug/Alcohol/Controlled substances at school, on or near owned or contracted school property, or at school sponsored events regardless of location, and as interpreted by the School Board of Trustees. (see item E)
5. Student use of cellular, digital, and electronic communication and entertainment devices must not violate the district's Computer & Network Services Policy and Procedures. (see item F)
 - A student may possess a cellular, digital, or electronic communication or entertainment device in school, on school property, and at school-sponsored activities, provided that during school hours and on school vehicles the device remains off (not just placed into private or silent mode) and stored out of sight . (see item F)

B. WEAPONS & DISCIPLINE –

1. Weapons are defined as follows:
 - a. Any device, instrument, material, or substance designed to cause serious physical injury, or look-a-like devices, weapons, or other objects or substances capable of being used as weapons, such as, but not limited to, any item that under the circumstances it is used, attempted, or threatened to be used, is readily capable of causing serious physical injury.
 - b. Weapons may include, but are not limited to: firearms of any kind, knives or sharp instruments of any kind, or look-a-like devices, weapons, or other objects; any explosive, incendiary, or poisonous gas; any combustible or flammable liquid; or other objects/substances which may pose a threat to the health and safety of other students, staff members, or visitors, or could be used to disrupt the educational process; or any other item that is used to threaten, strike terror, or cause bodily harm or death even though it is normally considered not to present a danger to others.
 - c. Threatening by word, electronic/digital/technological means, or act to use a firearm or other deadly or dangerous weapon to do violence to any person on school grounds or to disrupt the normal operations of the school district's operations by making a threat of violence.

- d. Knowingly possessing, altering or repairing a firearm or other deadly or dangerous weapon in the furtherance of carrying out a threat made by word, electronic/digital/technological means or act to do violence to any person on school grounds or to disrupt the normal operations of the school district.
 - e. Willful threats of violence directed at schools, school buses, school activity venues, school staff and/or students regardless of the point of origin and delivered by any means of communication.
2. Discipline:
- a. Students who, or students who willingly assist other student(s), to possess, store, or use firearms, look-a-like weapons, or other objects or substances capable of being used as weapons, as defined in section B.1., without permission from school officials, may be immediately suspended for up to five (5) days, or may be expelled. The administrator in charge of the case will meet with the superintendent of schools, or designee, as soon as possible to consider the evidence. Those determined to be in violation will be referred to the District Review Committee or the School Board of Trustees with recommendation for further suspension or expulsion, and the proper authorities would be notified. The School Board of Trustees reserves the right to expel a student permanently.
 - Mountain Home School District will not admit any student who has been expelled from another school district without a hearing before the School Board of Trustees. Student expulsions resulting from a violation of the Gun-Free Schools Act of 1994, is a mandatory one (1) year expulsion period. Students expelled for possession, storing, or using a firearm, as defined in Section B.1., will be referred to the appropriate criminal or juvenile justice system. (I.C. 33-205)
 - b. Classified personnel who possess, store, or use firearms or look-a-like weapons, or other objects capable of being used as weapons, as defined in section B.1., without permission from school officials may be referred to the building administrator, superintendent, or School Board of Trustees for disciplinary measures and possible termination, and the appropriate authorities would be notified.
 - c. Certified school district employees who possess, store, or use firearms or look-a-like weapons, or other objects capable of being used as weapons, as defined in section B.1., without permission from school officials may be referred to the School Board of Trustees for a due process hearing and possible termination, and the appropriate authorities would be notified.
 - d. Visitors/parents/guardians who possess, store, or use firearms or look-a-like weapons, or other objects capable of being used as weapons, as defined in section B.1., without permission from school officials may be, but not limited to, prohibited from entering any school premises or attending any school sponsored activity,

regardless of location, and referred to the appropriate authorities. (I.C. 33-512)

C. **VIOLENT, ABUSIVE, DISCRIMINATIVE, INTIMIDATING, BULLYING, & HARASSMENT ACTS INCLUDING ADOLESCENT/TEEN RELATIONSHIPS/DATING VIOLENCE/ABUSE, HEREINAFTER DESIGNATED AS UNWELCOME AND/OR OFFENSIVE BEHAVIOR/REMARKS/ACTIONS & DISCIPLINE** –

- It is the policy of Mountain Home School District No. 193 to maintain a work environment that is free from unwelcome and/or offensive behavior/remarks/actions and retaliation. Each student and employee have the right to attend classes and work in an atmosphere that promotes equal opportunities and that is free from all forms of unwelcome and/or offensive behavior/remarks/actions and conduct. It is important that all students and employees treat all other students and employees with respect and in a lawful and civil manner. It is the responsibility of all students and employees to deter inappropriate behavior. Unwelcome and/or offensive behavior/remarks/actions that impacts or has the potential to impact the school will not be tolerated.
 - MHSD encourages students and employees who are involved in an abusive relationship, or suspects or knows of a student or employee in an abusive relationship, or suspects or knows of a student or employee who is the offender/assailant of abuse either mentally, physically, sexually, including through the use of social media and cyber-technology, to report such abuse to Law Enforcement and also notify a teacher, counselor, or school administrator of such.
 - MHSD expects and requires district employees to report all suspected cases of child abuse to Law Enforcement and to the school building administrator(s). Failure to report suspected abuse may result in disciplinary actions as deemed appropriate by the School Board of Trustees. Failure to report abuse, abandonment, or neglect of a child is a misdemeanor under Idaho law (I.C. 16-1605).
1. Violent, Abusive, Discriminative, Intimidating, Bullying, & Harassment Acts Including Adolescent/Teen Relationships/Dating Violence/Abuse are defined as follows (see item 3 for disciplinary actions):
- a. All students, employees, and visitors/guests are prohibited from engaging in or conspiring with another to engage in any conduct, which could reasonably be construed as constituting harassment on the basis of sex (including sexual orientation), race, color, national origin, age, religious beliefs, ethnic background, or disability;
 - b. Threats, written or verbal, graphic or photographic, audio or video, via social media and other digital, technical, and electronic devices, acts/depictions of creating an

intimidating or hostile environment, or acts/depictions including bullying, cyber-bullying, stalking, and sexual and physical abuse/attack be it violent or potentially violent, including damage to property, which poses a threat to the health and safety of students, staff members, or visitors, or are disruptive to the educational process of the Mountain Home School District.

- c. Sexual and Physical abuse against a student, employee, or visitor including, but not limited to, hitting, pushing, tripping, kicking, blocking, stalking, inappropriate touching; restraining another's movement; aggression and/or intimidation to someone's demographics; bullying, sexting, and texting including, but not limited to, the use of social media and other digital, technical, and electronic devices; sexual misconduct; causing damage to another's clothing, property, possessions, and taking another's belongings. Sexual and Physical abuse against a student, employee, or visitor also refers to sexual overtures or conduct, including those that relate to the individual's sexual orientation, which is unwelcome, personally offensive, and affecting morale, thereby interfering with a person's ability to study, work, or participate in school activities. Sexual assault means any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim/target.
- d. Verbal abuse, including, but not limited to, the use of social media and other digital, technical, and electronic devices, against a student, employee, or visitor including, but not limited to, name-calling, threatening behavior, demeaning jokes, sexual misconduct, texting, sexting, and cyber-bullying; inappropriate social media postings of any kind, any defamatory, taunting, harassing, slurs, offensive and derogatory remarks or innuendos, malicious teasing, and unwelcome behavior/remarks/actions to a student or school district employee's demographics.
- e. Psychological abuse, including sexual psychological abuse, against a student, employee, or visitor including, but not limited to, spreading harmful and inappropriate rumors regarding another, bullying, cyber-bullying, texting, stalking, sexting, inappropriate social media postings, any defamatory/taunting/harassing through the use of social media or other digital, technical, or electronic devices, drawing inappropriate pictures, and writing inappropriate statements regarding another, and intentionally excluding another from groups, and similar activities.
- f. Harassment, sexual harassment, abuse/attack, intimidation, sexual intimidation, bullying, and cyber-bullying, including, but not limited to, any intentional gesture and any intentional written, verbal, stalking, sexual, and physical acts and threats, against another student, employee, or visitor may be committed through any technology including, but not limited to, the use of landlines, mobile phones, wireless telephones, and other digital and electronic devices, inappropriate social media postings, through the use of data or computer software that is accessed through a computer, computer system, or computer network.

- Sexual harassment includes unwelcome or offensive sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct of a sexual nature.
- g. In the event that cyber-bullying was committed by a school district student or an employee on school grounds and/or using school district technologies, the student or employee would be subjected to appropriate discipline and referred to other appropriate authorities as defined in item 3.
- Technological abuse means the behavior used to harm, threaten, intimidate, control, harass, monitor, coerce, stalk, or victimize, except as otherwise permitted by law, that is perpetrated through the internet, social networking sites, spyware, global positioning system (GPS) tracking technology, cellular phones, or instant or text messages. Technological abuse includes, but is not limited to, monitoring; unwanted, repeated calls or text messages; non-consensual access to email, social networking accounts, text or cell phone call logs; and pressuring for or disseminating private or embarrassing pictures, videos, or other personal information.
- h. In the event that cyber-bullying/technological abuse was committed by a school district student, school district employee, or any non-school district person using non-school district technologies away from school grounds, the Building Principal or designee may report the incident to local law enforcement and other appropriate authorities.
- In addition, school authorities have the right to impose a consequence on a student or employee for conduct away from school grounds, including on a school bus or at a school-sponsored function.
2. Relationship Abuse and Sexual Assault is defined as follows:
- a. Relationship abuse includes, but is not limited to, the intentional use of physical, sexual, verbal, or emotional abuse or violence by a person to harm, threaten, intimidate, stalk, create a hostile environment, or control another person in a current or past dating relationship including bullying, harassment, sexual harassment, adolescent/teen relationship abuse/assault, sexual assault, or using technology to cause abuse.
- b. Sexual assault includes, but is not limited to, sexual violence, sexual abuse, sexual stalking, and rape, written or verbal, graphic or photographic/images, via social media or use of other technologies, acts of creating an intimidating or hostile environment, or acts including bullying, cyber-bullying/technological abuse, and sexual and physical abuse, be it violent or potentially violent, which pose a threat to the health and safety of students or employees, or are disruptive to the educational process of the Mountain Home School District. (See Item 3)

- Students and staff are encouraged to contact the principal or designee or other school personnel if they have been abused or sexually assaulted. Students and staff are also encouraged to report to school authorities if they are aware that another student or staff member has been abused or sexually assaulted or has committed relationship abuse or sexual assault.
- c. The School Board of Trustees promotes the comprehensive prevention of and effective and consistent response to incidents of adult and adolescent relationship abuse and sexual assault and endeavors to take steps to prevent and respond to known instances of relationship abuse and sexual assault.
- The District will assist schools in implementing guidelines as part of existing policies and other related efforts to address social and emotional health, including well-being, bullying, cyber-bullying, harassment, sexual harassment, or other forms of violence among students. Such conduct by students, employees, or third parties, is strictly prohibited and shall not be tolerated on District premises, or at any District sponsored activity regardless of location including, but not limited to, buildings, facilities, and grounds on the District campus, school buses, District parking areas, and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises, but it impacts a District related activity.
3. Discipline:
- a. Investigations will be conducted as described in MHSD's Bullying, Harassment, and Abuse Against Students Policy, Procedure, & Forms; Sexual Harassment Policy & Form, and MHSD School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, & Report of Allegation Complaint, and School Safety & Discipline Forms 1-1f – Investigation & Determination of Unwelcome and/or Offensive Behavior/Remarks/Actions of this policy.
- b. A student found to be in violation of this section of the School Safety and Discipline Policy will be immediately suspended for up to five (5) days. The administrator in charge of the case will meet with the superintendent of schools, or designee, as soon as possible to consider the evidence (School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, & Report of Allegation Complaint, and School Safety & Discipline Forms 1-1f – Investigation & Determination of Unwelcome and/or Offensive Behavior/Remarks/Actions). Those determined to be in violation will be referred to the District Review Committee or the School Board of Trustees with recommendation for further suspension or expulsion, and the proper authorities will be notified.
- c. A classified employee found to be in violation of this section of the School Safety and Discipline Policy will be immediately placed on leave without pay through the investigation (School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, & Report of Allegation Complaint, and School Safety & Discipline

Forms 1-1f – Investigation & Determination of Unwelcome and/or Offensive Behavior/Remarks/Actions) and referred to the Superintendent for disciplinary actions and possible termination, and the proper authorities will be notified.

- d. A certified employee found to be in violation of this section of the School Safety and Discipline Policy will be immediately placed on administrative leave through the investigation (School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, & Report of Allegation Complaint, and School Safety & Discipline Forms 1-1f – Investigation & Determination of Unwelcome and/or Offensive Behavior/Remarks/Actions) and will be referred to the School Board of Trustees for possible due process hearing and possible termination, and the proper authorities will be notified.
- e. Visitors who are in violation of this section of the School Safety and Discipline Policy may be prohibited from entering any school premises including, but not limited to, attending any school sponsored activity, regardless of location, and referred to the proper authorities (I.C. 33-512).
- f. It is a violation of the law and this policy to retaliate against any individual filing a complaint or any person assisting in bringing a complaint, or any person participating in an investigation. Any student, employee, or visitor experiencing retaliation because they filed a School Safety & Discipline Report of Complaint of Unwelcome and/or Offensive Behavior/Remarks/Action Form 1 should file a separate complaint regarding the alleged retaliation.
- g. Students, employees, or third parties may also be referred to law enforcement officials. Should the District have reason to believe that a child under the age of eighteen (18) years of age has been abused, abandoned, or neglected, or has been subjected to conditions that would reasonably result in abuse, abandonment, or neglect, the school shall follow appropriate reporting requirements pursuant to the Child Protective Act and MHSD Child Abuse Policy. Failure to report abuse, abandonment, or neglect of a child is a misdemeanor under Idaho law. (I.C. 16-1605)
- h. An employee, at any time, may file a discrimination or harassment claim with the Idaho Human Rights Commission (IHRC) and the Equal Employment Opportunity Commission (EEOC). The addresses of these organizations are:

Idaho Human Rights Commission	Equal Employment Opportunity Commission
317 W. Main St.	909 1 st Ave, Ste. #400
Boise, Idaho 83702	Seattle, Washington 98104
- i. School authorities also have the right to prevent visitors/guests and other persons from entrance to school properties and facilities and may place a No Trespass Order against that person(s).

D. **BOMB THREAT & DISCIPLINE** -

1. Bomb Threat is defined as:

- a. Bomb: Includes, but is not limited to, placing or detonating a container or a container that looks like bomb, or a container filled with explosive, incendiary material, smoke, or other destructive substance, designed to explode on impact or when detonated by a time mechanism, remote-control device, or lit fuse.
- b. Bomb Threat: A bomb threat is legally defined as the communication through the use of mail, e-mail, telephone, telegram, or other instrument of commerce; the willful making of any threat; or the malicious conveyance of false information knowing the same to be false which concerns an attempt being made, or to be made; to kill, injure, intimidate any individual; or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of an explosive.

2. Discipline:

- a. A student involved in a bomb threat, or knowingly assists another student(s) in a bomb threat, against a school, school bus, or any school-sponsored activity, or who possess, stores, or uses a bomb or a container that looks like bomb or a container that holds explosive, incendiary material, smoke, or other destructive substance, or other objects or substances capable of being used as bomb or other weapon, without permission from school officials, and may be immediately suspended for a minimum of five (5) days.
 - The administrator in charge of the case will meet with the superintendent of schools, or designee, as soon as possible to consider the evidence. Students found to be in violation of this section of the School Safety and Discipline Policy will be referred to the District Review Committee or the School Board of Trustees with recommendation for further suspension or expulsion, and the proper authorities will be notified.
- b. Classified school district employees who are involved in a bomb threat against a school or who possess, store, or use a bomb or a look alike bomb or a container that holds explosive, incendiary material, smoke, or other destructive substance, or other objects or substances capable of being used as bomb or other weapon, without permission from school officials, may be placed on leave without pay and be referred to the Superintendent for disciplinary actions and possible termination; the proper authorities would be notified.
- c. Certified school district employees who are involved in a bomb threat against a school or who possess, store, or use a bomb or a look alike bomb or a container that holds explosive, incendiary material, smoke, or other destructive substance, or other objects or substances capable of being used as bomb or other weapon, without permission from school officials, may be placed on administrative leave and referred to the School Board of Trustees for a due process hearing and possible

termination; the proper authorities would be notified.

- d. Visitors who are involved in a bomb threat against a school or who possess, store, or use a bomb or a look alike bomb or a container that holds explosive, incendiary material, smoke, or other destructive substance, or other objects or substances capable of being used as bomb or other weapon, without permission from school officials, may be prohibited from entering any school premises including, but not limited to, attending any school sponsored activity, regardless of location, and referred to the proper authorities (I.C. 33-512).

E. **DRUG/ALCOHOL/CONTROLLED SUBSTANCES & DISCIPLINE** –

1. Drugs/Alcohol/Controlled Substances are defined as follows:

- a. Any drug, obtainable with or without a prescription, which can be used in a manner dangerous to the health of the user. This includes, but is not limited to depressants (barbiturates, phenobarbital, diazepam, clonazepam, alcohol, GHB, etc.), stimulants (nicotine, cocaine, crack, amphetamine, methamphetamine, ecstasy, etc.), hallucinogens (psilocybin [mushrooms], LSD, peyote, DMT, etc.), opioids & prescription drugs (heroin, codeine, morphine, hydrocodone, oxycodone, Vicodin, codeine, ketamine, anabolic steroids, Xanax, Klonopin, valium, etc.), inhalants (nicotine, vaping/e-cigarettes liquids).
 - Prescription and over the counter medications are permitted as long as the student has a Medication Procedure Form on file in the front office prior to using or carrying the medication.
 - This does not apply to inhalants used for asthma, bronchitis, or other respiratory issues; a medication prescription is required, and the Prescription Medication Form signed and submitted to the front office of the school.
 - This does not apply to Epinephrine Auto-Injectors for allergies; a medication prescription is required, and the Prescription Medication Form signed and submitted to the front office of the school.
- b. Distribution: Students, employees, and visitors/guests who share and/or sell dangerous drugs/alcohol/controlled substances, or other dangerous drugs to other students, employees, or persons on or near District property any time during school hours or at a school sponsored activity, regardless of location, are considered to be distributors.
- c. Found: Positive proof has been established that the student, employee, or visitor/guest, is involved in the use, possession, or distribution of alcohol or other drugs and tobacco/vaping liquids.

2. Discipline:

- a. Students found to be using and/or distributing either by selling or sharing, dangerous drugs/alcohol/controlled substance, including, but not limited to, look-alike or synthetic drugs, or students, engaged in drug/alcohol/controlled substance related behavior on or near owned or contracted school property and facilities, or at school sponsored events regardless of location, and as interpreted by the School Board of Trustees are in violation of this section of the School Safety and Discipline Policy, will be referred to the District Review Committee for disposition or to the School Board of Trustees for a hearing for possible expulsion.
 - A student found to be in violation of this section of the School Safety and Discipline Policy may be immediately suspended for up to five (5) days. The administrator in charge of the case will meet with the superintendent of schools, or designee, as soon as possible to consider the evidence. Those determined to be in violation will be referred to the District Review Committee or the School Board of Trustees with recommendation for further suspension or expulsion, and the proper authorities will be notified.
- b. Classified school district employees found to be using and/or distributing dangerous drugs, either by selling or sharing, dangerous drugs/alcohol/controlled substance, including, but not limited to, look-alike or synthetic drugs, or engaged in drug related behavior on owned or contracted school property and facilities, or at school sponsored events regardless of location, and as interpreted by the School Board of Trustees are in violation of this section of the School Safety and Discipline policy, may be placed on leave without pay and referred to the Superintendent for disciplinary actions and possible termination; the proper authorities will be notified.
- c. Certified employees found to be using and/or distributing dangerous drugs, either by selling or sharing, dangerous drugs/alcohol/controlled substance, including, but not limited to, look-alike or synthetic drugs, or engaged in drug related behavior on owned or contracted school property and facilities, or at school sponsored events regardless of location, and as interpreted by the School Board of Trustees are in violation of this section of the School Safety and Discipline Policy, may be placed on administrative leave and referred to the School Board of Trustees for a due process hearing and possible termination; the proper authorities will be notified.
- d. Visitors/guests found to be using and/or distributing dangerous drugs, either by selling or sharing, dangerous drugs/alcohol/controlled substance, including, but not limited to, look-alike or synthetic drugs, or engaged in drug related behavior on owned or contracted school property and facilities, or at school sponsored events regardless of location, and as interpreted by the School Board of Trustees are in violation of this section of the School Safety and Discipline Policy, may be subject to, but not limited to, prohibition from entering any school premises or attending any school sponsored activity, regardless of location, and referred to the proper authorities and may be subject to a No Trespass Order. (I.C. 33-512)

F. **ELECTRONIC/DIGITAL COMMUNICATION AND ENTERTAINMENT DEVICES VIOLATIONS & DISCIPLINE:**

1. Electronic/Digital Communication and Entertainment Devices are defined as follows:
 - a. Any electronic/digital device includes, but are not limited to, personal cell phones, tablets, electronic notebooks and similar devices, personal computers, laptops, iPods/iPads, MP3 Players, and other similar devices or media players, without regard to the commercial name or manufacturer of the device, whether handheld, car models, laptop, or other computer usage, or combinations of any of the above.
 - b. Social Media Networks include, but are not limited to, websites, blogs, wikis, social networks, online forums, virtual worlds, and any other digital/technical social media generally available to the public that does not fall within the District's technology network (e.g. Non-School District Network Facebook, Twitter, LinkedIn, Flickr, YouTube, Instagram, Snapchat, blog sites, Wikipedia, and etc.).
 - c. Exceptions are as follows:
 - With prior approval from the building principal
 - With teacher approval
 - During an emergency situation involving the immediate health/safety of a student or other individual(s)
 - Athletic and other Extracurricular activities and events
2. Students may not use electronic/digital communication or entertainment devices on school property and facilities, or at school-sponsored activities, regardless of location, to access and view Internet websites, including social media networks, that are otherwise blocked to students at school or to take part in any activity prohibited in the District's Computer & Network Services Policy and Procedures without prior authorization from school administration. (See Computer & Network Services Policy and Procedures)
 - a. A student may possess an electronic/digital communication or entertainment device in school, on school property, and at school-sponsored activities, provided that during school hours and on school vehicles the device remains off (not just placed into vibrate or silent mode) and stored out of sight.
3. The use of electronic communication or entertainment devices with built-in cameras/video/audio is prohibited in school district facilities and on school district grounds including, but not limited to, classrooms, hallways, and at all times in locker rooms, bathrooms, and locations in which inappropriate or privacy violating images may be obtained.

4. The district is not responsible for theft, loss, damage, or vandalism to electronic/digital communication or entertainment devices brought onto its property.
5. Parents/guardians are advised that the best way to get in touch with their child during the school day is by calling the school's main office. Students may use designated school phones to contact parents/guardians during the school day.
6. Discipline:
 - a. Students found to be in violation of using his/her electronic/digital communication and entertainment device may have their electronic/digital communication or entertainment devices taken from them by the classroom teacher or building administration. The decision to return the electronic/digital communication or entertainment devices and the disciplinary action taken against the student who violated this portion of the policy and the Computer Network Services Policy and Procedures would be in accordance with the school building policy.
 - Parents/guardians may be notified that their student had their electronic/digital communication or entertainment device taken from them, the reason for the action, and what would be required to have the device returned to the student.
 - Parents/guardians may be notified of the disciplinary action that would be taken against their student.
 - b. MHSD employees found to be using his/her electronic/digital communication and entertainment device inappropriately and in violation of the Computer Network Services Policy and Procedures may expect to be disciplined accordingly.
 - c. Guests/Visitors found to be using his/her electronic communication and entertainment device inappropriately may be subject to a No Trespass Order.

LIABILITY

The district and its employees will not be liable for any claim which arises out of injury to a person by a person under supervision, custody, or care of the district when acting within the course and scope of their employment and without malice or criminal intent and without reckless, willful and wanton conduct as defined in section 6-904C, Idaho Code.

NOTICE

At the beginning of each school year, each school building will inform their students, their parents/guardians, and their employees of the district's School Safety & Discipline Policy and Procedures that addresses Zero Tolerance of weapons, of violence, of threats, of technological abuses, of unacceptable and/or unwelcome offensive and/or inappropriate behavior, remarks, actions or conduct, of illegal behaviors and offences, of drugs and alcohol is published on the

district website www.mtnhomesd.org.



LEGAL REFERENCE:

ZERO TOLERANCE:

(I.C. Title 18, Chapter 9 – Assault & Battery, Chapter 15 – Children & Vulnerable Adults, Chapter 33 – Firearms, Explosives, & Weapons, Chapter 41 – Indecency & Obscenity, Chapter 42 – Intoxicants & Intoxication, Chapter 61 – Rape, Chapter 66 – Sex Crimes, Chapter 67 – Communications Security, Chapter 73 – Civil Rights, Chapter 79 – Malicious Harassment; Title 20, Chapter 5 – Juvenile Corrections Act; Title 33, Chapter 2 – Attendance at School, Chapter 5 – District Trustees (Government of Schools), Chapter 16 – Courses of Instruction; Title 37, Chapter 27 – Uniformed Controlled Substances; IDAPA 08.02.03.160 – Safe Environment & Discipline; PL 100-690 & 94-142; Drug-Free Schools and Communities Act of 1988; Title IX – Education Amendments of 1972; Idaho Coalition Against Sexual & Domestic Violence, Center for Healthy Teen Relationships) (*See also Bullying, Harassment, and Abuse Against Students Policy, Procedure, & Forms; Child Abuse Policy; Computer & Network Services Policy and Procedures; Drug-Alcohol Free Workplace Policy for Employees & Students; Medications Policy & Forms, Nondiscrimination Policy & Form; Sexual Harassment Policy & Form; Searches, Seizures, & Interviews Policy & Form; Tobacco & Other Inhalants Policy, and Video & Electronic Surveillance Policy*)

WEAPONS & DISCIPLINE – (18 U.S.C., Section 921, 18 U.S.C., Section 930, I.C. Title 18, Chapter 9 – Assault & Battery, Chapter 33 – Firearms, Explosives, & Weapons (18-3302A-J, 18-3313), Chapter 79 – Malicious Harassment); Title 20, Chapter 5 – Juvenile Corrections Act (20-509); Title 33, Chapter 2 – Attendance at School (33-205), Chapter 5 – District Trustees (33-512); Elementary and Secondary Education Act, Section 4141 (2001) (*See also Searches, Seizures, & Interviews Policy & Procedure*)

VIOLENT, ABUSIVE, DISCRIMINATIVE, INTIMIDATING, BULLYING, & HARASSMENT ACTS INCLUDING ADOLESCENT/TEEN RELATIONSHIPS/DATING VIOLENCE/ABUSE & DISCIPLINE

– (I.C. Title 6, Chapter 9 (6-904 – Exceptions to Governmental Liability; Title 16 – Juvenile Proceedings, Chapter 16 – Child Protective Act, Section 1605 – Reporting of Abuse, Abandonment and Neglect, Title 18, Chapter 9 – Assault & Battery (18-917A - Student Harassment-Intimidation-Bullying, as amended by HB0246, Session), Chapter 15 – Children & Vulnerable Adults; Chapter 33 – Firearms, Explosives, & Weapons (18-3302I, 18-3313), Chapter 41 – Indecency & Obscenity, Chapter 42 – Intoxicants & Intoxication, Chapter 61 – Rape, Chapter 66 – Sex Crimes, Chapter 79 – Malicious Harassment; Title 33, Chapter 2 – Attendance at School (33-205), Chapter 5 – District Trustees (33-512(6) – Governance of Schools); Chapter 16 – Course of Instruction (33-1612 – Thorough System of Public Schools); Law Chapter 289 of the 2015 Legislature, IDAPA 08.02.03.160; Title IX – Education Amendments of 1972; U.S. Dept. of Education Office of Civil Rights, January 2001, Idaho Coalition Against Sexual & Domestic Violence; Center for Healthy Teen Relationships) (*See Bullying, Harassment, and Abuse Against Students Policy, Procedure, & Forms; Child Abuse Policy; Nondiscrimination Policy & Form; School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, & Report of Allegation Complaint, and School Safety & Discipline Report of Complaint of Unwelcome and/or Offensive Behavior/Remarks/Action Form 1, Sexual Harassment Policy, & Form; Computer & Network Services Policy and Procedures; Searches, Seizures, & Interviews Policy & Procedure, and Video & Electronic Surveillance Policy*)

BOMB THREAT & DISCIPLINE - (18 U.S.C., Section 921, 18 U.S.C., Section 930; I.C. Title 18, Chapter 9 – Assault & Battery, Chapter 33 – Firearms, Explosives, & Weapons (18-3302(D)(I), 18-3313), Chapter 67 – Communications Security, Chapter 79 – Malicious Harassment); Title 20, Chapter 5 – Juvenile Corrections Act (20-509); Title 33, Chapter 2 – Attendance at School, (33-205 – Denial of School Attendance) Chapter 5 – District Trustees (33-512 – Governance of Schools); Elementary and Secondary Education Act, Section 4141 (2001). (*See also Searches, Seizures, & Interviews Policy & Procedure*)

DRUG/ALCOHOL/CONTROLLED SUBSTANCES & DISCIPLINE – (I.C. 20-516 – Apprehension & Release of Juveniles – Detention, 23-105 – Alcoholic Liquor Defined, 23-1001 – Alcoholic Beverages Definitions, 33-205 – Denial of School Attendance, 33-210 – Student Using or Under the Influence of

Alcohol or Controlled Substances, 33-512(6) – Governance of Schools, Title 37, Chapter 27, et seq. – Uniform Controlled Substances, and 37-2732C – Using or Being Under the Influence, 39-5501, et seq. – Idaho Clean Indoor Air Act, 39-5502, et seq. – Idaho Clean Indoor Air Definitions, 39-5507, et seq. – Violations, 39-5701, et seq. – Prevention of Minors’ Access to Tobacco, 39-5702 – Prevention of Minors’ Access to Tobacco Definitions, 39-5703 – Possession, Distribution, or Use by a Minor, Drug-Free Schools and Communities Act Amendments of 1989, PL 101-206 and all subsequent amendments, IDAPA 16.02.23 – Rules Governing Indoor Smoking) (*See also Drug-Alcohol Free Workplace for Employees & Students Policy; Searches, Seizures, & Interviews Policy & Procedure; Medications Policy & Forms, Tobacco & Other Inhalants Policy*)

ELECTRONIC COMMUNICATION AND ENTERTAINMENT DEVICES

VIOLATIONS & DISCIPLINE: (*See also Computer & Network Services Policy & Procedures*)

Idaho Code Title 6 – Actions in Particular Cases, Chapter 2, Section 6-210 (Recovery of Damages for Economic Loss Willfully Caused by a Minor), Chapter 9, Section 6-904A (Exceptions to Governmental Liability)

Idaho Code Title 16 – Juvenile Proceedings; Chapter 16 – Child Protective Act, Section 16-1605 (Reporting Abuse/Abandonment/Neglect), 16-1606 (Immunity), 16-1616-1618 (Investigation)

Idaho Code Title 18 – Crimes & Punishment, Chapter 4 (Abandonment); Chapter 9 – Assault & Battery (Assault, Abuse of Teachers, Hazing, Student Harassment, Intimidation, Bullying, Domestic Violence); Chapter 15 – Children & Vulnerable Adults; Chapter 33 – Firearms/Explosives/Deadly Weapons, Sections 18-3302(A-J) (Weapons), 18-3313 (Fire/Bomb Threats); Chapter 41 – Indecency & Obscenity; Chapter 42 – Intoxicants & Intoxication; Chapter 61 – Rape; Chapter 66 – Sex Crimes; Chapter 67 – Communications Security; Chapter 73 – Civil Rights; Chapter 79 – Malicious Harassment); Chapter 85 (Gangs)

Idaho Code Title 20 – State Prison & County Jails, Chapter 2 – Juvenile Corrections Act; Sections 20-516 (Apprehension of Juveniles), 20-527 (Truancy)

Idaho Code Title 33 – Education, Chapter 2 – Attendance, Sections 33-205 (Denial of Attendance), 33-209 (Disciplinary Records), 33-210 (Drug/Alcohol), Chapter 5 – District Trustees (Governance of Schools), Chapter 12 – Teachers, Chapter 16 – Courses of Instruction, Section 33-1612 (Safe Schools/Education Empowerment/Skills/IDAPA)

Idaho Code Chapter 37 – Food, Drugs, & Oil; Chapter 27 – Uniform Controlled Substances, Articles II-IV (Narcotics & Using/Under the Influence)

Idaho Code Title 39 – Health & Safety, Chapter 55 – Clean Indoor Air, Sections 39-5501 – 39-5507, et seq., Chapter 39, Section 57 – Prevention of Minor Access to Tobacco, et seq.

18 USC Chapter 7 (Assault); Chapter 26 (Gangs); Chapter 39 (Explosives); Chapter 44 (Firearms), Sections 921-931

IDAPA 08.02.03.160 – Safe Environment and Discipline

IDAPA 16.02.23 – Rules Governing Indoor Smoking

Americans with Disabilities Act

Individuals with Disabilities Education Act (P.L. 94-142 Education of Handicapped)

Rehabilitation Act 1973 (Disabled; Section 504)

Title IX, Education Amendments of 1972

Drug-Free Schools & Communities Act (1988)

Elementary and Secondary Education Act 2001 (ESEA), Sections 4141(Gun-Free Requirements), 4155 (Transfer of Disciplinary Records), 4303 (Nonsmoking Policy)
Idaho Coalition Against Sexual & Domestic Violence
Center for Healthy Teen Relationships - 2014
www.startstrongteens.org & www.idvsa.org
MHSD Bullying, Harassment, and Abuse Against Students Policy & Procedures
MHSD Child Abuse Policy
MHSD Computer & Network Services Policy & Procedures
MHSD Denying Enrollment – School Board of Trustees Statement
MHSD Drug-Alcohol Free Workplace for Employees & Students Policy
MHSD Medications Policy & Procedure Forms
MHSD Nondiscrimination Policy & Procedure
MHSD Restraint or Seclusion of Students Policy & Procedure
MHSD Searches, Seizures, & Interviews Policy & Procedure
MHSD Sexual Harassment Policy & Form
MHSD Student Handbook Policy
MHSD Suicide Prevention Policy
MHSD Tobacco & Other Inhalants Policy
MHSD Video Surveillance Policy

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