

Student Discipline

The District is committed to protecting the morals, health, safety, and academic learning environment for the students of the District. A statement of the following procedures and the guiding policy established by the Board will be included in student handbooks and made available to parents and guardians to inform them of the District's rules on discipline. Only those procedures adopted by the Board will be considered the official disciplinary procedures of the District.

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

1. Habitual truancy;
2. Incurability;
3. Willful disobedience;
4. Academic dishonesty;
5. Harassment, intimidation, bullying or cyber bullying
6. Conduct continuously disruptive of school discipline or of the instructional effectiveness of the District;
7. Conduct or presence of a student when the same is detrimental to the health and safety of other pupils;
8. Using, possessing, distributing, purchasing, or selling tobacco products;
9. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend school functions and are treated as though they had alcohol in their possession;
10. Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. Students who are under the influence are not permitted to attend school functions and are treated as though they had drugs in their possession;
11. Assembly or public expression that advocates the use of substances that are illegal to minors or otherwise prohibited within this policy;
12. Using, possessing, controlling, or transferring a weapon in violation of the "Possession of Weapons in a School Building" section of this policy;
13. Knowingly assisting another person in possessing, carrying, or using a "weapon";
14. Using, threatening to use, possessing, controlling, or transferring any object or substances which are manufactured, used, intended for use as, or could be reasonably considered to be a weapon;
15. Possessing, carrying, using, or threatening to use any normally non-dangerous object or substance with the threat, intent, or result of causing harm to another person or property;
16. Disobeying directives from staff members or school officials or rules and regulations governing student conduct;
17. Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct;

18. Causing or attempting to cause damage to, defacing, stealing, or attempting to steal, school property or another person's property including by arson;
19. Engaging in any activity that constitutes disorderly conduct, an interference with school purposes or an educational function or any disruptive activity;
20. Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants;
21. Hazing – For purposes of this policy, the term “hazing” shall have the meaning set forth in I.C. § 18-917
22. Initiations;
23. The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the school;
24. Displays of affection beyond holding hands and hugs;
25. Vulgar, obscene, profane, or disrespectful gestures or language, written or spoken;
26. Gambling;
27. Extortion;
28. Operation of any motorized vehicle in a dangerous manner on or near school property;
29. Throwing snow, ice, or dangerous items;
30. Fighting; and
31. Any other acts affecting health, morals and safety of others.

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

1. On, or within sight of, school grounds before, during, or after school hours or at any other time when the school is being used by a school group;
2. Off school grounds at a school-sponsored activity, or event, or any activity or event which bears a reasonable relationship to school;
3. Traveling to and from school or a school activity, function, or event; or
4. Anywhere, including off-campus, if the conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member, or an interference with school purposes or an educational function.

### Disciplinary Measures

Disciplinary measures include, but are not limited to:

1. Expulsion;
2. Suspension (in or out of school);
3. Detention, as needed;
4. Clean-up duty;
5. Loss of student privileges;
6. Loss of bus privileges;
7. Notification to juvenile authorities and/or police;
8. Restitution for damages to school property;
9. Student behavior contracts; and
10. Other individualized disciplinary measures

## Specific Infractions

**Insubordination, Willful Disobedience, and Disruptive Behavior:** In all cases where students are insubordinate to teachers, administrators, or non-certified staff, the student may be suspended. Disrespectful language, lewd conduct, or public displays of affection are included in this category. The student may be considered for removal from the class. Continued violations may result in the student being recommended for expulsion. Any written or verbal threats directed to staff or students will be considered for suspension and/or expulsion.

**Violence and Fighting:** In cases of violence and fighting, the student may be suspended from school and a parent conference may be conducted. Based on the circumstances, the student may be recommended for expulsion from school.

**Vandalism and Arson:** In cases of vandalism or arson the student will be suspended from school and a parent conference will be conducted. Based on the circumstances, the student may be recommended for expulsion from school.

**Use of Tobacco and/or Nicotine:** Offenders may be subject to suspension. Repeat offenders will be suspended or the student may be recommended for expulsion from school.

**Alcohol:** Students who are under the influence or in possession of alcoholic beverages will be suspended for the first offense with the concurrence of an individual qualified to make a reasonable suspicion determination. A repeat infraction shall result in suspension and may result in a recommendation for expulsion. The administration shall cooperate with local state and federal agencies in the detection, prevention, and prosecution of any and all violations.

**Other Drugs:** Students who are under the influence or in possession of illegal drugs will be suspended from school for the first offense with the concurrence of an individual qualified to make a reasonable suspicion determination. The repeat infraction shall result in a recommendation to the Board for expulsion from school. Any student selling or attempting to sell or distribute illegal drugs will be reported to law enforcement agencies, and ~~be subject to expulsion.~~ be recommended for expulsion from school.

## Gun-Free Schools

This District is committed to providing a safe environment for all students and staff. As a result, this District has a policy of “zero tolerance” for students who bring weapons or other objects or substances to school which are a threat to the health and safety of other students, staff members, or visitors, or are a disruption to the educational process.

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

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

Any student subject to an expulsion shall be entitled to a hearing before the Board, in accordance with Idaho Code and Policy 3340.

### Possession of a Weapon On School Property

Per Idaho Code 18-3302, it is unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on school property or in those portions of any building, stadium, or other structure on school grounds which, at the time of the violation, are being used for an activity sponsored by or through a school in this state or while riding school-provided transportation. This also applies to students of schools while attending or participating in any school sponsored activity, program, or event regardless of location.

In addition to District disciplinary actions, a student may also be subject to criminal sanctions for the possession of a weapon. The District will cooperate with local law enforcement, as appropriate, in the prosecution of these charges.

As used in this section of this Policy only:

1. "Deadly or dangerous weapon" means any weapon as defined in 18 U.S.C. section 930;
2. "Firearm" means any firearm as defined in 18 U.S.C. section 921;
3. "Weapon" means any device, instrument, material, or substance designed to cause serious physical injury, or any item which, under the circumstances it is used, attempted to be used, or threatened to be used, is readily capable of causing serious physical injury. This may include, but is not limited to firearms, knives of all kinds; straight razors; metal knuckles; any explosive, incendiary, or poisonous gas; any combustible or flammable liquid; or any other item which is used to threaten, strike terror, or cause bodily harm or death even though it is normally considered to not present a danger to others; and
4. "Possession" includes both actual possession and constructive possession. "Active possession" means the individual knowingly exercises direct physical control over an object", while "constructive possession" means the individual is not in actual possession but knowingly has the power and intent at a given time to exercise dominion or control over an object, either directly or through another person.

A student is deemed to possess a weapon when the item is found to be in any of the following locations:

- a. On a student's person;

- b. In the student's personal property, including but not limited to the student's clothing, backpack, purse, or any other item the student transports or carries or causes to be transported or carried to school;
- c. A vehicle the student drives or is transported in and is parked on school property;
- d. The student's locker; or
- e. Any other school-related location.

The Superintendent or designee will immediately confiscate any item identified as a weapon. Students reasonably believed to be in possession of a weapon, or to have used or have intended to use these items may be suspended from school until an investigation is completed. Any person who possesses, carries, or stores a weapon in a school building or on school property, except as provided below, shall be referred to law enforcement for immediate prosecution, as well as face disciplinary action by the District. The District shall cooperate with any investigation by the agency, including, but not limited to delivering to law enforcement the item which was confiscated.

The student shall be expelled for any violation of the portion of this policy concerning weapons violations unless the Board votes otherwise after considering the totality of the circumstances. The expulsion shall be for a period of not less than twelve (12) calendar months. The Board may modify the expulsion order on a case-by-case basis.

In the event that a student discovers a pocketknife in their possession or on school property, the student must disclose and immediately turn it over to a staff member at the school. A pocketknife is not necessarily a weapon unless it is used under circumstances where serious physical injury is caused, attempted, or threatened. Any student who possesses and brandishes a pocketknife (whether intentional to cause harm or not) will be subject to suspension and an expulsion hearing.

In instances where a student is found to have brought a pocket knife onto school grounds, and investigation may proceed in the following manner:

1. The school administrator will investigate and determine the reason for possession of a pocketknife on school grounds;
2. The school administrator will consult with the Superintendent or designee to determine the appropriate disciplinary action, which may include suspension or expulsion;
3. The student's parent/guardian will be contacted immediately; and
4. A meeting will take place with the parent/guardian, student, and school administrator with input from a Superintendent. Documentation of the incident and meeting shall be added to the Student Information System.

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

This section of this policy does not apply to:

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

#### Assault and Battery

District policy prohibits students from committing acts of violence against other students, District personnel, or other persons. Any assault or battery by a student on an employee of this District, another student, or other person, occurring on or near the school grounds or at a school sponsored event will result in the student being disciplined.

Further, any person, including a student, who, while on school grounds, willfully threatens, by word or act to do violence to any other person on school grounds may be referred to law enforcement for prosecution. This expressly includes anyone who willfully threatens, by word or act, to use a firearm or other deadly or dangerous weapon.

“Assault” shall mean any willful attempt or threat to inflict injury upon another person, when coupled with an apparent present ability to do so, and any intentional display of force such as would give the individual reason to fear or expect immediate bodily harm. An assault may be committed without actually touching, or striking, or doing bodily harm to another person.

“Battery” is defined as the willful and unlawful use of force or violence, or the actual, intentional, and unlawful touching or striking against the will of another, or unlawfully and intentionally causing bodily harm.

#### Procedure History:

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