

Mountain Home School District No. 193

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SCHOOL BOARD MEETING  
JANUARY 19, 2010  
SCHOOL ADMINISTRATION OFFICE

TRUSTEES PRESENT: Chairman Alexander, Trustee House, Trustee Reynolds, Trustee Murray

OTHERS PRESENT: Tim McMurtrey, James Gilbert, Cliff Ogborn, Sharon Whitman, Connie Donahue, Phil Raney, Albert Longhurst, Nikki Cruser, Katherine Hudson, Jackie Harper, Ernie Elliott, John Lay, Bill McCarrel, Polly Sanders, Anita Straw, Jeff Johnson, Sherri Ybarra, Nancy Brletic, Robin Riger, Kerrie Raines

At 7:30 p.m., Chairman Alexander convened the regular meeting of the Board of Trustees and called for the first item of business.

I. **APPROVE THE MINUTES OF THE REGULAR BOARD MEETING OF DECEMBER 15, 2009.**

Chairman Alexander called for a motion to approve the minutes of the regular board meeting of December 15, 2009. There being no comment, Trustee House moved to approve the regular board meeting of December 15, 2009, with a second from Trustee Reynolds. Motion approved.

II. **FINANCIAL REPORTS** – Cliff Ogborn. Mr. Ogborn reported on the financial statements for December 2009. The statements for December reflected a balance of \$1,567,650. Investments in the State Investment Pool are at \$4,785,101. Unobligated cash and investments are \$5,809,088 net of interfund payables. The district did receive another payment from Impact Aid of \$252,482, which was a combination of an overpayment of the 2008 students and an underpayment of the 2007 students. The Income Statement reflected revenue through December is \$15,797,122. Expenses show salaries are at \$7,161,477 of original budget, and benefits are \$2,414,346. As of December 31, we have a net margin of revenues in excess of expenses of \$4,475,881.

Mr. Ogborn went on to report the Governor announced a proposed 1.6% holdback on funding for this year. This amounts to an estimated \$300,000 of lost revenue to the District. This lost revenue on top of a FY09 deficit of \$157,000 and a budgeted loss in FY10 of \$417,400 may mean that at the end of June 2010, we will have a negative fund balance of \$870,000.

Trustee Reynolds moved to approve the financial report as presented by Mr. Ogborn. Motion seconded by Trustee Murray. Motion passed.

III. **CONSIDERATION OF BILLS** – Cliff Ogborn. Mr. Ogborn presented the district bills for approval. Trustee House moved to authorize payment of the district's bills as presented, with a second from Trustee Reynolds. Motion carried. (A full and complete listing of the District's bills may be reviewed at the District Office, Accounts Payable.)

IV. **STAFF/STUDENT RECOGNITION** – None

V. **DELEGATION** – None

VI. **PUBLIC INPUT** – None

VII. **REPORTS** –

A. **MOUNTAIN HOME AFB UPDATE** – Robin Riger. Ms. Riger reported Colonel Maxwell asked to pass on that the base is gearing up for a huge inspection next week. She also reported there would be a Military Child Education Coalition conference in Boise, February 8- 9, 2010, for those who work with military kids. The conference's focus is more towards guard and reserve units.

## VIII. UNFINISHED BUSINESS –

A. POLICY REVISION – 3<sup>rd</sup> and Final Reading – James Gilbert.

1. Searches, Seizures, and Interviews. Mr. Gilbert presented the third and final reading of the proposed revisions to Mountain Home School District No. 193 policy Searches, Seizures, and Interviews. The Policy Committee agreed the word “cause” should be replaced by the word “suspicion.” After a previous board meeting, the word “cause” was also changed to “suspicion” in another paragraph. Trustee Reynolds motioned to approve the third and final reading of the revision of Searches, Seizures, and Interviews, as presented by Mr. Gilbert. Trustee House seconded the motion. Motion carried.

**MOUNTAIN HOME SCHOOL DISTRICT NO. 193**  
**MOUNTAIN HOME, IDAHO 83647**  
**P O L I C Y**  
**SEARCHES, SEIZURES, AND INTERVIEWS**

Safety and order in the school environment is conducive to education and is essential in order for the academic process to be successful.

## I. RATIONALE FOR SEARCHES

Because of the school district's need to provide for the safety, health, security and welfare of students on owned or contracted school property, a school administrator, or designee, may conduct searches of students, students' property, school property, including lockers and desks, both in school and during school sponsored events on or off campus. These searches are based on the following propositions:

1. Education is an important state and local function and requires an atmosphere, which is free from danger and undue disorder.
2. The need to search is based on the right and responsibility that school officials have to maintain order and to ensure the proper functioning of the educational process.
3. Students should have a reduced expectation of privacy at school and during school sponsored activities.

On school property, the right of search extends beyond the student's locker and desk to the student's physical person, ~~and~~ his/her clothing, books, pocketbooks, carrying containers, and automobiles when school administrators consider that a search is necessary due to reasonable **suspicion** ~~cause~~.

In cases of reasonable **suspicion** ~~cause~~ or emergency, school administrators reserve the right to conduct searches with or without the student's presence or permission. **Searches may involve the use of drug dogs, metal detectors, or surveillance cameras.**

## II. SEIZURE OF ITEMS

Searches may result in the seizure by school authorities of contraband items, and/or items whose presence at school violates state laws and/or school rules. Seizures include, but are not limited to, objects lawfully exposed to plain view, either in school and/or in student's automobile parked on school property, objects not within the exclusive possession of the student, and items found or activities observed in school areas normally under the control and supervision of school personnel.

Weapons, look-a-like weapons, illegal substances or objects, or other possessions reasonably determined by school authorities to be a threat to safety, or security to the possessor, or to others may be seized by school authorities. Items belonging to the school or other individuals may also be seized.

## III. STUDENT INTERVIEWS ON SCHOOL PREMISES BY OTHER THAN SCHOOL OFFICIALS

When outside officials perceive the need to interview or question a student in school, the school administrator,

or designee, will take reasonable steps to safeguard the student. The nature of the interview will be discussed with the school administrator or designee. Parents/guardians will be notified by the school administrator, or designee, unless parental contact will place the student at perceived risk.

#### IV. **RELEASE OF A STUDENT TO LAW ENFORCEMENT OFFICIALS**

In the absence of parental or guardian consent, the school administrator, or designee, may release a student to law enforcement officials if a warrant is issued, if the officer is arresting the student without a warrant, or the student is released by school officials, in writing, to law enforcement officials.

Legal Reference: I.C. 18-3302D, 20-516, 33-210, 33-512  
The Law of Education in Idaho Article 380

ADOPTED: January 8, 1973  
Revised: August 19, 1975  
Revised: April 18, 1995  
Reviewed: March 15, 2005  
Revised

2. Board Authority, Duties, and Responsibilities. Mr. Gilbert presented the third and final reading of the proposed revisions to Mountain Home School District No. 193 policy Board Authority, Duties, and Responsibilities. This was originally presented to the Board as reviewed with no recommended changes, but the Board directed the policy be revised to include then new Idaho Code language regarding school trustee term dates and transition. There has been no staff or patron input. Trustee Reynolds motioned to approve the third and final reading of the revision of Board Authority, Duties, and Responsibilities, as presented by Mr. Gilbert. Trustee House seconded the motion. Motion approved.

**MOUNTAIN HOME SCHOOL DISTRICT NO. 193**  
**MOUNTAIN HOME, IDAHO 83647**  
**P O L I C Y**  
**BOARD AUTHORITY, DUTIES, AND RESPONSIBILITIES**

The Mountain Home School District No. 193's Board of Trustees has the powers and duties attributed to it by the Constitution and laws of the State of Idaho. (Idaho Code 33-506)

The school district will be governed by a five (5) member board. **Except as otherwise provided by law, a school district trustee shall be elected for a term of three (3) years or until the annual meeting of his district held during the year in which his term expires, in accordance with Idaho Code 33-501 (Effective until January 1, 2011). Commencing in 2011, a school district trustee shall be elected for a term of four (4) years beginning at twelve o'clock noon on July 1 next succeeding his election, in accordance with Idaho Code 33-501 (Effective January 1, 2011).** ~~The members are elected for a three year (3 year) terms.~~ Each member must be a qualified voter in the school district and a resident of the zone (s)he represents. (Idaho Code 33-501)

**NOTE: Idaho Code 33-503A Transition of school trustee terms from three years to four years (Effective January 1, 2011). In order to achieve an orderly transition to terms of four (4) years, and to hold trustee elections in the odd-numbered years, the following schedule shall be followed:**

**(1) For school district with five (5) trustees:**

**(a) If two (2) trustees were elected to a regular trustee term in 2007, and one (1) trustee was elected to a regular term in 2008, then these three (3) trustees shall each serve a term that expires on July 1, 2011, and the trustees elected to a regular trustee term in 2009 shall each serve a term that expires on July 1, 2013.**

The Board shall have the power and duty to make by-laws, rules, and regulations for its government, and that of the district, consistent with the laws of the State of Idaho and the rules of the State Board of Education. (Idaho Code 33-506)

The Board as a whole has the power to adopt policies. Policies established by the Board will be carried out by the

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superintendent of schools or others as may be determined by the Board. (Idaho Code 33-506)

The Board will establish the educational policies for the district and will determine the personnel policies of the school system. The board will employ professional school administrators to manage the school system and employ necessary personnel. (Idaho Code 33-511)

The Board will have the responsibility of dispersing and accounting for funds to support the schools system, including the physical plant and necessary equipment. The Board will be responsible for having the books audited annually. (Idaho Code 33-701 & 33-801)

The Board is granted the authority to suspend, grant leave of absence, place on probation, or discharge certificated professional personnel for material violation of any lawful rules or regulations of the Board of Trustees or of the SBE or for any conduct which could constitute grounds for revocation of a teaching certificate. Any certificated professional employee, except the superintendent, may be discharged during a contract term. (Idaho Code 33-513, para 5)

MHSD Board of Trustees recognizes that the Superintendent is the executive officer of the Board of Trustees with such powers and duties that the Board may prescribe. The Board grants authority to the Superintendent or designee, the authority in School Board policy to act on behalf of the School Board and the School District in all administrative matters, including personnel matters. The Superintendent shall act as the authorized representative of the District whenever such is required, unless some other person shall be named by the Board of Trustees to act as its authorized representative. Therefore, the Board of Trustees hereby delegates all powers of the Board, which have not been specifically reserved by statute or Board policy, to the Board of Trustees. (Idaho Code 33-513, para 2)

The Board recognizes that there are situations, which arise concerning certificated employees, which may require immediate suspension or leave of absence. The Board has determined that if the Superintendent or his/her designee determines there exists reasonable articulable suspicion to believe that a certificated employee has engaged in a material violation of any lawful rule or regulation of the Board of Trustees or of the State Board of Education, has engaged in conduct which could constitute grounds for revocation of a teaching certificate, or is the subject matter of an investigation where the presence of the certificated employee may unduly influence or undermine a personnel investigation, whose conduct (1) violates the Idaho Code of Ethics, (2) creates an imminent threat to students or staff, (3) has violated school board policy, or (4) where suspension is necessary in order to complete an investigation involving that employee where staff and students may be interviewed, the Superintendent or his/her designee shall have the authority to suspend with pay the certificated employee pending the next regularly scheduled Board meeting or not less than six (6) days nor more than twenty-one (21) business days. The Board reserves the right to review and change the decision of the superintendent if the Board disagrees with the resolution of any employment issue. (Idaho Code 33-513)

The Superintendent or his/her designee shall be the person responsible for hiring, firing, disciplining, suspending, and any other action related to the employment of said classified employee whose conduct creates an imminent threat to students or staff, has violated school board policy, or where suspension is necessary in order to complete an investigation involving that employee where staff and students may be interviewed, subject to right to of grievance set forth in Idaho Code 33-517. The Board reserves the right to review and change the decision of the superintendent if the Board disagrees with the resolution of any employment issue. (Idaho Code 33-513)

The MHSD Board of Trustees will carry out their duties in accordance with Idaho Code 33-506, 33-508, 33-509, 33-510, 33-511, 33-512, and 33-514 as described in procedure.

Legal Reference: Idaho Code 33-501, 33-506, 33-510, 33-511, 33-512, 33-514, 33-517, 33-701, 33-801, 67-2341, and 67-2343

ADOPTED: February 20, 2007

Revised:

3. Board Meeting Regulations. Mr. Gilbert presented the third and final reading of the proposed revisions to Mountain Home School District No. 193 policy Board Meeting Regulations. This was originally presented to the Board as reviewed with no recommended changes, but the Board directed the policy be revised to include then new Idaho Code language regarding the agenda of the school board's regularly scheduled board meetings, addendums to the agenda, and add the district also posts the agenda on the school district website. There has been no staff or patron

input. Trustee Reynolds motioned to approve the third and final reading of the revision of Board Meeting Regulations, as presented by Mr. Gilbert. Trustee House seconded the motion. Motion granted.

**MOUNTAIN HOME SCHOOL DISTRICT NO. 193**  
**MOUNTAIN HOME, IDAHO 83647**  
**P O L I C Y**  
**BOARD MEETING REGULATIONS**

The Board of Trustees of Mountain Home School District No. 193, being a governing body subject to public scrutiny and the provisions of the Idaho Open Public Meetings Act, , and being desirous of establishing policies regarding the conduct of meetings of this Board, which policies will protect and ensure the public interest, and the rights of the public to observe the deliberation and decision making process of this Board, while maintaining order consistent with the efficient handling of the business of this Board, and being further desirous of fulfilling its obligation to create and maintain an accurate and official record of the proceedings of this Board, the Board of Trustees of Mountain Home School District No. 193 hereby promulgate:

1. Public Attendance Policy

- a. Open Meetings. Members of the public may attend all “open” sessions of this Board, which sessions shall be defined as all meetings other than those meetings, or parts thereof, which may be or which are required to be held in “executive” sessions by the laws of the state of Idaho, Idaho Code 67-2341, 67-2342, and 67-2345.

Attendance at said open meetings by members of the public is subject to observance and compliance with the rules of conduct set forth herein.

- b. Closed Sessions. Members of the public shall not be allowed to attend “executive” sessions of this Board unless invited by the Board, Idaho Code 67-2341, 67-2342, and 67-2345.
- c. Participation via telecommunications devices. Any board meeting may be conducted using telecommunications devices, which enable all participating board members to communicate with each other; provided, however, that at least one (1) board member, or the superintendent, must be physically present at the location designated in the meeting notice, to ensure that the public may attend such meeting in person. Such telecommunication devices may include, but are not limited to, telephone or video conferencing devices and similar communications equipment. All communications must be audible to the public attending the meeting in person and all participating Board members. Any Board member participating via telecommunications device shall be deemed to be present in person at the meeting.

2. Rules of Order

For maintenance of order necessary to the efficient conduct of the business of this Board, members of the public, trustees, and officials of the district shall be subject to the following rules of order:

- a. Ultimate Control. The chairperson of this Board shall preside over all meetings in accordance with the rules of procedure adopted by the Board and all final rulings on points of order and procedure shall be made by the chairperson. Except where otherwise specified, the proceedings of the Board shall be governed by Robert’s Rules of Order.
- b. Conduct in General. All persons in attendance at a meeting of the Board will speak only upon recognition and granting of leave by the chairperson and all persons will refrain from making or causing to be made any loud, raucous, abusive, or profane language or gestures.

No person attending said meetings shall have in their possession or subject to their control any devices of distraction, which would make noise, create bright or flashing light, and/or any banners, place cards, or signs.

No person in attendance of said meetings of the Board shall have any substance or article within their possession or subject to their control, which would constitute a menace or which would endanger the safety or well-being of those in attendance.

No person in attendance at said meetings of the Board shall smoke.

### 3. Public's Right to Address the Board

The Board of Trustees being interested in receiving input from the public consistent with the efficient processing of business of the Board will allow and/or restrict public comment at Board meetings as follows:

- a. When public input is to be received, members of public wishing to address the Board must be recognized by the chairperson. Said person should state his/her name. Length of comments shall be controlled by the chairperson.

### 4. Board Agenda

Items of business may be suggested by Board members, Clerk, administration, or patrons of the District for inclusion on the agenda. Business items suggested by patrons or the District should be submitted in writing and received in the office of the superintendent of schools **or Clerk of the Board of Trustees the Tuesday before the regular board meeting or** at least **six (6) ~~five (5)~~ business/working** days before the meeting in order to ensure inclusion on the written agenda and must be directly related to the district. Comments at special meetings must be related to the business of the meeting.

- a. **The Clerk of the board will prepare and post an agenda notice forty-eight (48) hours in advance of each regular meeting. The Board may amend the agenda, provided that a good faith effort is made to include in the original agenda notice all items known to be probable items of discussion. The agenda may be amended in the following manner:**
  1. **If the agenda is amended after it has been posted but there exists forty-eight (48) hours or more prior to the start of the meeting, the agenda may be amended by posting a new agenda.**
  2. **If an amendment to the agenda is proposed less than forty-eight (48) hours prior to a regular meeting but prior to the start of the meeting, the Clerk will post the proposed amended agenda, but it will not become effective until a motion is made at the meeting and the Board votes to amend the agenda.**
  3. **The Board may amend the agenda after the start of the meeting upon a motion that states the reason for the amendment and the good faith reason the agenda item was not included in the posted agenda.**
- b. Items of business may not be suggested from the floor for discussion and/or action at that same meeting except at the discretion of the chairperson or a majority of the Board members present.
  1. The Board will not hear complaints against personnel or any students in a public board meeting.
  2. All statements shall be directed to the chairperson; no member of the public may address or question board members individually.
- c. Copies of the agenda should be given to the Board members three (3) working days before the regular meetings and made available at the District Office, **posted at the entrance of the district office, and posted on the school district website** ~~to the news media and other~~ as determined by the Board before the regular meeting.
- d. Because of the need to efficiently conduct its business with the available time to deal with situations where unexpected issues arise and/or where the Board needs to address issues not on the agenda, the agenda may be modified before or at the meeting.

e. The agenda format shall be:

1. Call to Order
2. Approve minutes of previous meeting(s)
3. Financial Reports
4. Consideration of Bills
5. Delegation
6. Public Input
7. Reports
8. Unfinished Business
9. New Business
10. Executive Session
11. Adjournment

Upon consent of a majority of members present, the regular order of business at any meeting may be suspended.

Legal Reference: Idaho code Sections 33-510, 33-514, 33-515, 67-2340, 67-2341, and 67-2343 *et seq.*

ADOPTED: February 2, 1998

Revised: January 25, 2005

Revised:

**B. POLICY REVISION – 2<sup>nd</sup> Reading – James Gilbert.**

1. Sexual Harassment Policy. Mr. Gilbert presented the second reading of the proposed revisions to Mountain Home School District No. 193 Sexual Harassment policy. The language was revised to include cyber bullying, harassment, and any unwelcome sexually motivated attention (sexting), and add the word “written” and “images” as part of the definition. This is in accordance with Idaho Code. Trustee Murray motioned to approve the second reading of the revision to the Sexual Harassment Policy, as presented by Mr. Gilbert. Trustee Reynolds seconded the motion. Motion passed.

**MOUNTAIN HOME SCHOOL DISTRICT NO. 193  
MOUNTAIN HOME, IDAHO 83647  
P O L I C Y  
SEXUAL HARASSMENT POLICY**

The Board of Trustees will not condone or allow sexual harassment of its students or employees, whether engaged in by fellow students, teachers, or any person. Consequently, sexual harassment of students and employees, whether verbal, **written**, physical, **images**, **cyber**, **unwelcome sexually motivated attention**, and/or implied, and whether engaged in by employees, students, volunteers, or any person is unacceptable and will not be tolerated.

The Board of Trustees encourages the reporting of all incidences of sexual harassment. The Superintendent of Schools or designee will govern the implementation of the procedures regarding this policy.

Legal Reference: Title VII, Civil Rights Act of 1964

U.S. Department of Education Office of Civil Rights, January 2001

42 U.S.C. 2000e-2(a)

Idaho Code Sections: 16-1619, 18-917A, 33-205, 33-512(6)

Title IX of the Education Amendments of 1972

ADOPTED: August 16, 1994

Revised: June 15, 2004

Reviewed: September 18, 2007

Revised:

2. School Safety and Discipline. Mr. Gilbert presented the second reading of the proposed revisions to Mountain Home School District No. 193 School Safety and Discipline policy. The policy was revised to include a statement concerning “bomb threats” as provided by Idaho Code. The words “Alcohol” and “Controlled Substances” were added for clarification, as were Idaho Code references. There has been no staff or patron input. Trustee House asked to replace the word “will” to “may” regarding Zero Tolerance and referring students to the District Review Committee or recommend expulsion. Chairman Alexander stated the line is a quote from Idaho Code and the word “will” needs to remain. Trustee House then asked to withdraw her recommendation. Trustee Murray motioned to approve the second reading of the revision to the School Safety and Discipline Policy, as presented by Mr. Gilbert. Trustee Reynolds seconded the motion. Motion carried.

**MOUNTAIN HOME SCHOOL DISTRICT NO. 193**  
**MOUNTAIN HOME, IDAHO 83647**  
**P O L I C Y**  
**SCHOOL SAFETY AND DISCIPLINE**

In addition to Idaho Code 18-3302D (see attachment 1), Idaho Code 18-917A (see attachment 2), **and Idaho Code 18-3313 False reports of explosives in public or private places is a felony**, the Board of Trustees of Mountain Home School District No. 193 sanctions the following policy concerning school safety and discipline for the School District.

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.

**SCHOOL SAFETY - (I.C. 18-3302D, 18-3302I, 18-3313)**

- A. **ZERO TOLERANCE:** Students in violation of zero tolerance guidelines will be referred to the District Review Committee or recommended for expulsion and referred to the appropriate authorities. (Idaho Code 33-205)

Mountain Home School District No. 193 has adopted a zero tolerance stand against:

1. weapons and violent acts (see attachments) at school, on or near owned or contracted school property, or at school sponsored events, as interpreted by the Board of Trustees
2. verbal or written bomb threats, or placing or detonating a bomb
3. students found to be distributing, either by selling or sharing, dangerous drugs or students engaged in drug related behavior on or near owned or contracted school property, or at school sponsored events, as interpreted by the Board of Trustees

B. **WEAPONS – (I.C. 18-3302D, 18-3302I, 18-3313)**

1. Weapons are defined as follows:
  - a. Any device, instrument, material, or substance designed to cause serious physical injury, or any item, which under the circumstances it is used, attempted, or threatened to be used, is readily capable of causing serious physical injury. Weapons may include, but are not limited to: firearm; dirk knife, bowie knife, dagger, or straight razor; 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.
2. Students who possess, store, or use firearms as defined in section A.1, will be expelled. The Board of Trustees reserves the right to expel a student permanently.

Mountain Home School District will not admit, prior to a hearing at the end of a one-year expulsion period, any student who has been expelled from another school district for violating the Gun-Free Schools Act of 1994. Students expelled for possession, storing, or using a firearm as defined in Section A.1 will be



referred to the appropriate criminal or juvenile justice system.

3. Students who possess, store, or use look-a-like weapons, or other objects or substances capable of being used as weapons, without permission from school officials, 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. Those determined to be in violation will be referred to the District Review Committee or the Board of Education with recommendation for further suspension and/or expulsion, and the proper authorities will be notified.

**C. VIOLENT ACTS – (I.C. 16-1619, 18-917A, 18-3302I, 18-3313, 33-205, 33-512)**

1. Threats, written or verbal, or acts including bullying, cyber-bullying, and physical abuse, violent or potentially violent, which pose 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, will result in formal suspension procedures and possible expulsion. (See attachment 2)
  - Physical abuse against a student, including, but not limited to, hitting, pushing, tripping, kicking, blocking, or restraining another's movement; sexual misconduct; causing damage to another's clothing or possessions; and taking another's belongings.
  - Verbal abuse against a student, including, but not limited to, name-calling, threatening, sexual misconduct, taunting, and malicious teasing.
  - Psychological abuse against a student including, but not limited to, spreading harmful or inappropriate rumors regarding another, drawing inappropriate pictures or writing inappropriate statements regarding another, and intentionally excluding another from groups, or similar activities.
  - Harassment, intimidation, and/or bullying/cyber-bullying, including, but not limited to, any intentional gesture or any intentional written, verbal, or physical acts or threats, against another student may be committed through any technology included, but not limited to, the use of landlines, car phones or wireless telephones, or through the use of data or computer software that is accessed through a computer, computer system, or computer network.
  - In the event that cyber-bullying was committed by a school district pupil on school grounds and/or using school district technologies, the pupil will be subjected to appropriate discipline.
  - In the event that cyber-bullying was committed by a school district pupil using non-school district technologies away from school grounds, the Building Principal or designee may report the incident to local law enforcement. In addition, school authorities have the right to impose a consequence on a pupil for conduct away from school grounds, including on a school bus or at a school-sponsored function.
2. Following a minimal due process hearing, 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. Those determined to be in violation will be referred to the District Review Committee or the Board of Education with recommendation for further suspension and/or expulsion, and the proper authorities will be notified.

**D. BOMB THREAT - (I.C. 18-3313, 18-3302I)**

Any student involved in bomb threats against a school shall be referred to the Board of Trustees for recommended expulsion, and the proper authorities will be notified. A bomb threat includes, but is not limited to, placing or detonating a bomb, or verbal or written threats of bombs.

**E. DRUG/ALCOHOL/CONTROLLED SUBSTANCES POLICY – (I.C. 33-210)**

Students found to be distributing dangerous drugs or engaged in drug related behavior will be referred to the District Review Committee for disposition or to the Board of Trustees for a hearing for possible expulsion.

**DEFINITION OF TERMS:**

**Dangerous Drug:** 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, marijuana, amphetamines, (stimulants), barbiturates (depressants), cocaine, inhalants, heroin, and hallucinogens.

**Distribution:** Students who share and/or sell alcohol or other dangerous drugs to other students or persons on or near district property any time during school hours or at a school-sponsored activity are considered to be distributors.

**Found:** Positive proof has been established that the student is involved in the use, possession, or distribution of alcohol or other drugs.

F. **DISCIPLINE** – (*I.C. 33-205, 33-512*)

1. The District has the authority to control student conduct and to adopt rules necessary to maintain proper discipline (Idaho Code 33-512).

Each school shall establish a discipline committee to develop a discipline plan, which includes procedures for due process. The discipline plan must be provided, in writing, at the beginning of each school year to the students, staff, and parents.

All staff members will be notified that they are responsible to take appropriate action for discipline situations that may arise in their presence.

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 (Idaho Code 33-205).

2. Excessive physical contact and public displays of affection are not acceptable on owned or contracted school property, or at school sponsored events.
3. Students with disabilities violating this policy will be dealt with within the guidelines of Individuals with Disabilities Educational Act (IDEA) and/or Section 504. Each incident will be addressed on a case-by-case basis.

G. **RELEASE OF A STUDENT TO LAW ENFORCEMENT OFFICIALS**

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 Juvenile Release form.

H. **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 this expulsion upon requesting admittance to the Mountain Home School District. A hearing before the Board of Trustees must be held, and permission given by that body, prior to the admittance of a student who has been expelled from any school district, as described above.

I. **RIGHT OF APPEAL**

Should the student wish to challenge an administrative decision, (s)he may request a hearing before District administration with right of appeal to the Board of Trustees via the Student Grievance Policy.

LEGAL REFERENCE: Idaho Code Sections **16-1619**, 33-205, **33-210**, 33-512, 18-3302D, **18-917A**, **18-3302I**, 18-3313, and 18-917A  
18 USC 921

Elementary and Secondary Education Act, Section 4141 (2001)

East Orange Board of Education, East Orange, New Jersey

NCLB Act of 2001 - 4114(d)(7)(A)

ADOPTED: July 18, 1995

Revised: August 19, 2003

Revised:

Reviewed: March 16, 2004

Reviewed: April 18, 2006

Revised: June 21, 2005

Reviewed: February 20, 2007

Reviewed: January 15, 2008

Revised: February 17, 2009

3. Network Services Use. Mr. Gilbert presented the second reading of the proposed revisions to Mountain Home School District No. 193 Network Services Use policy. The policy was revised to include statements, "District e-mail addresses will not be linked to personal/social networking accounts and social websites," and "Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including discharge." There has been no staff or patron input. Trustee Murray motioned to approve the second reading of the revision to the Network Services Use Policy, as presented by Mr. Gilbert. Trustee Reynolds seconded the motion. Motion granted.

### **MOUNTAIN HOME SCHOOL DISTRICT NO. 193**

**MOUNTAIN HOME, IDAHO 83647**

### **P O L I C Y**

### **NETWORK SERVICES USE**

#### **General Information**

*Definition: "Network Services" includes voice and data information, e-mail, equipment, software, and the Internet.*

Network Services are provided for students and staff of Mountain Home School District. Use of this District's Network Services must be directly related to an educational goal and consistent with the instructional objectives of this District. The District reserves the right to monitor all activity on the Network Services and use content filtering to assure compliance with educational goals of the District.

The Network Services provided by this District may not always meet student or staff requirements, or be uninterrupted or error-free. It is provided on an "as-is/as available" basis. No warranties are implied or given with respect to any service, information, or software contained therein.

The system administrators of the Network Services are district employees who are responsible for monitoring use of the Network Services.

The superintendent or designee shall be responsible for establishing procedures as needed to implement this policy.

#### **Privileges and Responsibilities**

The use of Mountain Home School District Network Services is a privilege, not a right. Permission from parents/guardians is required before students may access the Network Services. All users must sign a Network Services Use Agreement(s) (student or employee). The District will assign students a user ID (name) and password. School/District administrators reserve the right, at their sole discretion and after following minimum due process, to suspend or terminate members' access to and use of Network Services upon any breach of the school Network Services Use Agreement signed by members and/or their parents.

**District e-mail addresses will not be linked to personal/social networking accounts and social websites.**

**Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including discharge.**

ADOPTED: 16 January 1996

Revised: 20 July 2004

Revised:

IX. **NEW BUSINESS –**A. **TRAVEL REQUEST –**

1. Choir – MHHS – Choral Exchange, University of Washington near Seattle, Washington, April 8 – April 11, 2010 – Jeff Johnson. Mr. Johnson requested permission for Mr. Olmstead to take the Choir group to the Choral Exchange at the University of Washington from April 8 – 11, 2010. Trustee House motioned for approval of the travel request for the MHHS Choir to attend the Choral Exchange at the University of Washington, April 8 – 11, 2010, as presented by Mr. Johnson. Trustee Reynolds seconded the motion. Motion passed.

- B. **REQUEST FOR PUBLIC MEETING** – For the purpose of receiving input concerning financial problems and possible solutions – Tim McMurtrey. Mr. McMurtrey requested approval to hold a public meeting that would allow patrons of the district to ask questions and provide input concerning possible solutions to the financial problems of the district. This is the first step required by Idaho Code 33-522 when districts want to declare a financial emergency. Chairman Alexander asked that February 9, 2010, at 7:30 p.m., at the district office be the set time for the public meeting. Trustee Murray motioned to approve the request to hold a public meeting on February 9, 2010, at 7:30 p.m., at the district office, allowing patrons to give input concerning possible solutions to the financial problems of the district. Trustee Reynolds seconded the motion. Motion approved.

- C. **RELEASE TIME** – LDS Seminary – Tim McMurtrey. Mr. McMurtrey presented the annual request to release seminary students to attend educational classes sponsored by the LDS church, as required by law. Trustee Reynolds motioned to approve the request to release LDS seminary students as presented by Mr. McMurtrey, seconded by Trustee Murray. Motion granted.

- D. **DISPOSAL OF CAPITAL ASSETS** – Cliff Ogborn. Mr. Ogborn presented the Board with a list of assets that are no longer of any value to the District. He requested authorization to dispose of these items according to Idaho Code. Trustee Murray asked if this means the items are taken to the dump or do we sell the items. Mr. Ogborn replied that unless someone asks to purchase the items, they are taken to the dump. Trustee House moved to authorize the disposal of the capital assets as presented by Mr. Ogborn. Trustee Reynolds seconded it. Motion authorized. (A full and complete listing of the items to be disposed of may be reviewed at the District Office, Director of Fiscal Operations.)

- E. **PERSONNEL** – James Gilbert. Mr. Gilbert requested approval of the personnel items including the district administrative appointments for the 2010-2011 school year. Trustee Murray stated he has never read any of the administrative contracts and asked to postpone the district administrative appointments until he has had a chance to read their contracts. Trustee House stated she would rather not hold up the timeline for the different personnel items. Chairman Alexander said Trustee Murray is welcome to review the contracts and the contracts can come before the Board at a later time. He said the district administration are the ones who hire all of the additional staff for the district and this would delay any hiring until the three district administrators have a contract. Chairman Alexander said the contracts can be reviewed later and the verbiage revised later. Superintendent McMurtrey reminded the board that if the Board approves the contracts, it is an agreement by both parties and both parties would have to agree on any future revisions to the verbiage. Trustee Murray said he didn't want to agree to the contracts until he had a chance to read them. Chairman Alexander stated it was in Idaho Code, but the administrative contracts can be tabled until the February board meeting. He then asked for a motion. Trustee House motioned to approve the personnel items including the administrative appointments. There was no second. Chairman Alexander asked for another motion. Trustee Reynolds stated she agreed that Trustee Murray should have a chance to read the contracts. Trustee Murray motioned to approve the appointments, student teaching assignments, business internship, and resignations, as presented by Mr. Gilbert, with a second from Trustee Reynolds. Motion carried.

**APPOINTMENTS**

Olson, Jamie L., Cook I, MHHS

**STUDENT TEACHING ASSIGNMENT**

English, Donna – Grand Canyon University – January 18, 2010 - May 14, 2010 – HMS  
Co-operating Teacher – Dan Gillies – English

Huston, Jessica – Boise State University – January 18, 2010 - May 14, 2010 – West  
Co-operating Teacher – Carrie Darkes – First grade

**BUSINESS INTERNSHIP**

Keebaugh, Charleen – College of Western Idaho – January 4, 2010 – February 12, 2010 – MHHS  
Co-operating Administrator – Jeff Johnson – Principal

**RESIGNATIONS**

Cameron, ReNae, Assistant Junior High Track Coach, MHJH Effective 12/14/2009  
Hall, Kori, Guidance Counselor, MHJH Effective 06/15/2010  
Heckathorn, Sara J., Cook I, MHHS 12/09/2009  
Smith, Sarah, Math Teacher, MHHS Effective 03/18/2010

- X. **EXECUTIVE SESSION** – Student and Personnel Matters. Chairman Alexander called for a motion for the purpose of allowing the Board to retire into executive session to discuss student and personnel matters regarding a hearing for possible expulsion of a student from MHSD, and the possible placement of a teacher on probation. After a full and complete discussion and upon motion duly made by Trustee House and seconded by Trustee Murray, the following resolution was presented:

**RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION**

BE IT SO RESOLVED That the Board of Trustees of School District No. 193 recess from an open meeting into the following executive sessions pursuant to Section 67-2345, Idaho Code, in order to discuss student matters regarding a hearing for possible expulsion from MHSD as authorized by Section 67-2345(1)(b), Idaho Code.

BE IT FURTHER RESOLVED That following the executive session, the Board of Trustees will convene into public session for further business or adjournment of the meeting.

Vote being had on the above and foregoing resolution, and the same having been counted and found to be as follows:

**NAME OF TRUSTEES**

Chairman Alexander .....	Aye
Trustee House .....	Aye
Trustee Rodney .....	Absent
Trustee Reynolds .....	Aye
Trustee Murray .....	Aye

And no less than two-thirds (2/3) of the membership in favor thereof, the chairman had declared said resolution adopted, and the Board recessed into executive session at 7:53 p.m. to discuss personnel matters. Others present: The attending board members, Superintendent McMurtrey, Assistant Superintendent Gilbert, Clerk Whitman, Connie Donahue, Cliff Ogborn, Mrs. Harper, Mr. McCarrel, and Mrs. Ybarra. Following a full and complete discussion of the personnel matters, and IAW Idaho Code 33-515(5) and 67-2345(1)(b) the Board remained in executive session to state their motion. Trustee House moved to place a teacher on probation with

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an improvement plan. Trustee Murray seconded the motion. The teacher was placed on probation. The Board reconvened into open session at 8:21 p.m.

The Board entered back into executive session at 8:23 p.m. to discuss a possible student expulsion. Others present: The attending board members, Superintendent McMurtrey, Assistant Superintendent Gilbert, Clerk Whitman, Connie Donahue, Cliff Ogborn, Mr. McCarrel, and Mrs. Ybarra. (Name on File) along with (Name on File) never showed to the hearing. Following a full and complete discussion of the student expulsion hearing, the Board reconvened into open session at 8:33 p.m. A motion by Trustee Reynolds to deny attendance to (Name on File) to Mountain Home School District for actions deemed detrimental to the health and safety of students and staff received a second by Trustee Murray. Motion granted.

- XI. **ADJOURNMENT** – All business of the Board having been completed, Chairman Alexander called for a motion to adjourn. A motion from Trustee Reynolds to adjourn was seconded by Trustee Murray. Motion carried. Meeting adjourned at 8:34 p.m.

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Chairman Alexander

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Clerk Whitman