

SCHOOL SAFETY & DISCIPLINE POLICY – ZERO TOLERANCE

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3 It is the policy of Mountain Home School District No. 193 to maintain a safe school learning **and**
4 work environment. Each student and employee have the right to attend classes and work in an
5 atmosphere that promotes equal opportunities and that is free from all forms of unwelcome and/or
6 inappropriate behavior/remarks/actions/conduct/retaliation, etc. It is important that all students,
7 employees, community members, and visitors treat all other students, employees, community
8 members, and visitors with respect and in a lawful and civil manner. It is the responsibility of all
9 students, employees, community members, and visitors to deter inappropriate behavior.
10 Unwelcome and/or Inappropriate behavior/remarks/actions/conduct/retaliation that affect morale
11 and unreasonably interferes with an individual’s educational or work performance or
12 opportunities; or has the purpose or effect of creating an intimidating, threatening, abusive, or
13 hostile environment for students, staff, community members, and visitors; or limits the ability of
14 an individual to participate in or benefit from the district’s programs; or impacts or has the potential
15 to impact the school; or poses a threat to the health and safety of students, staff members,
16 community members, or visitors; or is disruptive to the educational process of the Mountain Home
17 School District will not be tolerated.

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19 Each student deserves the opportunity to learn to his/her full potential **therefore** no student will
20 be allowed to hinder any other student's opportunities to learn and/or cause any unsafe conditions
21 or acts that hinder any other student's opportunities to learn. Each employee deserves the right to
22 work, educate, mentor, guide, etc., students without being harassed, threatened, intimidated,
23 bullied, etc., by other school district employees, school district students, and visitors/guests. **Each**
24 **community member, visitor, and guest** deserve the right to visit without being harassed,
25 threatened, intimidated, bullied, etc., by school district employees, school district students, other
26 **community members, and other visitors or guests.** The Board of Trustees encourages the
27 reporting of all incidences that violate this policy.
28

29 The discipline rules related to the MHSD School Safety and Discipline Policy – Zero Tolerance
30 and Procedures applies to all conduct on the school district premises/grounds before, during, or
31 after school hours; **applies to all** ~~of~~ **conduct** at any other time when the school is being used by a
32 school group; **applies to all** conduct off school grounds at any school activity, function, or event,
33 or at school-sponsored events; **applies to all** conduct during transportation to and from school and
34 school-sponsored events; **applies to all** conduct off the district’s premises that has an adverse
35 effect upon a person’s educational environment. The Superintendent or designee will govern the
36 implementation of the procedures regarding this policy.

37
38 Mountain Home School District No. 193 School Board of Trustees holds school district
39 employees, school district students, **parents, guardians,** and visitors, ~~and guests,~~ to this school
40 district policy and any correlating policies and procedures, and federal and state laws. This policy
41 will prevail in all matters concerning staff, students, and persons in educational programs and services
42 or employment practices with whom the Board does business.

43
44 Each school will review the **School Safety & Discipline Policy and Procedures** discipline plan
45 annually, which includes procedures for due process in accordance with Idaho Code. The **School**
46 **Safety & Discipline Policy and Procedures** discipline plan must be provided, at the beginning of
47 each school year to the students, staff, and parents.

48
49 **SCHOOL SAFETY & DISCIPLINE** – (See Section B for discipline)

50 Mountain Home School District properties and facilities include, but are not limited to: buildings
51 and facilities, school grounds, district campus, school buses and vehicles, district parking areas,
52 and the location of all school district sponsored activity and events regardless of the location,
53 including remote locations off of school grounds, and in or on property owned or operated by a
54 school district.

55
56 All district employees are hereby ~~will be~~ notified that they are responsible to take appropriate
57 action for all discipline situations that may arise in their presence **and** who witnesses **any violation**
58 **of the School Safety & Discipline Policies or** unwelcome and/or inappropriate behavior/remarks/
59 actions/conduct/retaliation of employees, school district students, **parents, guardians,** and

60 visitors are required to take immediate and appropriate action to intervene to stop the unwelcome
61 and/or inappropriate behavior/remarks/ actions/conduct/retaliation.

62
63 Mandatory Reporters – Mountain Home School District No. 193 has **determined that** ~~classified~~
64 all employees **are** as mandatory reporters **and as such, employees are required to report** all
65 ~~district employees who receives a~~ reports of unwelcome and/or inappropriate behavior/remarks/
66 actions/conduct/retaliation from a student, another staff member, or community member, or
67 becomes aware that a student, staff member, or community member is being subjected to such, or
68 in good faith believes that a student, staff or community member is being subjected to unwelcome
69 and/or inappropriate behavior/ remarks/actions/conduct/retaliation is required to report the matter,
70 in a timely and responsive manner, to the building principal or school superintendent, or law
71 enforcement immediately.

72
73 **Employees are required to report** any knowledge they have that a member of the District
74 community experienced sex or gender-based harassment, discrimination, and/or retaliation or are
75 **aware of others experiencing sex or gender-based bullying, harassment, discrimination,**
76 **and/or retaliation.** Accordingly, all District employees must promptly report actual or suspected
77 sex and gender-based harassment, discrimination, and/or retaliation to the Title IX Coordinator.
78 District employees must share with the Title IX Coordinator all known details of a report made to
79 them in the course of their employment, as well as all details of behaviors under this policy that
80 they observe or have knowledge of.

81
82 a. Failure of a District employee to report an incident of sex or gender-based harassment,
83 discrimination, or retaliation to the Title IX Coordinator of which they become aware
84 is a violation of this policy and can be subject to disciplinary action for failure to
85 comply.

86
87 b. Should the District have reason to believe that a child under the age of eighteen (18)
88 years of age has been abused, abandoned, or neglected, or has been subjected to
89 conditions that would reasonably result in abuse, abandonment, or neglect, the school
90 shall follow appropriate reporting requirements pursuant to the Child Protective Act

91 and MHSD Child Abuse Policy. MHSD expects and requires district employees to
92 report all allegations of suspected child abuse, abandonment, and child neglect to Law
93 Enforcement or the Idaho Department of Health and Welfare and to the school building
94 administrator(s) Failure to report abuse, abandonment, or neglect of a child may result
95 in disciplinary actions as deemed appropriate by the School Board of Trustees. Failure
96 to report abuse, abandonment, or neglect of a child is a misdemeanor under Idaho law
97 (I.C. 16-1605).

98
99 c. Any district employee who witnesses unwelcome and/or inappropriate behavior/
100 remarks/actions/conduct/retaliation of a student is required to take immediate,
101 appropriate action to intervene to stop the unwelcome and/or inappropriate behavior/
102 remarks/actions/conduct/retaliation.

103
104 d. In the event the complaint involves the principal, the matter must be immediately
105 reported to the superintendent.

106
107 e. In the event the complaint involves the superintendent, the matter must be immediately
108 reported to the Board Chairperson.

109
110 **A. ZERO TOLERANCE: (See Section B for discipline)**

111
112 The District will assist schools in implementing guidelines as part of existing policies and other
113 related efforts to address social and emotional health, including well-being, bullying,
114 harassment, cyber-technology bullying/ harassment, sexual harassment, or other forms of
115 violence among students. Such conduct by students, employees, or third parties, is strictly
116 prohibited and shall not be tolerated on District premises, or at any District sponsored activity
117 regardless of location including, but not limited to, buildings, facilities, and grounds on the
118 District campus, school buses, District parking areas, and the location of any District sponsored
119 activity. This includes instances in which the conduct occurs off the District premises, but it
120 impacts a District related activity.

122 Mountain Home School District No. 193 has adopted a Zero Tolerance by students, employees,
123 and visitors/parents/guardians and stand against the following including, but not limited to:

124
125 1. **Weapons:** Weapons and look alike weapons at school, on or near owned or contracted
126 school property and school buses, or at school-sponsored events regardless of location, and
127 as interpreted by the School Board of Trustees. Willful threats of violence directed at
128 schools, school buses, school activity venues, school staff and/or students regardless of the
129 point of origin and delivered by any means of communication. Weapons are defined as,
130 but not limited to:

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132 a. Any device, instrument, material, **animate or inanimate**, or substance designed to
133 cause serious physical injury **or is readily capable of, causing death**, or look-a-like
134 devices, weapons, or other objects or substances capable of being used as weapons,
135 such as, but not limited to, any item that under the circumstances it is used, attempted,
136 or threatened to be used, is readily capable of causing serious physical injury.

137
138 b. Weapons may include, but are not limited to: firearms of any kind, knives or sharp
139 instruments of any kind, or look-a-like devices, weapons, or other objects; any
140 explosive, incendiary, or poisonous gas; any combustible or flammable liquid; or other
141 objects/substances which may pose a threat to the health and safety of other students,
142 staff members, or visitors, or could be used to disrupt the educational process; or any
143 other item that is used to threaten, strike terror, or cause bodily harm or death even
144 though it is normally considered not to present a danger to others.

145
146 **Firearm shall mean any weapon (including a starter gun) which will or is designed**
147 **to or may readily be converted to expel a projectile by the action of an explosive;**
148 **the frame receiver of any such weapon; any firearm muffle or firearm silencer;**
149 **any destructive device, including any explosive, incendiary or poisonous gas,**
150 **bomb, grenade, or rocket, missile, mine, or similar device, as defined in 18 U.S.C.**
151 **Section 921, and air rifles or other weapons that propel a projectile with air, or**
152 **pellet guns, or paintball guns. Antique firearms are specifically excluded.**

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c. **Possess is defined as bringing a weapon or look alike weapon or object, or causing it to be brought, onto the property of a school, or onto a vehicle being used for school-provided transportation or exercising dominion and control over an object located anywhere on such property or vehicle. A student will be determined to possess a weapon when the item is found to be in any of the following locations:**

- **On a student’s person;**
- **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 and/or causes to be transported or carried to school;**
- **A vehicle parked in the school parking lot which the student drives and/or is transported in;**
- **The student’s locker; or**
- **Any other school-related or school-sponsored event, regardless of location.**

d. **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 is forbidden.**

e. **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 is forbidden.**

f. **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 is forbidden.**

2. **Violence and Unwelcome and/or Inappropriate Behavior/Remarks/Actions/**

184 **Conduct/Retaliation Including Adult and/or Student Relationships:** are defined as, but
185 not limited to, any form of violence, harassment, discrimination, abuse including, but not
186 limited to physical abuse, verbal and non-verbal abuse, sexual or gender-based
187 harassment/abuse/assault, psychological abuse; sexual harassment/abuse/assault, threats,
188 intimidation, bullying; cyber-technologies bullying/harassment; inappropriate texting,
189 sexting, hazing, etc., acts including, but not limited to, adult/teen/adolescent dating
190 violence/abuse (unhealthy relationships), inappropriate use of cellular, digital,
191 technological, and electronic devices at school, etc., on or near owned or contracted school
192 property, or at school sponsored events regardless of location, and as interpreted by the
193 School Board of Trustees is prohibited.

194
195 All school district employees, school district students, **parents, guardians,** and visitors are
196 prohibited from engaging in or conspiring with another to engage in any unwelcome and/or
197 inappropriate behavior/remarks/actions/conduct/retaliation, which could also be
198 reasonably construed as constituting harassment and/or discrimination on the basis of race,
199 color, creed, national origin, sex, sexual orientation, gender identity or expression, religion,
200 age, physical or mental handicap or disability, ancestry or genetic information, protected
201 veteran status, marital status, citizenship status, pregnancy, financial status, membership in
202 any professional organization, political beliefs, use of lawful products while not at work, any
203 other characteristics protected by law be it violent or potentially violent, including damage
204 to property or another's clothing or possessions, and taking another's belongings; causing
205 harm to a person.

206
207 Anyone who believes that he/she has been the recipient of illegal discrimination or
208 harassment, based on race, color, national origin, sex, sexual orientation, gender identity
209 or expression, religion, age, disability, genetic information, protected veteran status,
210 political beliefs, or marital or family status may file a grievance in accordance with this
211 **policy** and the appropriate Grievance Policies and Forms.

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213 An employee, at any time, may file a discrimination or harassment claim with the Idaho
214 Human Rights Commission (IHRC), the Equal Employment Opportunity Commission

215 (EEOC), and U.S. Department of Education – Office for Civil Rights, Region 10. The
216 addresses of these organizations are:

217

Idaho Human Rights Commission	Equal Employment Opportunity Commission
317 W. Main St.	909 1 st Ave, Ste. #400
Boise, Idaho 83702	Seattle, Washington 98104

218

219 The Superintendent and School Administrators may refer allegations of Unwelcome and/or
220 Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation including Adult and/or
221 Student Relationship violations to the appropriate law enforcement agency if (s)he
222 reasonably believes that the student, employee, parent, or visitor has engaged in conduct
223 that is in violation of Idaho Code Section 18, Chapter 9 et seq. 917A.

224

225 a. **Threats** including, but not limited to, written or verbal, graphic or photographic, audio
226 or video, via social media and other digital, technical, and electronic devices,
227 acts/depictions of creating an intimidation or hostile environment, or acts/depictions
228 including, but not limited to, bullying, cyber-technology bullying/harassment, name
229 calling, sexual misconduct, taunting, malicious teasing, or making rude gestures,
230 through chatrooms and instant messaging (IM) and websites, stalking, and sexual and
231 physical abuse/attack be it violent or potentially violent, including damage to property
232 or another's clothing or possessions, and taking another's belongings; causing harm to
233 a person.

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235 b. **Sexual and Physical Abuse/Assault** against a student, employee, or visitor including,
236 but not limited to hitting; pushing; tripping, kicking; blocking; stalking; inappropriate
237 touching; causing damage to another's clothing or possessions; and taking another's
238 belongings; sexual overtures or conduct, including those that relate to the individual's
239 sexual orientation, which is unwelcome; sexual misconduct; request or demands for
240 sexual activity; sexual jokes; sexual misconduct; obscene comments or gestures;
241 unwelcome and/or inappropriate behavior/remarks/actions/conduct; unwelcome
242 sexually motivated attention or implied attention; sexting; restraining another's

243 movement; aggression and/or intimidation to someone's demographics; bullying;
244 sexting and texting; including but not limited to the use of all forms of social media
245 and other digital, technical, and electronic devices (cyber-technology
246 bullying/harassment).

247

- 248 • Any and all complaints, reports, or information received by any district employee
249 that sexual and gender-based harassment is occurring or has occurred shall be
250 immediately forwarded to the District's Title IX Coordinator or other designated
251 employee for review and action as appropriate.

252

- 253 • Sexual assault including, but not limited to, any unwanted sexual act, any attempt
254 to obtain a sexual act, requests or demands for sexual activity, unwanted sexual
255 comments or advances, or acts otherwise directed against a person's sexuality using
256 coercion, by any person regardless of their relationship to the victim/target and is
257 in violation of this policy and Title IX.

258

- 259 • **Individuals may report the complaint to his or her supervisor or building**
260 **principal. If the supervisor successfully resolves the complaint in an informal**
261 **manner, a confidential report will be made to the superintendent about the**
262 **complaint and resolution so that the district may determine if any pattern of**
263 **sexual harassment by any particular individual exists. If the supervisor is**
264 **unable to resolve the complaint, the complaint will be referred to the**
265 **superintendent.**

266

- 267 • **If the individual chooses not to report the complaint to his or her supervisor,**
268 **the individual may report the incident directly to the superintendent. If the**
269 **complaint in any manner involves the superintendent, the individual should**
270 **report the complaint to the discrimination compliance officer for this district.**
271 **The discrimination compliance officer will be designated by the**
272 **superintendent.**

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- 274 c. **Verbal Abuse** against a student, employee, or visitor including, but not limited to, the
275 use of social media and other digital, technical, and electronic devices, including, but
276 not limited to, name-calling, threatening behavior, demeaning jokes, texting, sexting,
277 and cyber-technology bullying/harassment; inappropriate social media postings of any
278 kind; any defamatory, taunting, harassing, slurs; derogatory remarks or innuendos;
279 malicious teasing; and unwelcome and/or inappropriate behavior/remarks/actions/
280 conduct to a student, school district employee, or visitor's demographics.
281
- 282 d. **Psychological Abuse**, including sexual psychological abuse, against a student,
283 employee, or visitor including, but not limited to, spreading harmful and inappropriate
284 rumors regarding another; bullying; cyber-technology bullying/harassment;
285 discrimination, texting; stalking; sexting; inappropriate social media postings; any
286 defamatory/taunting/ harassing through the use of social media or other digital,
287 technical, or electronic devices (cyber-technology bullying/harassment); drawing
288 inappropriate pictures; presenting inappropriate photographs and other multimedia
289 documents, writing inappropriate statements regarding another; intentionally excluding
290 another from groups, and similar activities.
291
- 292 e. **Harassment, Bullying, Cyber-Technology Bullying/Harassment**, sexual
293 harassment, aggression, abuse/attack, intimidation, sexual intimidation including, but
294 not limited to, sexual or physical acts/abuse/attacks be it violent or potentially violent;
295 stalking; inappropriate social media postings; and threats be it written or verbal,
296 photographic, audio, or video; unwelcome texting/sexting; acts/depictions of creating
297 an intimidating or hostile environment; unwanted aggressive or any intentionally
298 harmful acts, unwelcome and/or inappropriate behavior/remarks/actions/conduct; any
299 intentional gestures and writings; verbally harassed or bullied with the negative
300 behavior that is based on a victim's race, color, disability, religious beliefs, ethnic
301 background, sex, sexual orientation, age, mental or physical disability or appearance
302 and characteristic, or national origin, or socio-economic status; or a student's
303 association with a person or group; conspiring with another individual to commit any
304 act of bullying, harassment, or abuse against another student; or perpetuating such

305 conduct by spreading hurtful or demeaning material created by another person (e.g.,
306 forwarding e-mails or text messages); causing damage to property, another's clothing
307 or possessions, and taking another's belongings; causing harm against another student,
308 employee, or visitor is prohibited and may be committed through the use of including,
309 but not limited to, data or computer software that is accessed through a computer,
310 computer system, or computer network, cyber-technology; the use of landlines, mobile
311 phones, wireless telephones, and other digital and electronic devices, which poses a
312 threat to the health and safety of students, staff members, or visitors.

313

- 314 • **Discrimination and Harassment** includes, but is not limited to race, color, creed,
315 national origin, sex, sexual orientation, gender identity or expression, religion, age,
316 physical or mental handicap or disability, ancestry or genetic information, protected
317 veteran status, marital status, citizenship status, pregnancy, financial status,
318 membership in any professional organization, political beliefs, use of lawful products
319 while not at work, any other characteristics protected by law. Discrimination is a
320 felony.

321

322 The District will make reasonable accommodations for an individual with a disability
323 known to the District, if the individual is otherwise qualified for the position and able
324 to perform the essential functions of the job, unless the accommodation would impose
325 an undue hardship upon the District.

326

- 327 • **Bullying, Harassment, and/or Abuse** is defined as any unwanted aggressive or
328 any intentionally harmful behavior and any action or conduct that includes, but is
329 not limited to sufficiently severe, pervasive, or persistent so as to interfere with or
330 poses a threat to the health and safety of students, or visitors, and/or is disruptive to
331 the educational process of the Mountain Home School District, and/or limits the
332 ability of an individual to participate in or benefit from the district's programs
333 and/or intentionally causes grief; intentionally causes intimidation; intentionally
334 causes fear; intentionally causes the lessening of self-worth. Bullying can lead to
335 discrimination.

- 336
- 337 ~ In general, bullying is misbehavior that can lead to school discipline. Whereas
- 338 harassment is assigned to a specific category including, but not limited to, race,
- 339 color, creed, national origin, sex, sexual orientation, gender identity or
- 340 expression, religion, age, physical or mental handicap or disability, ancestry or
- 341 genetic information, protected veteran status, or other discriminations that are
- 342 considered a crime and could lead to court. Bullying can lead up to harassment.
- 343
- 344 ~ Bullying – Most agree that bullying is defined as any unwanted aggressive or
- 345 any intentionally harmful behavior and/or misconduct by a student(s),
- 346 employee(s), or visitor(s), which is characterized by the aggressor(s) repeatedly
- 347 engaging in negative actions against another person(s) in an attempt to
- 348 intentionally hurt, cause physical and psychological harm; or humiliate another
- 349 person physically, socially, or emotionally; intentionally cause that person
- 350 grief; intentionally cause that person to become intimidated; intentionally cause
- 351 that person to become frightened; intentionally cause that person to lessen
- 352 his/her sense of worth, etc.; to exercise control over that person; conspiring with
- 353 another individual to commit any act of bullying, harassment, or abuse against
- 354 another student; or perpetuating such conduct by spreading hurtful or
- 355 demeaning material created by another person (e.g., forwarding e-mails or text
- 356 messages). Those targeted by bullying behavior struggle to defend themselves
- 357 and stop the action directed at them. There also is an “imbalance of power.”
- 358
- 359 ~ Harassment – The behavior is similar to and can include bullying behavior by
- 360 its unwanted and hurtful actions. It includes, but not limited to, unwelcome
- 361 demeaning language and conduct such as verbal abuse, graphic or written
- 362 statements, sexting/texting; derogatory jokes and racial jokes, taunting, slurs
- 363 and derogatory nicknames; innuendos, or other negative remarks; graffiti and/or
- 364 slogans or visual displays such as cartoons or posters depicting slurs or
- 365 derogatory sentiments; threats; physical assault; or other conduct that is
- 366 threatening or humiliating; and meets the threshold of harassment when a

367 student is being verbally bullied with the negative behavior that is based on a
368 victim/target's race, color, disability, religious beliefs, ethnic background, sex,
369 sexual orientation, age, mental or physical disability or appearance and
370 characteristic, or national origin, or socio-economic status; or a student's
371 association with a person or group; conspiring with another individual to
372 commit any act of bullying, harassment, or abuse against another student; or
373 perpetuating such conduct by spreading hurtful or demeaning material created
374 by another person (e.g., forwarding e-mails or text messages); that has the
375 purpose or effect of creating an intimidating, threatening, abusive, or hostile
376 educational environment for students, staff, and visitors.

377
378 ~ Bullying, harassment, and/or abuse also includes any act of retaliation taken
379 against (1) any person bringing a complaint of bullying, harassment, abuse, and
380 unwelcome and/or inappropriate behavior/remarks/actions/conduct; (2) any
381 person assisting another person in bringing a complaint of bullying, harassment,
382 and abuse or; (3) any person participating in an investigation of an act of
383 bullying, harassment, abuse, and unwelcome and/or inappropriate
384 behavior/remarks/actions/conduct.

385
386 ~ Sexual harassment includes, but is not limited to, unwelcome and/or
387 inappropriate behavior/remarks/actions/conduct; physical or psychological
388 harm; unwanted aggressive or any intentionally harmful acts; stalking; any
389 intentional gestures and writings; unwelcome sexual advances; requests for
390 sexual favors; sexually motivated physical conduct; threats be it written or
391 verbal, photographic, audio, or video; **submission to such conduct is made**
392 **either explicitly or implicitly a term or condition of an individual's**
393 **employment or participation in the educational process; submission to or**
394 **rejection of such conduct by an individual is used as a basis for employment**
395 **or educational decisions affecting the individual;** unwelcome texting/
396 sexting; acts/depictions of a sexual nature; or other verbal or physical conduct
397 of a sexual nature against another student, employee, or visitor that has the

398 purpose or effect of **unreasonably interfering with an individual's work**
399 **performance or education**, or creating an intimidating, threatening, abusive,
400 hostile, or offensive work or educational environment for students, staff, and
401 visitors.

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403 f. **Adult and Student Adolescent/Teen Relationship/Dating, Violence/Abuse, and**
404 **Sexual Assault** is defined as follows:

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406 • **Relationship/Dating Abuse**, includes but is not limited to, the intentional use of
407 physical, sexual, verbal, emotional abuse, sexual assault, rape, or violence;
408 bullying, harassment, sexual harassment, cyber-technical bullying/harassment,
409 against a peer or dating partner by a person or dating partner to harm, threaten,
410 intimidate, stalk, create a hostile environment, or control another person in a current
411 or past romantic intimate relationship, regardless of whether that relationship is
412 continuing or has concluded or the number of interactions between the individuals
413 involved including adults and student adolescent/teen relationships.

414

415 ~ Submission to or rejection of such conduct by an individual is used as a factor
416 for educational decisions affecting the individual; or

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418 ~ Such conduct has the purpose or effect of unreasonably interfering with an
419 individual's education, or creating an intimidating, hostile, educational
420 environment; or

421

422 ~ Submission to such conduct is made either explicitly or implicitly a term or
423 condition of an individual's participation in the educational process.

424

425 ~ Dating partner means any person, regardless of sexual orientation or gender
426 identity, involved in a relationship with another person, where the relationship
427 is primarily characterized by social contact of a sexual or romantic nature,
428 whether casual, serious, short-term, long-term, or as defined by both persons.

429
430 • The School Board of Trustees promotes the comprehensive prevention of and
431 effective and consistent response to incidents of adult and student adolescent/teen
432 relationship abuse and sexual assault and endeavors to take steps to prevent and
433 respond to known instances of relationship abuse and sexual assault.

434
435 g. **Sexual and Physical Assault** includes, but is not limited to, hitting; pushing; tripping,
436 kicking; blocking; stalking; inappropriate touching; causing damage to another's
437 clothing or possessions; and taking another's belongings; sexual overtures or conduct,
438 including those that relate to the individual's sexual orientation, which is unwelcome;
439 sexual misconduct; request or demands for sexual activity; sexual jokes; sexual
440 misconduct; obscene comments or gestures; unwelcome and/or inappropriate
441 behavior/remarks/actions/conduct; unwelcome sexually motivated attention or implied
442 attention; sexting; restraining another's movement; aggression and/or intimidation to
443 someone's demographics; bullying; sexting and texting; including but not limited to
444 the use of all forms of social media and other digital, technical, and electronic devices
445 (cyber-technology bullying/harassment)sexual violence, sexual abuse, sexual stalking,
446 and rape, sexual jokes, obscene comments or gestures; unwelcome and/or inappropriate
447 behavior/remarks/actions/conduct; unwelcome sexually motivated attention or implied
448 attention; any unwanted sexual act; any attempt to obtain a sexual act; requests or
449 demands for sexual activity; unwanted sexual comments or advances; sexting/texting;
450 acts otherwise directed against a person's sexuality using coercion; unwanted written
451 or verbal, graphic or photographic/images, acts of creating an intimidating or hostile
452 environment, or acts including bullying, sexual and physical abuse, be it violent or
453 potentially violent, using cyber-technologies and all forms of social media accounts,
454 websites, defamatory blogs/vlogs, by any person regardless of their relationship to the
455 victim/target.

456
457 MHSD encourages students and employees who have been abused or sexually
458 assaulted or involved in an abusive relationship, or suspects or knows of a student or
459 employee in an abusive relationship, or suspects or knows of a student or employee

460 who is the offender/assailant of abuse either mentally, physically, sexually, including
461 through the use of social media and cyber-technology, to report such abuse to Law
462 Enforcement and also notify a teacher, counselor, or school administrator of such.
463

464 h. **Cyber and Technological (cyber-technology) Abuse** includes, but is not limited to,
465 the behavior used to harm, threaten, intimidate, control, harass, monitor, coerce, stalk,
466 or victimize, except as otherwise permitted by law, that is perpetrated through, but not
467 limited to the internet, social networking sites, spyware, global positioning system
468 (GPS) tracking technology, cellular phones, or instant/text messages. Cyber-
469 Technological abuse includes, but is not limited to, monitoring; unwanted or repeated
470 calls or text messages **or sexting**; non-consensual access to email, social networking
471 accounts, text or cell phone call logs; and pressuring for or disseminating private or
472 embarrassing pictures, videos, or other personal information.

473
474 • **Technological and Cyber-Technological Bullying/Harassment Abuse** includes,
475 but is not limited to, intimidating, harassing, or is otherwise intended harm to
476 another individual; unwanted monitoring; unwanted repeated calls or hang-ups;
477 sending unwelcome, threatening, discomfoting texts and sexting messages;
478 sending picture/video-clip via digitally or via mobile phone cameras used to make
479 the person feel threatened or embarrassed, and may include images usually sent to
480 other people; chat room bullying involving sending menacing or upsetting
481 responses to individuals including children, students, staff when they are in a web-
482 based chat room; non-consensual access to email; and pressuring for or
483 disseminating private or embarrassing pictures, videos, or other personal
484 information to control, monitor, coerce, stalk, or victimize that is perpetrated
485 through the internet, social networking sites, including, but not limited to, chat
486 rooms, websites, defamatory blogs/vlogs, spyware, global positioning system
487 (GPS) tracking technology, cellular phones and landlines, or instant or text
488 messages (IM) using any electronic communication device to convey a message in
489 any format or any combination thereof.

490

- 491 • **Sexting** is the distribution of sexually explicit or sexually suggestive images using
492 an electronic device.
493
- 494 3. **Bomb Threat:** Bomb Threat is defined as a verbal or written bomb threat, or placing or
495 detonating a bomb at school, on or near owned or contracted school property, or at school
496 sponsored events regardless of location, and as interpreted by the School Board of Trustees.
497
- 498 Idaho Code 18-3313 false reports of explosives in public or private places is a felony.
499
- 500 a. Bomb: Includes, but is not limited to, placing or detonating a container or a container
501 that looks like bomb, or a container filled with explosive, incendiary material, smoke,
502 or other destructive substance, designed to explode on impact or when detonated by a
503 time mechanism, remote-control device, or lit fuse.
504
- 505 b. Bomb Threat: A bomb threat is legally defined as the communication through the use
506 of mail, e-mail, telephone, telegram, or other instrument of commerce; the willful
507 making of any threat; or the malicious conveyance of false information knowing the
508 same to be false which concerns an attempt being made, or to be made; to kill, injure,
509 intimidate any individual; or unlawfully to damage or destroy any building, vehicle, or
510 other real or personal property by means of an explosive.
511
- 512 4. **Drugs, Alcohol, & Controlled Substances:** Drug/Alcohol/Controlled Substances **are**
513 **forbidden** at school, on or near owned or contracted school property, **school district**
514 **vehicles and buses**, or at school sponsored events regardless of location, and as interpreted
515 by the School Board of Trustees.
516
- 517 a. Drugs/Alcohol/Controlled Substances are defined as follows: Any drug, obtainable
518 with or without a prescription, which can be used in a manner dangerous to the health
519 of the user. This includes, but is not limited to depressants (barbiturates, phenobarbital,
520 diazepam, clonazepam, alcohol, GHB, etc.), stimulants (nicotine, cocaine, crack,
521 amphetamine, methamphetamine, ecstasy, etc.), hallucinogens (psilocybin

522 [mushrooms], LSD, peyote, DMT, etc.), opioids & prescription drugs (heroin, codeine,
523 morphine, hydrocodone, oxycodone, Vicodin, codeine, ketamine, anabolic steroids,
524 Xanax, Klonopin, valium, etc.), inhalants (nicotine, vaping/e-cigarettes liquids).

525
526 • Prescription and over the counter medications are permitted as long as the student
527 has a Medication Procedure Form on file in the front office prior to using or
528 carrying the medication.

529
530 • This does not apply to inhalants used for asthma, bronchitis, or other respiratory
531 issues; a medication prescription is required, and the Prescription Medication Form
532 signed and submitted to the front office of the school.

533
534 • This does not apply to Epinephrine Auto-Injectors for allergies; a medication
535 prescription is required, and the Prescription Medication Form signed and
536 submitted to the front office of the school.

537
538 b. Distribution: Students, employees, and visitors/guests who share and/or sell dangerous
539 drugs/alcohol/controlled substances, or other dangerous drugs to other students,
540 employees, or persons on or near District property any time during school hours or at
541 a school sponsored activity, regardless of location, are considered to be distributors.

542
543 Found: Positive proof has been established that the student, employee, or visitor/guest,
544 is involved in the use, possession, or distribution of alcohol or other drugs and
545 tobacco/vaping liquids.

546
547 5. **Electronic and/or Digital Communication & Entertainment Devices:** Students may not
548 use electronic/digital communication or entertainment devices on school property and
549 facilities, or at school-sponsored activities, regardless of location, to access and view
550 Internet websites, including social media networks, that are otherwise blocked to students
551 at school or to take part in any activity prohibited in the District's Computer & Network
552 Services Policy and Procedures without prior authorization from school administration.

553 (See Computer & Network Services Policy and Procedures)

554

555 Student use of cellular, digital, and electronic communication and entertainment devices
556 must not violate the district's Computer & Network Services Policy and Procedures.

557

558 a. Electronic and/or Digital Communication & Entertainment Devices are defined as any
559 electronic/digital device that include, but are not limited to, personal cell phones,
560 tablets, electronic notebooks and similar devices, personal computers, laptops,
561 iPods/iPads, MP3 Players, and other similar devices or media players, without regard
562 to the commercial name or manufacturer of the device, whether handheld, car models,
563 laptop, or other computer usage, or combinations of any of the above. ~~(see item F)~~

564

565 b. The use of electronic communication or entertainment devices with built-in
566 cameras/video/audio is prohibited in school district facilities and on school district
567 grounds including, but not limited to, classrooms, hallways, and at all times in locker
568 rooms, bathrooms, and locations in which inappropriate or privacy violating images
569 may be obtained **is forbidden**. Exceptions are as follows:

570

571 A student may possess a cellular, digital, or electronic communication or entertainment
572 device in school, on school property, and at school-sponsored activities, provided that
573 during school hours and on school vehicles the device remains off (not just placed into
574 private or silent mode) and stored out of sight or with prior approval from the building
575 principal; with teacher approval; during an emergency situation involving the
576 immediate health/safety of a student or other individual(s); Athletic and other
577 Extracurricular activities and events.

578

579 c. Social Media Networks include, but are not limited to, websites, blogs, wikis, social
580 networks, online forums, virtual worlds, and any other digital/technical social media
581 generally available to the public that does not fall within the District's technology
582 network (e.g. Non-School District Network Facebook, Twitter, LinkedIn, Flickr,
583 YouTube, Instagram, Snapchat, blog sites, Wikipedia, and etc.).

584
585 d. The district is not responsible for theft, loss, damage, or vandalism to electronic/digital
586 communication or entertainment devices brought onto its property.

587
588 e. Parents/guardians are advised that the best way to get in touch with their child during
589 the school day is by calling the school's main office. Students may use designated
590 school phones to contact parents/guardians during the school day.

591
592 6. **Retaliation** – It is a violation of the law and this policy to retaliate against any individual
593 filing a complaint or any person assisting in bringing a complaint, or any person
594 participating in an investigation. Any student, employee, or visitor experiencing
595 retaliation because they filed a School Safety & Discipline Report of Complaint of
596 Unwelcome and/or Inappropriate Behavior/ Remarks/Action/Conduct Form 1 should file
597 a separate complaint regarding the alleged retaliation.

598
599 **B. AUTHORITY & DISCIPLINE:** (See Section C for investigation procedure and see
600 **MHSD's School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, &**
601 **Report of Allegation Complaint, and School Safety & Discipline Forms 1-1f –**
602 **Investigation & Determination of Unwelcome and/or Inappropriate Behavior/**
603 **Remarks/Actions/ Conduct/Retaliation)** (I.C. Title 33, Sections 33-205, 33-506, 33-512,
604 33-513, & School District Policies)

605
606 The District has the authority to control student, employee, **community member**, visitor, and
607 guest conduct and to adopt rules necessary to maintain proper discipline. In addition, school
608 authorities have the right to impose a consequence on a student or employee for conduct away
609 from school grounds, including on a school bus or at a school-sponsored function.

610
611 The Superintendent or designee shall submit cases, including students, employees, or third
612 parties, to the appropriate Law Enforcement agency when the charges warrant such action.

613
614 **Upon receiving a report of or hearing of a School Safety & Discipline Policy – Zero**

615 Tolerance violation involving Unwelcome and/or Inappropriate Behavior/Remarks/
616 Actions/Conduct/Retaliation, the building administrator will begin an investigation using
617 the School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, & Report
618 of Allegation Complaint, and School Safety & Discipline Forms 1-1f – Investigation &
619 Determination of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/
620 Conduct/Retaliation. The administrator in charge of the case will meet with the
621 superintendent of schools, or designee, as soon as possible to consider the evidence.

622
623 1. ~~Each school will review the discipline plan annually, which includes procedures for due~~
624 ~~process in accordance with Idaho Code. The discipline plan must be provided, at the~~
625 ~~beginning of each school year to the students, staff, and parents.~~

626
627 1. All district employees **are required to report** any knowledge of, **complaints, reports,**
628 **suspicious, or information** they have received of unwelcome and/or inappropriate
629 behavior/remarks/actions/conduct/retaliation from a student, another staff member, or
630 community member, or becomes aware that a student, staff member, or community
631 member is being subjected to such, or in good faith believes that a student, staff or
632 community member is being subjected to unwelcome and/or inappropriate
633 behavior/remarks/actions/conduct/retaliation is required to report the matter, in a timely
634 and responsive manner, to the building principal or school superintendent, or law
635 enforcement immediately.

636
637 a. In the event the complaint involves the principal, the matter must be immediately
638 reported to the superintendent.

639
640 b. In the event the complaint involves the superintendent, the matter must be immediately
641 reported to the Board Chairperson.

642
643 2. **Sex and Gender-based Bullying, Harassment, Discrimination, and/or Retaliation –**
644 **employees and students need to report having** experienced sex or gender-based bullying,
645 harassment, discrimination, and/or retaliation or are aware of others experiencing sex or

- 646 **gender-based bullying, harassment, discrimination, and/or retaliation.**
- 647
- 648 a. Accordingly, all District employees must promptly report actual or suspected sex and
- 649 gender-based **bullying, harassment, discrimination, and/or retaliation** to the Title IX
- 650 Coordinator. District employees must share with the Title IX Coordinator all known
- 651 details of a report made to them in the course of their employment, as well as all details
- 652 of behaviors under this policy that they observe or have knowledge of.
- 653
- 654 b. Failure of a District employee to report an incident of sex or gender-based harassment,
- 655 discrimination, or retaliation to the Title IX Coordinator of which they become aware
- 656 is a violation of this policy and can be subject to disciplinary action for failure to
- 657 comply.
- 658
- 659 3. Certified school district employees in violation of the School Safety & Discipline Policy –
- 660 Zero Tolerance or for other conduct disruptive of good order, **or is disruptive of the**
- 661 **educational process, or which impedes the effectiveness of the school** will be immediately
- 662 suspended or placed on administrative leave by the superintendent **until the completion**
- 663 of the investigation and may be referred to the School Board of Trustees for possible due
- 664 process hearing and possible termination, and **may be** referred to Law Enforcement or the
- 665 appropriate authorities. (I.C. Title 33, Chapters 5 and 12; (33-512 & 33-513))
- 666
- 667 4. Classified school district employees in violation of the School Safety & Discipline Policy
- 668 – Zero Tolerance or for other conduct disruptive of good order, **or is disruptive of the**
- 669 **educational process, or which impedes the effectiveness of the school** will be referred to
- 670 the building administrator or to the superintendent for disciplinary measures and will be
- 671 immediately placed on leave without pay **until the completion of the investigation or**
- 672 terminated by the Superintendent for disciplinary reasons, and **may be** referred to Law
- 673 Enforcement or the appropriate authorities. (I.C. Title 33, Chapters 5 and 12 (33-512 &
- 674 33-513))
- 675
- 676 5. **Community members**, visitors, parents **and/or** guardians in violation of the School Safety

677 & Discipline Policy – Zero Tolerance or for other conduct disruptive of good order, or is
678 **disruptive of the educational process, or which impedes the effectiveness of the school**
679 **will ~~may~~ be prohibited from entering any school premises or facilities** or attending any
680 school sponsored activity, regardless of location.

681 School authorities also have the right to prevent visitors/guests, and any other persons from
682 entrance to school properties and facilities and may place a No Trespass Order on the
683 **community member, visitor, parent/guardian, or other persons and may be referred**
684 **to Law Enforcement or the appropriate authorities. (I.C. 33-512).**

685
686
687 6. Students in violation of the School Safety & Discipline Policy – Zero Tolerance or for other
688 conduct disruptive of good order, or is disruptive of the educational process, or which
689 impedes the effectiveness of the school will be immediately suspended for a minimum of
690 five (5) days by the building administrator or designee, may have the suspension
691 extended an additional ten (10) days by the Superintendent, may have the suspension
692 extended an additional five (5) days by the Board of Trustees or designee until the
693 completion of the investigation, and may be brought before a District Review Committee
694 for disciplinary measures, and may be brought before the School Board for possible
695 extension of the suspension or expulsion, and may be disciplined through the use of
696 consequences that may include, but are not limited to, referral to counseling, diversion, use
697 of juvenile specialty courts, restorative practices, in-school suspension, out-of-school
698 suspension, and may be referred to Law Enforcement or the proper authorities ~~would be~~
699 notified. The School Board of Trustees reserves the right to expel a student permanently.
700 (I.C. 33-205, 33-512). (I.C. 33-205)

701
702 Discipline shall be appropriate to the offense, age, and standing of the student individual.
703 Each incident will be addressed on a case-by-case basis, and the student may be referred
704 **to Law Enforcement or the proper authorities.**

705
706 Students with disabilities violating this policy will be dealt with within the guidelines of
707 Individuals with Disabilities Educational Act (IDEA), the American Disabilities Act

708 (ADA), and the Special Education Manual, and as defined by Public Law 94-142 and
709 subsequent amendments, and Section 504 of the 1973 Rehabilitation Act, under this
710 policy will follow federal guidelines.

711
712 **Release or Referral to Law Enforcement** – (I.C. 20-516, MHSD School Safety &
713 Discipline Form 2 – Release to Law Enforcement) – Release of a student to Law
714 Enforcement officials. The school administrator, or designee, may release a student to Law
715 Enforcement officials if a warrant is issued, or if the officer is arresting the student without
716 a warrant, or the officer requires the removal of a student from school district property. In
717 the absence of parental or guardian consent, the school administrator, or designee, shall
718 document the release by using the MHSD School Safety & Discipline Form 2 – Release to
719 Law Enforcement.

720
721 ~~a. Building administrators may temporarily suspend any student in violation of the Zero~~
722 ~~Tolerance as set forth for disciplinary reasons, or for other conduct disruptive of good~~
723 ~~order, or which impedes the effectiveness of the school and may be referred to the~~
724 ~~District Review Committee for disciplinary measures including, but not limited to,~~
725 ~~suspension or recommended for expulsion, and referred to Law Enforcement or the~~
726 ~~appropriate authorities (I.C. 33-205, 33-512). (I.C. 33-205)~~

727
728 ~~b. The administrator in charge of the case will meet with the superintendent of schools,~~
729 ~~or designee, as soon as possible to consider the evidence (School Safety & Discipline~~
730 ~~Procedure 1 – Complaint, Review, Investigation, & Report of Allegation Complaint,~~
731 ~~and School Safety & Discipline Forms 1-1f – Investigation & Determination of~~
732 ~~Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct).~~

733
734 a. **Weapons** – Students who or students who willingly assist other student(s) to
735 possess, store, or use firearms, look-a-like weapons, or other objects or substances
736 capable of being used, as defined in section A.1. B-1., without permission from school
737 officials will be referred to the Building Administrator and Superintendent or designee
738 and in accordance with Section B.6., and referred to Law Enforcement or the proper

739 authorities would be notified. The School Board of Trustees reserves the right to expel
740 a student permanently.

741
742 **The Superintendent or designee will refer any student who possesses a firearm on**
743 **school property in violation of state or federal law to the appropriate Law**
744 **Enforcement agency. The Board may, at its discretion, refer other students who**
745 **violate this policy to Law Enforcement.**

746
747 **b. Violence and Unwelcome and/or Inappropriate Behavior/Remarks/Actions/**
748 **Conduct/Retaliation – Students who participate in or who willingly assist other**
749 **student(s) to participate in Violence and Unwelcome and/or Inappropriate Behavior/**
750 **Remarks/Actions/Conduct/Retaliation including Adult and/or Student Relationships as**
751 **defined in Section A.2. will be referred to the Building Administrator and/or**
752 **Superintendent or designee for discipline in accordance with Section B.6., including,**
753 **but not limited to detention, in school suspension, and out of school suspension, or**
754 **referred to the District Review Committee for possible extension of the suspension or**
755 **referred to the School Board of Trustees for an additional extension of suspension or**
756 **expulsion from the school district, and referred to Law Enforcement or the proper**
757 **authorities would be notified. The School Board of Trustees reserves the right to expel**
758 **a student permanently.**

759
760 Students engaged in sexting will result in notification of parents, notification of Law
761 Enforcement or the proper authorities police and any other appropriate disciplinary
762 action in accordance with Section B.6. Any form of harassment related to sexting is
763 strictly forbidden.

764
765 **c. Bomb Threat – A student involved in a bomb threat, or knowingly assists another**
766 **student(s) in a bomb threat, against a school, school bus, or any school-sponsored**
767 **activity, or who possess, stores, or uses a bomb or a container that looks like bomb or**
768 **a container that holds explosive, incendiary material, smoke, or other destructive**
769 **substance, or other objects or substances capable of being used as bomb or other**
770 **weapon as defined in Section A.3., without permission from school officials is subject**

771 to discipline in accordance to Section B.6. ~~will be immediately suspended for a~~
772 ~~minimum of five (5) days. The School Board of Trustees reserves the right to expel~~
773 ~~a student permanently.~~

774
775 d. **Drugs/Alcohol/Controlled Substance** – Students found to be using and/or distributing
776 either by selling or sharing, dangerous drugs/alcohol/controlled substance, including,
777 but not limited to, look-alike or synthetic drugs, or students, engaged in
778 drug/alcohol/controlled substance related behavior as defined in Section A.4., on or
779 near owned or contracted school property and facilities, or at school sponsored events
780 regardless of location, and as interpreted by the School Board of Trustees are in
781 violation of this section of the School Safety and Discipline Policy – Zero Tolerance
782 **and subject to discipline in accordance to Section B.6.** ~~will be immediately~~
783 ~~suspended for a minimum of five (5) days will be referred to the District Review~~
784 ~~Committee for disposition, or to the School Board of Trustees for a hearing for possible~~
785 ~~expulsion.~~

786
787 e. **Electronic/Digital Communication and Entertainment Device** – Students found to
788 be in violation of using his/her electronic/digital communication and entertainment
789 device as defined in Section A.5., may have their electronic/digital communication or
790 entertainment devices taken from them by the classroom teacher or building
791 administration and is subject to discipline in accordance to Section B.6. The decision
792 to return the electronic/digital communication or entertainment devices and the
793 disciplinary action taken against the student who violated this portion of the policy and
794 the Computer Network Services Policy and Procedures would be in accordance with
795 the school building policy.

- 796
- 797 • Parents/guardians may be notified that their student had their electronic/digital
798 communication or entertainment device taken from them, the reason for the action,
799 and what would be required to have the device returned to the student.
 - 800
 - 801 • Parents/guardians may be notified of the disciplinary action that would be taken

802 against their student.

803
804 f. **Denial of Enrollment** – The School Board of Trustees has the authority to deny
805 attendance to students to all schools in the MHSD, to prohibit students from being on
806 school district property or facilities, to prevent students from attending school district
807 activities no matter the location. (I.C. 33-205)

808
809 A readmittance hearing before the Board of Trustees must be held prior to the
810 admittance of a student who has been expelled from any school district, in any state.

811
812 **Expulsion Mandated by Federal Law – In accordance with the federal Gun-Free**
813 **Schools Act and Idaho Code §33-205, the board of trustees shall expel a student**
814 **from school a student who has been found to possess a firearm on school property**
815 **in this state or any other state. The expulsion will be for a period of not less than**
816 **one (1) year (twelve (12) calendar months). The Board may modify the expulsion**
817 **order on a case-by-case basis when the Board determines that reasonable**
818 **conditions apply, and the student’s presence is not detrimental to the health and**
819 **safety of other students.**

820
821 Students, who have been expelled from any school district, including Mountain Home
822 School District No. 193, must notify school authorities of their expulsion upon
823 requesting admittance to the Mountain Home School District.

824
825 **The School Board of Trustees reserves the right to expel a student permanently.**

826
827 g. Mountain Home School District will not admit any student who has been expelled from
828 another school district or from Mountain Home School District No. 193 without a
829 hearing before the School Board of Trustees. Student expulsions resulting from a
830 violation of the Gun-Free Schools Act of 1994, is a mandatory one (1) year expulsion
831 period. Students expelled for possession, storing, or using a firearm, as defined in
832 Section A.1. B-1., will be referred to the appropriate criminal or juvenile justice system.

833 (I.C. 33-205)

834

835 7. **Retaliation** – Any person, be it student or staff, found to have retaliated against another
836 individual for reporting an incident of unwelcome and/or inappropriate behavior/remarks/
837 action/conduct/retaliation as defined in Section A.6., may be subject to the same
838 disciplinary action in accordance with Sections B.3., B.4., B.6., and as provided for
839 unwelcome and/or inappropriate behavior/ remarks/action/conduct/retaliation offenders up
840 to and including expulsion, termination, or denial of entrance to all school district
841 properties and facilities. Those persons who assist or participate in an investigation of
842 unwelcome and/or inappropriate behavior/remarks/ action/conduct are also protected from
843 retaliation under this policy.

844

845 C. **INVESTIGATION & REPORTING**

846

847 1. **It is detrimental that students and employees report all violations of the School Safety**
848 **& Discipline Policy – Zero Tolerance.**

849

850 2. **Once an incident has been reported, the administrator or designee will begin an**
851 **investigation.**

852

853 3. **Investigation & Reporting:** All reporting and investigations of the reporting will be
854 conducted as described in MHSD’s School Safety & Discipline Procedure 1 – Complaint,
855 Review, Investigation, & Report of Allegation Complaint, and School Safety & Discipline
856 Forms 1-1f – Investigation & Determination of Unwelcome and/or Inappropriate Behavior/
857 Remarks/Actions/Conduct/Retaliation of this policy.

858

859 a. Any investigation will be conducted, to the maximum extent possible, in a manner that
860 protects the privacy of both the complainant and the accused. However, if it is suspect
861 that child abuse has occurred, such abuse will be reported to Law Enforcement or the
862 proper authorities as required by state law.

863

- 864 b. In the event the investigation discloses that the complaining individual has falsely
865 accused another individual of Unwelcome and/or Inappropriate Behavior/Remarks/
866 Actions/Conduct knowingly or in a malicious manner, the complaining individual may
867 be subject to disciplinary action, up to and including expulsion for students, immediate
868 termination for classified employees, administrative placement of probation and
869 possible termination for certified employees, and a no trespass order for visitors.
- 870
- 871 c. Students and staff are encouraged to contact the principal or designee or other school
872 personnel if they have been **harassed or bullied**, abused or sexually assaulted or has
873 committed relationship abuse or sexual assault. Students and staff are also encouraged
874 to report to school authorities if they are aware that another student or staff member
875 has been **harassed or bullied** abused or sexually assaulted or has committed
876 relationship abuse or sexual assault.
- 877
- 878 d. In the event that cyber-technology bullying/harassment was committed by a school
879 district student or an employee on school grounds and/or using school district
880 technologies, the student or employee would be subjected to appropriate discipline and
881 referred to Law Enforcement or other appropriate authorities as defined in item 3.
- 882
- 883 e. In the event that cyber-technology bullying/harassment abuse was committed by a
884 school district student, school district employee, or any non-school district person using
885 non-school district technologies away from school grounds, the Building Principal or
886 designee may report the incident to local Law Enforcement and other appropriate
887 authorities.
- 888

889 **D. APPEALS**

- 890
- 891 1. Right of Appeal: Should a certified employee wish to challenge an administrative decision
892 regarding his or her contract or believes the District is in violation of any district policy,
893 (s)he may request a hearing before District Administration with right of appeal to the
894 School Board of Trustees **as instructed in the Board Authority Policy – School Board**

895 **Protocol Regarding Complaints & Grievances and** using the Grievance Policy 1 –
896 Certified Employees and Grievance Form 1 – Certified Employees.

897
898 2. A classified employee of the district may file a grievance about any matter related to their
899 employment except for wages and benefits, only if the grievance is directly related to the
900 classified employee’s belief they have been unfairly treated or the District is in violation of
901 any District Policy, State Regulation or Law, or Federal Regulation or Law. The grievance
902 must be submitted **as instructed in the Board Authority Policy – School Board Protocol**
903 **Regarding Complaints & Grievances and** in accordance with the Grievance Policy 2 –
904 Classified Employees and Grievance Form 2– Classified Employees. (I.C. 33-517)

905
906 3. A **school district student and/or a parent or visitor** of the district may file a grievance
907 who has reason to believe he/she has been unfairly treated or the District is in violation of
908 any District Policy, State Regulation or Law, or Federal Regulation or Law. The grievance
909 must be submitted **as instructed in the Board Authority Policy – School Board Protocol**
910 **Regarding Complaints & Grievances and** in accordance with the Student Grievance
911 Policy and Student Grievance Form 1, **or in the case of a patron as instructed in the**
912 **Board Authority Policy – School Board Protocol Regarding Complaints &**
913 **Grievances and** in accordance with the Patron Grievance Policy.

914
915 **This policy is a composite of the following policies that have been incorporated into one Board**
916 **Authority Policy – School Safety & Discipline:**

917
918 **School Safety & Discipline Policy**
919 **Drugs & Alcohol-Free Workplace for Employees & Students Policy (208.10)**
920 **Nondiscrimination Policy & Form (incorporated)**
921 **Sexual Harassment Policy & Form (incorporated)**
922 **Bullying, Harassment, Intimidation, & Abuse Against Students Policy, Procedure, Forms**
923 **(incorporated)**
924 **Prohibition of Weapons Policy (incorporated)**
925 **Relationship Abuse & Sexual Assault Prevention Policy (incorporated)**

926 Student Use of Electronic Communication & Entertainment Devices Policy (incorporated)

927 Adolescent Relationship Abuse & Sexual Assault Policy (incorporated)

928 Drug, Alcohol, & Tobacco Use Policy (incorporated)

929 Tobacco & Other Inhalants Policy (950)

930

931 **LIABILITY**

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

936

937 **NOTICE**

938

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

945



947

948 **LEGAL REFERENCE:**

949 **ZERO TOLERANCE:**

950 (I.C. Title 18, Chapter 9 – Assault & Battery, Chapter 15 – Children & Vulnerable Adults, Chapter 33 – Firearms, Explosives, & Weapons, Chapter
951 41 – Indecency & Obscenity, Chapter 42 – Intoxicants & Intoxication, Chapter 61 – Rape, Chapter 66 – Sex Crimes, Chapter 67 – Communications
952 Security, Chapter 73 – Civil Rights, Chapter 79 – Malicious Harassment; Title 20, Chapter 5 – Juvenile Corrections Act; Title 33, Chapter 2 –
953 Attendance at School, Chapter 5 – District Trustees (Government of Schools), Chapter 16 – Courses of Instruction; Title 37, Chapter 27 – Uniformed
954 Controlled Substances; IDAPA 08.02.03.160 – Safe Environment & Discipline; PL 100-690 & 94-142; Drug-Free Schools and Communities Act
955 of 1988; Title IX – Education Amendments of 1972; Idaho Coalition Against Sexual & Domestic Violence, Center for Healthy Teen Relationships)
956 (See also Child Abuse Policy; Computer & Network Services Policy and Procedures; **Drug-Alcohol Free Workplace Policy for Employees &**
957 **Students**; Medications Policy & Form; **Sexual Harassment Policy & Form**; **Searches, Seizures, & Interviews Policy & Form**; Tobacco & Other
958 Inhalants Policy, and Video & Electronic Surveillance Policy)

959

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

966 **UNWELCOME AND/OR INAPPROPRIATE BEHAVIOR/REMARKS/ACTIONS/CONDUCT/ RETALIATION & DISCIPLINE** – (I.C.
 967 Title 6, Chapter 9 (6-904 – Exceptions to Governmental Liability; Title 16 – Juvenile Proceedings, Chapter 16 – Child Protective Act, Section
 968 1605 – Reporting of Abuse, Abandonment and Neglect, 16-1619 – Conduct of Hearing; Title 18, Chapter 9 – Assault & Battery (18-917A - Student
 969 Harassment-Intimidation-Bullying, as amended by HB0246), Chapter 15 – Children & Vulnerable Adults; Chapter 33 – Firearms, Explosives, &
 970 Weapons (18-3302I, 18-3313), Chapter 41 – Indecency & Obscenity, Chapter 42 – Intoxicants & Intoxication, Chapter 61 – Rape, Chapter 66 –
 971 Sex Crimes, Chapter 79 – Malicious Harassment; Title 33, Chapter 2 – Attendance at School (33-205), Chapter 5 – District Trustee (33-512(6)) –
 972 Governance of Schools); Chapter 16 – Course of Instruction (33-1612 – Thorough System of Public Schools); Law Chapter 289 of the 2015
 973 Legislature, 34 U.S.C. §12291 – Violence Against Women, IDAPA 08.02.03.160; Title IX – Education Amendments of 1972; U.S. Dept. of
 974 Education Office of Civil Rights, January 2001, Idaho Coalition Against Sexual & Domestic Violence; [National Bullying Prevention Center](#)
 975 [Newsletter](#); Center for Healthy Teen Relationships; Title VI of the Civil Rights Act of 1964 (42 USC §§2000d *et seq.*); Title VII of the Civil Rights
 976 Act of 1965 (42 USC §§2000e *et seq.*); Section 1981 of the Civil Rights Act of 1866 (42 USC §1981); Section 1983 of the Civil Rights Act of 1871
 977 (42 USC §1983); The Equal Pay Act 1963 (29 USC §206d); Age Discrimination and Employment Act of 1967 (29 USC §§621 *et seq.*); Americans
 978 with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008(42 USC §§12101 *et seq.*); Idaho Human Rights Act (Idaho Code
 979 §§67-5901 *et seq.*); (*See Child Abuse Policy; School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, & Report of Allegation*
 980 *Complaint, and School Safety & Discipline Report of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Action/Conduct Form 1,*
 981 *Sexual Harassment Policy, & Form; Computer & Network Services Policy and Procedures; Searches, Seizures, & Interviews Policy & Procedure,*
 982 *and Video & Electronic Surveillance Policy)*

984 **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 –
 985 Firearms, Explosives, & Weapons (18-3302(D)(I), 18-3313), Chapter 67 – Communications Security, Chapter 79 – Malicious Harassment); Title
 986 20, Chapter 5 – Juvenile Corrections Act (20-509); Title 33, Chapter 2 – Attendance at School, (33-205 – Denial of School Attendance) Chapter 5
 987 – District Trustees (33-512 – Governance of Schools); Elementary and Secondary Education Act, Section 4141 (2001). (*See also Searches, Seizures,*
 988 *& Interviews Policy & Procedure*)

990 **DRUG/ALCOHOL/CONTROLLED SUBSTANCES & DISCIPLINE** – (I.C. 20-516 – Apprehension & Release of Juveniles – Detention, 23-
 991 105 – Alcoholic Liquor Defined, 23-1001 – Alcoholic Beverages Definitions, 33-205 – Denial of School Attendance, 33-210 – Student Using or
 992 Under the Influence of Alcohol or Controlled Substances, 33-512(6) – Governance of Schools, Title 37, Chapter 27, *et seq.* – Uniform Controlled
 993 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
 994 Indoor Air Definitions, 39-5507, *et seq.* – Violations, 39-5701, *et seq.* – Prevention of Minors’ Access to Tobacco, 39-5702 – Prevention of Minors’
 995 Access to Tobacco Definitions, 39-5703 – Possession, Distribution, or Use by a Minor, Drug-Free Schools and Communities Act Amendments of
 996 1989, PL 101-206 and all subsequent amendments, IDAPA 16.02.23 – Rules Governing Indoor Smoking) (*See also Drug-Alcohol Free Workplace*
 997 *for Employees & Students Policy; Searches, Seizures, & Interviews Policy & Procedure; Medications Policy & Forms, Tobacco & Other Inhalants*
 998 *Policy*)

1000 **ELECTRONIC COMMUNICATION AND ENTERTAINMENT DEVICES VIOLATIONS & DISCIPLINE:** (*See also Computer &*
 1001 *Network Services Policy & Procedures*)

1003 Idaho Code Title 6 – Actions in Particular Cases, Chapter 2, Section 6-210 (Recovery of Damages for Economic Loss Willfully Caused by a
 1004 Minor), Chapter 9, Section 6-904A (Exceptions to Governmental Liability)

1005 Idaho Code Title 16 – Juvenile Proceedings; Chapter 16 – Child Protective Act, Section 16-1605 (Reporting Abuse/Abandonment/Neglect), 16-
 1006 1606 (Immunity), 16-1616-1619 (Investigation)

- 1007 Idaho Code Title 18 – Crimes & Punishment, Chapter 4 (Abandonment); Chapter 9 – Assault & Battery (Assault, Abuse of Teachers, Hazing,
- 1008 Student Harassment, Intimidation, Bullying, Domestic Violence), Section 18-917A; Chapter 15 – Children & Vulnerable Adults;
- 1009 Chapter 33 – Firearms/Explosives/Deadly Weapons, Sections 18-3302(A-J) (Weapons), 18-3313 (Fire/Bomb Threats); Chapter
- 1010 41 – Indecency & Obscenity; Chapter 42 – Intoxicants & Intoxication; Chapter 61 – Rape; Chapter 66 – Sex Crimes; Chapter
- 1011 67 – Communications Security; Chapter 73 – Civil Rights; Chapter 79 – Malicious Harassment); Chapter 85 (Gangs)
- 1012 Idaho Code Title 20 – State Prison & County Jails, Chapter 2 – Juvenile Corrections Act; Sections 20-516 (Apprehension of Juveniles), 20-527
- 1013 (Truancy)
- 1014 Idaho Code Title 33 – Education, Chapter 2 – Attendance, Sections 33-205 (Denial of Attendance), 33-209 (Disciplinary Records), 33-210
- 1015 (Drug/Alcohol), Chapter 5 – District Trustees (Governance of Schools), Section 33-512, Chapter 12 – Teachers, Chapter 16 –
- 1016 Courses of Instruction, Section 33-1612 (Safe Schools/Education Empowerment/Skills/IDAPA)
- 1017 Idaho Code Chapter 37 – Food, Drugs, & Oil; Chapter 27 – Uniform Controlled Substances, Articles II-IV (Narcotics & Using/Under the
- 1018 Influence)
- 1019 Idaho Code Title 39 – Health & Safety, Chapter 55 – Clean Indoor Air, Sections 39-5501 – 39-5507, et seq., Chapter 39, Section 57 – Prevention
- 1020 of Minor Access to Tobacco, et seq.
- 1021 18 USC Chapter 7 (Assault); Chapter 26 (Gangs); Chapter 39 (Explosives); Chapter 44 (Firearms), Sections 921-931
- 1022 Title VI of the Civil Rights Act of 1964 (42 USC §§2000d *et seq.*)
- 1023 Title VII of the Civil Rights Act of 1965 (42 USC §§2000e *et seq.*)
- 1024 Section 1981 of the Civil Rights Act of 1866 (42 USC §1981)
- 1025 Section 1983 of the Civil Rights Act of 1871 (42 USC §1983)
- 1026 34 U.S.C. §12291(a)(8)(10)(30) (definition of domestic violence, stalking, dating violence)
- 1027 IDAPA 08.02.03.160 – Safe Environment and Discipline
- 1028 IDAPA 16.02.23 – Rules Governing Indoor Smoking
- 1029 Age Discrimination and Employment Act of 1967 (29 USC §§621 *et seq.*)
- 1030 Americans with Disabilities Act (42 USC §§12101 *et seq.*)
- 1031 Idaho Human Rights Act (Idaho Code §§67-5901 *et seq.*)
- 1032 Individuals with Disabilities Education Act (P.L. 94-142 Education of Handicapped)
- 1033 Rehabilitation Act 1973 (Disabled; Section 504)
- 1034 Title IX, Education Amendments of 1972 (20 USC §1681)
- 1035 Drug-Free Schools & Communities Act (1988)
- 1036 The Equal Pay Act 1963 (29 USC §206d)
- 1037 Elementary and Secondary Education Act 2001 (ESEA), Sections 4141(Gun-Free Requirements), 4155 (Transfer of Disciplinary Records), 4303
- 1038 (Nonsmoking Policy)
- 1039 Idaho Coalition Against Sexual & Domestic Violence
- 1040 Center for Healthy Teen Relationships - 2014
- 1041 www.startstrongteens.org & www.idvsa.org
- 1042 MHSD Child Abuse Policy
- 1043 MHSD Computer & Network Services Policy & Procedures
- 1044 MHSD Denying Enrollment – School Board of Trustees Statement
- 1045 MHSD Drug-Alcohol Free Workplace for Employees & Students Policy
- 1046 MHSD Medications Policy & Procedure Forms
- 1047 MHSD Restraint or Seclusion of Students Policy & Procedure
- 1048 MHSD Searches, Seizures, & Interviews Policy & Procedure
- 1049 MHSD Sexual Harassment Policy & Form
- 1050 MHSD Student Handbook Policy
- 1051 MHSD Suicide Prevention Policy
- 1052 MHSD Tobacco & Other Inhalants Policy
- 1053 MHSD Video Surveillance Policy

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