

ENTRANCE, PLACEMENT, AND TRANSFER

3110

Entrance, Date, and Age

Any student entering Canyon Creek School as a kindergarten student must be five years old on or before September 10. Any student entering Canyon Creek School as a first grade student must be six years old on or before September 10. A child who meets the requirement of being six (6) years old, but who has not completed a kindergarten program, will be tested and placed at the discretion of the administration. The District requires a birth certificate and an immunization or exemption record for every child to be admitted.

School Entrance

1. The District requires that a student’s parents, legal guardian, or legal custodian present proof of identity of the child (birth certification or certified transcript) to the school, as well as proof of residence in the District. Students who are not residents of the District may apply for admission pursuant to Policy 3141. Homeless students shall be admitted pursuant to state and federal law, and Policy 3125.

2. To be admitted to District schools, a child must have been immunized in accordance with the Montana Immunization Law. Immunizations may not be required if a child qualifies for conditional attendance or an exemption is filed as provided by Montana law.

Placement

The District goal is to place students at levels and in settings that will increase the probability of student success. Developmental testing, together with other relevant criteria including, but not limited to, health, maturity, emotional stability, and developmental disabilities, may be considered in the placement of all students. Final disposition of all placement decisions rests with the superintendent, subject to review by the Board.

Elementary Grades (K-8): A student transferring into Canyon Creek School District will be admitted and placed subject to an educational assessment and/or the observation by appropriate teachers and the superintendent during a probation period of two (2) weeks.

<p>Legal Reference: § 20-5-101, MCA § 20-5-403, MCA § 20-5-404, MCA § 20-5-405, MCA § 20-5-406, MCA 10.55.601 et seq., ARM</p>	<p>Admittance of child to school Immunization required – release and acceptance of immunization records Conditional attendance Medical or religious exemption Immunization record</p>
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Adopted: May 17, 1999
Revised: July 18, 2005

COMPULSORY ATTENDANCE

3120

It is deemed the responsibility of parents and guardians of students to comply with attendance requirements. Therefore, parents or guardians of all children between the ages of seven and sixteen will cause their children to attend school in compliance with Montana State Law.

Adopted: May 17, 1999

Revised:

ENROLLMENT AND ATTENDANCE RECORDS

3121

Since accurate enrollment and attendance records are essential both to obtain state financial reimbursement and to fulfill Canyon Creek School District's responsibilities under the attendance laws, staff shall be diligent in maintaining such records.

A district may only include, for ANB purposes, an enrolled student who is:

- A resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;
- Unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Living with a caretaker relative under § 1-1-215, MCA;
- Receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the student's services are provided at the district's expense under an approved individual education plan supervised by the district;
- Receiving education services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;
- Enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district, or;

In order for a student who is served through distance learning or offsite delivery methods to be included in the calculation of average number belonging, the student must meet the residency requirements for that district; live in the district, and must be eligible for educational services under the Individuals with Disabilities Education Act or under 29 U.S.C. 794; or attend school in the district under a mandatory attendance agreement as provided in § 20-9-707, MCA.

Legal Reference: § 1-1-215, MCA
29 U.S.C. 794

34 CFR 300.1, et seq.

Residence – rules for determining
Nondiscrimination under Federal grants
and programs
Individuals with Disabilities Education
Act

Adopted: August 20, 2007
Revised:

EXCUSED AND UNEXCUSED ABSENCES

3122

Any student having twenty (20) or more days of unexcused absences during any one school year, shall be retained in his/her present grade. Final determination rests with the board of trustees. Any student who is absent unexcused from school ten (10) *consecutive* days or longer shall be dropped from the rolls.

The superintendent has authority to excuse children's absences from school. Illness, medical, dental, legal or similar professional appointments, and bereavement all constitute valid reasons for being absent from school. Other absences may be excused upon prior approval of the superintendent. Chronic absences shall be investigated by the superintendent and, if necessary, the services of the county superintendent in the role of attendance officer will be employed. All excuses must be in writing and signed by a parent/guardian.

Parents/guardians must notify the school when the student will be absent. The superintendent, secretary or teacher will call parents/guardians of all students listed as absent on any regularly scheduled school day if not notified before dismissal. A record of all calls concerning absenteeism will be kept in the school office. School authorities will notify local law enforcement authorities immediately if a district child is missing or upon identification of a child on the OPI missing child list. No pupil will be allowed to leave the school during the school day with any adult other than a parent/guardian until proper permission is given by the parent/guardian. After the P.M. dismissal, going home with a friend is the responsibility of the student and his parent/guardian. A sign-out sheet must be signed in the office when a student is taken from the school during the day.

Adopted: May 17, 1999

Revised:

EDUCATION OF HOMELESS CHILDREN

3125

Each child of a homeless individual and each homeless child has equal access to the same free, appropriate public education as provided to other students. The trustees must assign and admit a child who is homeless to Canyon Creek School District irrespective of whether the homeless child is able to produce records normally required for enrollment. The trustees may not require an out-of-District attendance agreement and tuition for a homeless child.

The Superintendent or designee shall review and revise rules or procedures that may act as barriers to the enrollment of homeless children and youths. In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residence, birth certificates, school records, and other documentation.

Homeless students shall have access to services comparable to services offered to other students, including but not limited to:

- I. Transportation services;
- II. Educational services for which the student meets eligibility criteria (e.g., Title I);
- III. Educational programs for children with disabilities and limited English proficiency;
- IV. Programs in vocational and technical education, as well as programs for gifted and talented students; and
- V. School nutrition program.

The Superintendent or designee shall give special attention to ensuring the enrollment and attendance of homeless children not currently attending school. The Superintendent shall appoint a liaison for homeless children.

A "homeless child" is defined as provided in the McKinney Homeless Assistance Act.

A complaint regarding the placement or education of a homeless child shall first be presented orally and informally to the District's homeless liaison. Thereafter a written complaint must be filed in accordance with the District's Uniform Grievance Procedure.

Cross Reference: 3215 Uniform Grievance Procedure

Legal Reference: 42 U.S.C. § 11431, et seq. McKinney Homeless Assistance Act
§ 20-5-101, MCA Admittance of child to school

Adopted: March 17, 2003

Revised:

DISCRETIONARY NONRESIDENT STUDENT ATTENDANCE POLICY

3141

Except as otherwise provided by law, admission to the District as a nonresident student is a privilege. The Board, recognizing that an educational requirement of its resident students includes the need for an orderly educational process and environment, free from disruption, overcrowding, and any kind of violence or disruptive influences, hereby establishes criteria on the discretionary admission of nonresident students:

1. Except as provided by law, admission to the District as a nonresident student is a privilege, unless required by § 20-5-321, MCA. As such, the District will screen all discretionary nonresident students and only consider those who meet the criteria set forth in this policy.
2. All students whose legal residence is outside of the District and who do not qualify for mandatory attendance will be denied enrollment, with the following exceptions:
 - A. Children in the immediate family of nonresident District employees;
 - B. Students residing outside the District provided they:
 1. be in good standing with the most recently attended school in terms of academics, conduct, and attendance;
 2. be able to demonstrate a record free of truancy;
 3. be able to demonstrate a clean behavior record in the school last attended for a period of at least one (1) year;
 4. have passing grades in the school previously attended;
 5. have correctly completed the nonresident student application process; and
 6. present no other educationally related detriment to the students of the District.
3. The District will not admit any student prior to administrative review of that student's records from the student's previous school districts.
4. The District has the option of accepting a nonresident student who does not meet the criteria set forth herein, if the student agrees to special conditions of admission, as set forth by the District.
5. Every student who attends the District as a nonresident student must re-apply for admission by June 15. Admission in one school year does not imply or guarantee admission in subsequent years.
6. The District will not admit nonresident students, when to do so would require the hiring of additional staff, the provision of educational services not currently provided in the school, or the crowding of existing classes.
7. All resident students who become nonresidents due to a move from the District by their parents/guardians may continue attendance for the semester, barring registration in another District. At the completion of the semester, the student must apply as a non-resident student.

8. The Board reserves the right to charge tuition for nonresident students, per statute.
9. All nonresident students will be considered ineligible transportees for school transportation services (20-10-101, MCA).
10. The Board may declare an emergency which, in its opinion, necessitates the removal of all nonresident students from the schools.

Legal Reference:	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining state or province
	§ 20-5-316, MCA	Out-of-state tuition
	§ 20-5-320, MCA	Attendance with discretionary approval
	§ 20-5-321, MCA	Attendance with mandatory approval - tuition and transportation
	§ 20-5-322, MCA	Residency determination - notification - appeal for attendance agreement
	§ 20-5-323, MCA	Tuition and Transportation rates
	10.10.301, ARM	Out-of-district attendance agreements

Adopted: February 19, 2001
Revised:

STUDENT RIGHTS AND RESPONSIBILITIES

3200

All students are entitled to enjoy the rights protected by the Federal and State Constitutions and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate District policies or rules will be subject to disciplinary measures.

Cross Reference: 3231 Searches and Seizure
3310 Student Discipline

Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition
of corporal punishment
§ 20-5-201, MCA Duties and sanctions
Tinker v. Des Moines Ind. Sch. Dist., 89 S.Ct. 733 (1969)

Adopted: August 12, 2003

Revised:

EQUAL EDUCATION, NONDISCRIMINATION AND SEX EQUITY

3210

Equal educational opportunities shall be available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious beliefs, physical and mental handicap or disability, economic or social conditions, or actual or potential marital or parental status or status as a homeless child.

The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence against students, staff, or volunteers because of disability. The District considers this behavior to constitute discrimination on the basis of disability, in violation of state and federal law.

Inquiries regarding discrimination or intimidation should be directed to the District Title IX Coordinator. An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

In compliance with federal regulations, the District will notify annually all students, parents, staff, and community members of this policy and the designated coordinator to receive inquiries. Notification will be carried in the student handbook.

Legal Reference: Art. X, Sec. 7, Montana Constitution - Nondiscrimination in
education
§ 49-2-307, MCA Discrimination in education
24.9.1001, et seq., ARM Sex discrimination in education
No Child Left Behind Act of 2001 (P.L. 107-110)

Adopted: May 17, 1999
Revised: January 20, 2003

STUDENT DRESS

3224

Students are reminded that their appearance significantly affects the way others respond to them. They are expected to be decently dressed and to exhibit a well-groomed appearance. Matters of dress remain the primary responsibility of students, in consultation with their parents or legal guardians. Nevertheless, certain minimum standards shall be observed by all students. The administration shall establish procedures for the monitoring of student dress in school or while engaging in extracurricular activities. Specifics regarding this policy may be found in the student handbook.

Adopted: May 17, 1999
Revised: August 12, 2003

SEXUAL HARASSMENT/INTIMIDATION OF STUDENTS

3225

Sexual harassment is a form of sex discrimination and is prohibited in the District. An employee, District agent, or student engages in sexual harassment whenever he/she makes unwelcome advances, requests sexual favors, or engages in other verbal, non-verbal, or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
2. has the purpose or effect of:
 - a. substantially interfering with the student's educational environment;
 - b. creating an intimidating, hostile, or offensive educational environment;
 - c. depriving a student of educational aid, benefits, services, opportunities, or treatment; or
 - d. making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

The terms "intimidating", "hostile", and "offensive" include conduct which has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but are not limited to, unwelcome touching, crude jokes or pictures, discussions of sexual experiences, pressure for sexual activity, intimidation by words, actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Students who believe that they may have been sexually harassed or intimidated should contact a counselor, teacher, Title IX coordinator, or administrator, who will assist them in the complaint process. Supervisors or teachers who knowingly condone or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with the discipline policy. Any person knowingly making a false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge with regard to employees, or suspension and expulsion with regard to students.

The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

Any individual seeking further information should contact the Superintendent for the name of the current Title IX Coordinator for the District. The Superintendent shall ensure that the student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the District's compliance efforts.

An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

Cross Reference: 3215 Uniform Grievance Procedure

Legal References: Art. X, Sec. 1, Montana Constitution
§§ 49-3-101, et seq., MCA Montana Human Rights Act
Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.
34 CFR Part 106

Adopted: May 17, 1999
Revised: August 12, 2003

HAZING/HARASSMENT/INTIMIDATION/BULLYING/MENACING**3226**

The Board will strive to provide a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing, or bullying by students, staff, or third parties is strictly prohibited and shall not be tolerated.

Definitions

1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control at inter-District and intra-District athletic competitions or other school events.
2. "District" includes District facilities, District premises, and non-District property if the student or employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where students are under the control of the District or where the employee is engaged in District business.
3. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment, including, but not limited to, forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.
4. "Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, or physical nature, on the basis of age, race, religion, color, creed, national origin, sex, ancestry, disability, or marital status.
5. "Harassment, intimidation, or bullying" means any act that substantially interferes with a student's educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop, and that has the effect of:
 - ◆ Physically harming a student or damaging a student's property;
 - ◆ Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
 - ◆ Creating a hostile educational environment.

6. "Intimidation" includes, but is not limited to, any threat or act intended to tamper with, substantially damage, or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact, or inflict serious physical injury, on the basis of age, race, religion, color, creed, national origin, sex, ancestry, disability, or marital status.
7. "Menacing" includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee, or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of hazing, harassment, intimidation, bullying, or menacing in violation of this policy is encouraged to immediately report his/her concerns to the Superintendent, who has overall responsibility for such investigations. This report may be made anonymously. A student may also report concerns to a teacher or counselor, who will be responsible for notifying the Superintendent. Complaints against the Superintendent shall be filed with the Board.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or the Board. Individuals may also be referred to law enforcement officials.

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

The Superintendent shall be responsible for ensuring notice of this policy is provided to students, staff, and third parties and for the development of administrative regulations, including reporting and investigative procedures, as needed.

Adopted: August 12, 2003
Revised:

SEARCHES AND SEIZURE

3231

To maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects.

School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as lockers, desks, and parking lots), as well as personal effects left there by the student, without notice or consent of the student.

The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or material, including searches conducted through the use of specially trained dogs.

Students

School authorities may search the student and/or the student's personal effects in the student's possession, when there is reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating the law or the District's student conduct rules. The search itself must be conducted in a manner which is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. Final disposition of seized property shall be determined by the Superintendent. When appropriate, such evidence may be transferred to law enforcement authorities.

Adopted: August 12, 2003

Revised:

VIDEO SURVEILLANCE

3235

District Property:

The Canyon Creek School Board authorizes the use of video cameras on District property to ensure the health, welfare, and safety of all staff, students, and visitors and to safeguard District buildings, grounds, and equipment. The Superintendent will approve appropriate locations for video cameras.

The Superintendent will notify staff and students through staff and student handbooks or by other means that video surveillance may occur on District property.

The District may choose to make video recordings a part of a student's educational record or of a staff member's personnel record. The District will comply with all applicable state and federal laws related to record maintenance and retention.

District Transportation:

The Board authorizes First Student, the contractor for buses, to use video cameras with audio on the school buses to ensure the health, welfare, and safety of all students and staff. These cameras will record all video and audio conversations at all times.

Parents will be notified of this video/audio taping by means of the student handbook, newsletters mailed home, newsletters carried home, and posting on the school's website. A notice will be posted on the buses and drivers will make frequent announcements on their speakers that video/audio taping is in place.

Cross-Reference: 3600 Student Records

Adopted: July 18, 2005

Revised: August 15, 2005

SUSPENSION AND EXPULSION

3300

The District recognizes and honors students’ constitutional right to education opportunity. However, as provided under Montana law, the District will exercise its right to suspend or expel a student when necessary. The District expects all students to know and follow District policies and rules. The District considers a student’s failure or refusal to comply with District policies and rules cause for discipline, including short-term suspension, long-term suspension, or expulsion.

The following definitions apply for purposes of this policy:

- “Suspension” means the exclusion of a student from attending individual classes or school and participating in school activities for a specified and limited period of time. The Superintendent may order suspension of a student.
- “Expulsion” means the exclusion of a student from attending school and participating in school activities for a specified period of time not to extend beyond one (1) calendar year. Expulsion is a disciplinary action available only to the Board.

Students with disabilities will be suspended or expelled pursuant to provisions of the Individuals with Disabilities Education Act (IDEA) and corresponding Montana law.

The Board authorizes the Superintendent to order an emergency long-term suspension pending due process, if a student’s presence in school poses a danger to the student, other persons, or property or poses disruption of education. The District must afford the student appropriate due process as soon as possible following suspension of the student.

The Superintendent will develop procedures to implement this policy and submit the procedures to the Board for its advice and consent.

Legal Reference:	20 U.S.C. 1400, et seq.	Individuals with Disabilities Education Act
	34 CFR 300.519-521	Procedural Safeguards
	§ 20-4-302, MCA	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	§ 20-5-105, MCA	Attendance officer – powers and duties
	§ 20-5-106, MCA	Truancy
	§ 20-5-201, MCA	Duties and sanctions
	§ 20-5-202, MCA	Suspension and expulsion
	ARM 10.16.3346	Aversive Treatment Procedures
	<i>Goss v. Lopez</i> , 419 US 565 (1975)	

Adoption: August 12, 2003
Revised: November 19, 2007

STUDENT DISCIPLINE**3310**Student Discipline

A teacher or principal has the authority to hold a pupil to strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess. Any staff member who has reason to suspect a student is in violation of this policy has the responsibility to report the occurrence to the Superintendent immediately.

In order to ensure a safe and secure learning environment, disciplinary action will be taken against any student guilty of gross disobedience or misconduct. The following offenses will not be allowed:

- Using, possessing, distributing, purchasing, or selling tobacco products.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend school functions and are treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling intoxicants, illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. Students who are under the influence are not permitted to attend school functions and are treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon. (Students may be permitted to use small knives or similar tools under close supervision of their teacher for the purpose of instruction.)
- Disobeying directives from staff members or school officials and/or rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.
- Engaging in any activity that constitutes disorderly conduct, an interference with school purposes or an educational function, or any disruptive activity.
- Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants.
- The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the school.

District Jurisdiction

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

- In school buildings or on school grounds at any time;
- Within sight of school grounds before, during, or after school hours or at any other time when the school is being used by a school group;

- Off school grounds at a school-sponsored activity, or event, or any activity or event which bears a reasonable relationship to school;
- In a school vehicle or bus;
- Traveling to and from school or a school activity, function, or event; or
- Anywhere, if the conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member, or an interference with school purposes or an educational function.

Disciplinary Measures

Disciplinary measures include, but are not limited to:

- ◆ expulsion
- ◆ suspension
- ◆ detention, including Saturdays
- ◆ clean-up duty
- ◆ loss of student privileges
- ◆ loss of bus privileges
- ◆ notification to juvenile authorities and/or police
- ◆ restitution for damages to school property

No person who is employed or engaged by the District may inflict or cause to be inflicted corporal punishment on a student. District personnel are permitted to use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense.

Weapons and Dangerous Instruments

A student shall not possess, handle, transmit, use or attempt to use any weapon or dangerous instrument at school, as defined in the District Jurisdiction section of this policy. In accordance with state law, the Board of Trustees shall expel for one calendar year any student found to be in violation of this section. The Board, however, may modify the expulsion period on a case-by-case basis.

For this policy, a weapon is defined as any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to:

1. Firearm—or any object that can reasonable be considered, or looks like a firearm;
2. Explosive Devices—including any dynamite cartridge, bomb, grenade, mine, TNT, live ammunition, blasting caps, detonators, or fuses for the explosion thereof;
3. Knife—which includes any instrument that it capable of ready use as a stabbing

weapon that may inflict great bodily injury or death; an instrument with a blade at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, or any other deadly or dangerous weapon of like character;

4. Other dangerous instruments—box cutter, sword, straight razor, throwing star, nun-chucks, firecrackers, brass or other metal knuckles, or any other object or instrument capable of being readily used by one person to inflict bodily harm upon another individual with the intention to do so.

No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.

No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

Any person who possesses, carries, or stores a weapon in a school building, or on school grounds, except as provided below, shall be referred to law enforcement for possible prosecution, as well as face disciplinary action by the District. The weapon or dangerous instrument will be confiscated. In addition, a parent or guardian of any minor violating this policy shall also be referred for possible prosecution, on the grounds of allowing the minor to possess, carry, or store a weapon upon school property.

The Superintendent may grant persons and entities advance written permission to possess, carry, or store an unloaded weapon on school property for use in instructional activities. It is solely within the Superintendent's discretion whether to allow a person to possess, carry, or store a weapon in the school building.

A student subject to expulsion under the terms of this policy shall be suspended by the Superintendent pending an expulsion hearing by the Board of Trustees in accordance with §20-5-202, MCA.

This policy does not apply to law enforcement personnel.

Delegation of Authority

Each teacher, and any other school personnel when students are under his/her charge, is authorized to impose any disciplinary measure, other than suspension, or expulsion, corporal punishment or in-school suspension, which is appropriate and in accordance with the policies and rules on student discipline. Teachers may remove students from a classroom for disruptive behavior.

If a student violating this policy is identified as disabled, either under the IDEA or

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

Any student subject to an expulsion shall be entitled to a hearing before the Board, in accordance with § 20-5-202, MCA, and Policy 3300.

Cross Reference: 3300 Corrective Actions and Punishment

Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
§ 20-5-202, MCA Suspension and expulsion
§ 45-8-361, MCA Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions
20 U.S.C. § 8921, et seq. Gun Free Schools Act of 1994
29 U.S.C. § 701 Rehabilitation Act of 1973

Adopted: May 17, 1999
Revised: July 19, 2004
Revised: August 15, 2005

STUDENT HEALTH/PHYSICAL SCREENINGS

3410

The following policies are set to protect the health, safety and general welfare of the students of Canyon Creek School District. The county public health nurse shall be contracted as a school nurse on a part-time basis. She shall be a resource person to the staff, students and parents on matters of health and welfare.

The nurse shall keep student health records. These records shall become part of the student's permanent record. The nurse will record the results of vision, hearing, and scoliosis screening on the health records. The nurse shall record communicable diseases or injuries suffered by the child during the school year.

Parents/guardians will receive written notice of any screening result which indicates a condition that might interfere or tend to interfere with a student's progress.

Legal Reference: § 20-3-324(20), MCA Powers and duties
General Education Provisions Act, 20 U.S.C. 1232h(b)

Adopted: May 17, 1999

Revised: July 18, 2005

STUDENT IMMUNIZATION

3413

The Board requires all students to present evidence of their having been immunized against the following diseases: diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus. Pertussis immunization is not required for students who are seven (7) years or older. Haemophilus influenza type "b" immunization is required for students under age five (5).

Upon initial enrollment, an immunization status form shall be completed by the student's parent or guardian. The certificate shall be made a part of the student's permanent record.

A pupil who transfers into the District may photocopy immunization records in the possession of the school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring pupil ceases attendance at the school of origin, the school shall retain a certified copy for the permanent record and send the original immunization records for the pupil to the school district to which the pupil transfers. Exemptions from one or more vaccines shall be granted for medical reasons upon certification by a physician indicating the specific nature and probable duration of the medical condition for not administering the vaccine(s). Exemptions for religious reasons must be filed annually. The statement for an exemption shall be maintained as part of the student's immunization record. The permanent file of students with exemptions shall be marked for easy identification should the Department of Public Health and Human Services order that exempted students be excluded from school temporarily when the risk of contracting or transmitting a disease exists. Exclusion shall not exceed thirty (30) calendar days.

The Superintendent may allow the commencement of attendance in school by a student who has not been immunized against each disease listed in § 20-5-403, MCA, if that student has received one or more doses of polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, Haemophilus influenza type "b", and tetanus vaccine.

The District shall exclude a student for noncompliance with the immunization laws and properly notify the parent or guardian. The local health department may seek an injunction requiring the parent to submit an immunization status form, take action to fully immunize the student, or file an exemption for personal or medical reasons.

Legal Reference:	§ 20-3-324(20), MCA § 20-5-402 - 410, MCA § 20-5-403, MCA	Powers and duties Health Immunization required – release and acceptance of immunization records
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Adopted: May 17, 1999
Revised: November 21, 2005

ADMINISTERING MEDICINES TO STUDENTS

3416

“Medication” means prescribed drugs and medical devices that are controlled by the U.S. Food and Drug Administration and are ordered by a healthcare provider. It includes over-the-counter medications prescribed through a standing order by the school physician or prescribed by the student’s healthcare provider.

Any school employee delegated by the school administrator through the School Nurse:

- May assist in self-administration of any drug that may lawfully be sold over the counter without a prescription to a student in compliance with the written instructions and with the written consent of a student’s parent or guardian; and
- May assist in self-administration of a prescription drug to a student in compliance with written instructions of a medical practitioner and with the written consent of a student’s parent or guardian.

Administering Medication

The Board will permit administration of medication to students in schools in its jurisdiction. A school nurse (who has successfully completed specific training in administration of medication), pursuant to written authorization of a physician or dentist and that of a parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, may administer medication to any student in the school or may delegate this task pursuant to Montana law.

Emergency Administration of Medication

In case of an anaphylactic reaction or risk of such reaction, a school nurse or delegate may administer emergency oral or injectable medication to any student in need thereof on school grounds, in a school building, or at a school function, according to a standing order of a chief medical advisor or a student’s private physician.

In the absence of a school nurse, an administrator or designated staff member exempt from the nurse license requirement under § 37-8-103(1)(c), MCA, who has completed training in administration of medication, may give emergency medication to students orally or by injection.

The Board requires that there must be on record a medically diagnosed allergic condition that would require prompt treatment to protect a student from serious harm or death.

Record of the medication administered in an emergency will be entered on an individual student medication record and will be file in a student’s cumulative health folder.

Self-Administration of Medication

Students who are able to self-administer specific medication may do so provided that:

- A physician or dentist provides a written order for self-administration of said medication;
- Written authorization for self-administration of medication from a student’s

parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file; and

- The Superintendent and appropriate teachers are informed that a student is self-administering prescribed medication.

Any school employee authorized in writing by the Superintendent or School Nurse may assist with self-administration of medications, provided that only the following may be employed:

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

Self-Administration or Possession of Asthma, Severe Allergy, or Anaphylaxis Medication

Students with allergies or asthma may be authorized by the Superintendent, in consultation with medical personnel, to possess and self-administer emergency medication during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication if the following conditions have been met:

- A written and signed authorization from the parents, an individual who has executed a caretaker relative educational authorization affidavit, or guardians for self-administration of medication, acknowledging that the District or its employees are not liable for injury that results from the student self-administering the medication.
- The student must have the prior written approval of his/her primary healthcare provider. The written notice from the student's primary care provider must specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.
- Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.
- Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

Authorization granted to a student to possess and self-administer medication shall be valid for the current school year only and must be renewed annually.

A student's authorization to possess and self-administer medication may be limited or revoked by the Superintendent or school nurse.

If provided by the parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, and in accordance with documentation provided by the student's doctor, backup medication must be kept at a student's school in a predetermined location or locations to which the student has access in the event of an asthma, severe allergy, or anaphylaxis emergency.

Immediately after using epinephrine during school hours, a student shall report to the school nurse or other adult at the school who shall provide follow up care, including making a 9-1-1 emergency call.

Administration of Glucagons

School employees may not agree to administer glucagons pursuant to § 20-5-412, MCA.

Handling and Storage of Medications

The Board requires that all medications, including those approved for keeping by students for self-medication, be first delivered by a parent, an individual who has executed a caretaker relative educational authorization affidavit, or other responsible adult to a nurse or employee assisting with self-administration of medication. A nurse or assistant:

- Must examine any new medication to ensure it is properly labeled with dates, name of student, medication name, dosage, and physician's name;
- Must develop a medication administration plan, if administration is necessary for a student, before any medication is given by school personnel;
- Must record on the student's individual medication record the date a medication is delivered and the amount of medication received;
- Must store medication requiring refrigeration at 36° to 46° F;
- Must store prescribed medicinal preparations in a securely locked storage compartment; and
- Must store controlled substances in a separate compartment, secured and locked at all times.

The District will permit only a forty-five-(45)-school-day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, will be stored in their original containers.

The District will limit access to all stored medication to those persons authorized to administer medications or to assist in the self-administration of medications. The District requires every school to maintain a current list of those persons authorized by delegation

COMMUNICABLE DISEASES**3417**

Note: For purposes of this policy, the term “communicable disease” refers to the diseases identified in 16.28.202, ARM, Reportable Diseases, with the exception of common colds and flu.

In all proceedings related to this policy, the District will respect a student’s right to privacy. Although the District is required to provide educational services to all school-age children who reside within its boundaries, it may deny attendance at school to any child diagnosed as having a communicable disease that could make a child’s attendance harmful to the welfare of other students. The District also may deny attendance to a child with suppressed immunity in order to protect the welfare of that child when others in a school have an infectious disease, which, although not normally life threatening, could be life threatening to a child with suppressed immunity.

The Board recognizes that communicable diseases that may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. The District will rely on advice of the public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

The District will manage common communicable diseases in accordance with Montana Department of Health guidelines and communicable diseases control rules. The District may temporarily exclude from school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting.

Students who complain of illness at school may be referred to a school nurse or other responsible person designated by the Board and may be sent home as soon as a parent or person designated on a student’s emergency medical authorization form has been notified. The District reserves the right to require a statement from a student’s primary care provider authorizing a student’s return to school.

When information is received by a staff member or a volunteer that a student is afflicted with a serious communicable disease, a staff member or volunteer will promptly notify a school nurse or other responsible person designated by the Board to determine appropriate measures to be taken to protect student and staff health and safety. A school nurse or other responsible person designated by the Board, after consultation with and on advice of public health officials, will determine which additional staff members, if any, have need to know of the affected student’s condition.

Only those persons with direct responsibility for the care of a student or for determining appropriate educational accommodation will be informed of the specific nature of a condition, if it is determined that such individuals need to know this information.

The District may notify parents of other children attending a school that their children have been exposed to a communicable disease without identifying the particular

student who has the disease.

Legal Reference: 16.28.101, et seq., ARM Communicable Disease Control

Adopted: May 17, 1999

Revised: July 18, 2005

EMERGENCY TREATMENT

3431

In the case of an emergency, a parent/guardian will be notified immediately. If the parent/guardian cannot be reached, the board empowers the administration to authorize emergency treatment or transport to the nearest medical facility.

Adopted: May 17, 1999

Revised:

REMOVAL OF STUDENT DURING SCHOOL HOURS

3440

A sick child shall be removed from the classroom and a parent/guardian will be notified. No sick or injured child shall be sent home unattended without parent/guardian permission. In the event the parent/guardian cannot be reached, the child will remain at school until a parent/guardian can be reached or until the school day ends.

Adopted: May 17, 1999

Revised:

EXTRACURRICULAR STUDENT ACTIVITIES

3500

Extracurricular student activities are an important part of a child's education. The board will support extracurricular activities to the extent that they have the resources. Participation in these activities is a privilege, not a right.

Adopted: May 17, 1999

Revised:

STUDENT FEES, FINES, AND CHARGES

3520

Within the concept of free public education, the District will provide an educational program for students as free of costs as possible.

The Board may charge a student a reasonable fee for any course or activity not reasonably related to a recognized academic and educational goal of the District or for any course or activity taking place outside normal school functions. The Board may waive fees in cases of financial hardship.

The Board delegates authority to the Superintendent to establish appropriate fees and procedures governing collection of fees.

The District holds a student responsible for the cost of replacing materials or property that are lost or damaged because of negligence. The superintendent or designee will notify a student and parent regarding the nature of violation or damage, how restitution may be made, and how an appeal may be instituted. The District may withhold a student's grades until restitution is made. A student or parent may appeal the imposition of a charge for damages to the Superintendent and to the Board.

Legal reference: § 20-5-201, MCA Duties and sanctions
 § 20-7-601, MCA Free textbook provisions
 § 20-9-214, MCA Fees

Adopted: July 18, 2005

Revised:

STUDENT FUND RAISING ACTIVITIES

3530

Fund-raising by school support organizations is considered a usual and desirable part of the function of such groups, subject to reasonable limitations. Specific fund-raising activities must be approved in advance by the Superintendent. Solicitation and collection of money by students for any purpose, including the collection of money by students in exchange for goods or services for the benefit of an approved school organization, may be permitted by the Superintendent providing that the instructional program is not adversely affected.

Cross Reference: 4222 Fund-raising by school support organizations

Adopted: May 17, 1999

Revised: December 18, 2000

DISTRIBUTION OF FUND DRIVE LITERATURE THROUGH STUDENTS 3535

Although many community drives are organized for raising funds for worthy nonprofit causes, it is the policy of the District to refrain from having the students, as student body members, used for such collection or dissemination purposes.

Exceptions to this policy will be considered when recognized student or school-affiliated organizations of the District request permission to participate in such activity.

Cross Reference: 4320 Contact with students

Adopted: December 18, 2000

Revised:

STUDENT RECORDS

3600

School student records are confidential and information from them shall not be released other than as provided by law. State and federal law grants students and parent(s)/guardian(s) certain rights, including the right to inspect, copy, and challenge their or their child's school records. The information contained in school student records shall be kept current, accurate, clear and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The district may release directory information as permitted by law, but parent(s)/guardian(s) shall have the right to object to the release of information regarding their child.

The superintendent shall implement this policy and state and federal law with administrative procedures. The superintendent or a designee shall annually inform staff members of this policy, and shall inform students and their parent(s)/guardian(s) of it, as well as their rights regarding student school records.

Adopted: May 17, 1999

Revised:

TRANSFER OF STUDENT RECORDS

3606

The District will forward by mail or by electronic means a certified copy of a permanent or cumulative file of any student and a file of special education records of any student to a local educational agency or accredited school in which a student seeks to or intends to enroll within five (5) working days after receipt of a written or electronic request. The files to be forwarded must include education records in a permanent file — that is, name and address of a student, name of parent or legal guardian, date of birth, academic work completed, level of achievement (grades, standardized tests), immunization records, special education records, and any disciplinary actions taken against a student that are educationally related.

The District will not refuse to transfer records because a student owes fines or fees.

Cross Reference: 3413 Student Immunization
3600 - 3600P Student Records
3606F Records Certification

Legal Reference: § 20-1-213, MCA Transfer of school records

Adopted: May 17, 1999

Revised:

RECEIPT OF CONFIDENTIAL RECORDS

3608

Pursuant to Montana law, the District may receive case records of the Department of Public Health and Human Services and its local affiliate, the county welfare department, the county attorney, and the court concerning actions taken and all records concerning reports of child abuse and neglect. The District will keep these records confidential as required by law and will not include them in a student's permanent file.

The Board authorizes the individuals listed below to receive information with respect to a District student who is a client of the Department of Public Health and Human Services:

- Superintendent
- School Nurse
- Counselor

When the District receives information pursuant to law, the Superintendent will prevent unauthorized dissemination of that information.

Cross Reference: 3600 – 3600P Student Records

Legal Reference: § 41-3-205, MCA Confidentiality – disclosure exceptions

Adopted: July 18, 2005

Revised:

GANGS AND GANG ACTIVITY

3611

Gang activities create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive to the process of education and school activities. Groups of individuals which meet the definition of gangs, defined below, shall be restricted from school grounds or school activities.

A gang is defined as any group of two (2) or more persons, whether formal or informal, who associate together to advocate, conspire, or commit:

- A. One or more criminal acts; or
- B. Acts which threaten the safety or well-being of property or persons, including, but not limited to, harassment and intimidation.

Students on school property or at any school-sponsored activity shall not:

- 1. Wear, possess, use, distribute, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or representative of any gang;
- 2. Engage in any act, whether verbal or nonverbal, including gestures or handshakes, showing membership in or affiliation with any gang and/or that is representative of any gang; or
- 3. Engage in any act furthering the interest of any gang or gang activity, including, but not limited to:
 - a. Soliciting membership in or affiliation with any gang;
 - b. Soliciting any person to pay for protection or threatening another person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
 - c. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property;
 - d. Engaging in violence, extortion, or any other illegal act or other violation of school property.

Violations of this policy shall result in disciplinary action, up to and including suspension, expulsion, and/or notification of police.

Adopted: July 18, 2005

Revised:

**DISTRICT-PROVIDED ACCESS TO ELECTRONIC INFORMATION,
SERVICES, AND NETWORKS**

3612

General

Internet access and interconnected computer systems are available to the District's students and faculty. Electronic networks, including the Internet, are a part of the District's instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication.

In order for the District to be able to continue to make its computer network and Internet access available, all students must take responsibility for appropriate and lawful use of this access. Students utilizing school-provided Internet access are responsible for good behavior on-line. The same general rules for behavior apply to students' use of District-provided computer systems. Students must understand that one student's misuse of the network and Internet access may jeopardize the ability of all students to enjoy such access. While the District's teachers and other staff will make reasonable efforts to supervise use of network and Internet access, they must have student cooperation in exercising and promoting responsible use of this access.

Curriculum

The use of the District's electronic networks shall be consistent with the curriculum adopted by the District, as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and shall comply with the selection criteria for instructional materials and library-media center materials. Staff members may, consistent with the District's educational goals, use the Internet throughout the curriculum.

The District's electronic network is part of the curriculum and is not a public forum for general use.

Acceptable Uses

1. Educational Purposes Only. All use of the District's electronic network must be: (1) in support of education and/or research, and in furtherance of the District's stated educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District's electronic network or District computers. The District reserves the right to monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage.
2. Unacceptable Uses of Network. The following are considered unacceptable uses and constitute a violation of this policy:
 - A. Uses that violate the law or encourage others to violate the law, including, but not limited to, transmitting offensive or harassing messages; offering for sale

- or use any substance the possession or use of which is prohibited by the District's student discipline policy; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate the law; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.
- B. Uses that cause harm to others or damage to their property, including, but not limited to, engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information.
 - C. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet.
 - D. Uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.
 - E. Students are prohibited from using e-mail; this includes District e-mail accessed through a web browser. E-mail access may be given to students on a case-by-case basis (e.g., foreign exchange students keeping in contact with home). Students are prohibited from joining chat rooms, unless it is a teacher-sponsored activity.

Internet Safety

Each District computer with Internet access shall have a filtering device that blocks entry to visual depictions that are (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.

The school will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or other material that is inappropriate for minors. The Superintendent or designee shall enforce the use of such filtering devices.

The term "harmful to minors" is defined by the Communications Act of 1934 (47 USC Section 254 [h][7]), as meaning any picture, image, graphic image file, or other visual depiction that:

- taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

- depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
- taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Filtering should only be viewed as one of a number of techniques used to manage student's access to the Internet and encourage acceptable usage. It should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors. Filtering should be used in conjunction with:

- A. Educating students to be "Net-smart";
- B. Using recognized Internet gateways as a searching tool and/or homepage for students, in order to facilitate access to appropriate material;
- C. Using "Acceptable Use Agreements";
- D. Using behavior management practices for which Internet access privileges can be earned or lost; and
- E. Appropriate supervision, in person and/or electronically.

The system administrator and/or building principal shall monitor student Internet access.

Confidentiality of Student Information

Personally identifiable information concerning students may not be disclosed or used in any way on the Internet without the permission of a parent or guardian or, if the student is 18 or over, the permission of the student himself/herself. Users should never give out private or confidential information about themselves or others on the Internet, particularly credit card numbers and social security numbers. A supervising teacher or administrator may authorize the release of directory information, as defined by law, for internal administrative purposes or approved educational projects and activities.

Internet Access Conduct Agreements

Each student and his/her parent(s)/legal guardian(s) will be required to sign and return to the school at the beginning of each school year the Internet Access Conduct Agreement prior to having access to the District's computer system and/or Internet Service.

Warranties/Indemnification

The District makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the Internet provided under this policy. The District is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the Internet. The District will not be responsible for any unauthorized charges or fees resulting from access to the Internet, and any user is fully responsible to

the District and shall indemnify and hold the District, its trustees, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user's access to its computer network and the Internet, including, but not limited to, any fees or charges incurred through purchases of goods or services by the user. The user or, if the user is a minor, the user's parent(s)/legal guardian(s) agrees to cooperate with the District in the event of the school's initiating an investigation of a user's use of his/her access to its computer network and the Internet.

Violations

If any user violates this policy, the student's access will be denied, if not already provided, or withdrawn and he/she may be subject to additional disciplinary action. The system administrator and/or the building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with his/her/their decision being final.

Adopted: December 17, 2001

Revised:

CELL PHONES AND OTHER ELECTRONIC EQUIPMENT

3630

Students may not use cellular phones, pagers, and other electronic signaling devices on campus or during fieldtrips during school hours. The Superintendent or designee may grant permission for individual students to use and/ or possess cellular phones, if such use is deemed necessary to the safety and/or welfare of the student.

Student possession and use of cellular phones, pagers, and other electronic signaling devices during after school-sponsored activities, and while under the supervision and control of school district employees is a privilege which will be permitted only under the circumstances described herein. At no time will any student operate a cell phone or other electronic device with video capabilities in a locker room, bathroom, or other location where such operation may violate the privacy right of another person.

Unauthorized use of such devices disrupts the instructional program and distracts from the learning environment. Therefore, unauthorized use is grounds for confiscation of the device by school officials, including classroom teachers. Confiscated devices will be returned to the parent or guardian. Unauthorized use of such devices will result in disciplinary action.

Adopted: January 17, 2005

Revised: