

WHITEWATER SCHOOL DISTRICT

R = required

3000 SERIES STUDENTS

TABLE OF CONTENTS

3110	Entrance, Placement, and Transfer
R 3120	Compulsory Attendance
3121 - 3121P	Enrollment and Attendance Records
3122 - 3122P	Attendance Policy
R 3125	Education of Homeless Children
3130	Students of Legal Age
3141	Discretionary Nonresident Student Attendance Policy
3145 - 3145P	Foreign Exchange Students
3150	Part-Time Attendance
3200	Student Rights and Responsibilities
R 3210	Equal Education, Nondiscrimination and Sex Equity
3215	Uniform Grievance Procedure
3221	Student Publications
3222	Distribution and Posting of Materials
3224	Student Dress
R 3225	Sexual Harassment/Intimidation of Students
3225F	Harassment Reporting Form for Students
R 3226	Bullying/Harassment/Intimidation/Hazing
3231 - 3231P	Searches and Seizure
3233	Student Use of Buildings: Equal Access
3235	Video Surveillance
R 3300	Suspension and Expulsion
R 3300P	Corrective Actions and Punishment
R 3310	Student Discipline
3310P	Discipline of Students With Disabilities
3311	Firearms and Weapons
3312	Detention
3340	Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use
3345	Gambling
3410	Student Health/Physical Screenings/Examinations
3413	Student Immunization
3415-3415P	Management of Sports Related Concussions
3416	Administering Medicines to Students
3416F	Montana Authorization to Carry and Self-Administer Medication
3416F1	Montana Authorization to Possess or Self-Administer Asthma, Severe Allergy, or Anaphylaxis Medication
3417	Communicable Diseases

3422	Suicide
3431	Emergency Treatment
3431F	Accident Report
3432	Fire Drills
3440 - 3440P	Removal of Student During School Day
3510	School-Sponsored Student Activities
R 3520	Student Fees, Fines, and Charges
3530	Student Fund-Raising Activities
3535	Distribution of Fund Drive Literature Through Students
3600 - 3600P - 3600F	Student Records
3600F2	Student Directory Information Notification
R 3606	Transfer of Student Records
R 3606F	Records Certification
R 3608	Receipt of Confidential Records
3610	Programs for At-Risk/Disadvantaged Students
3611	Gangs and Gang Activity
R 3612	District-Provided Access to Electronic Information, Services, and Networks
R 3612P	Acceptable Use of Electronic Networks
R 3612F	Internet Access Conduct Agreement
3630	Cell Phones and Other Electronic Equipment

Whitewater School District

STUDENTS

3110
page 1 of 2

Entrance, Placement and Transfer

Entrance, Date and Age

No pupil may be enrolled in the kindergarten or first grade whose fifth (5th) or sixth (6th) birthday does not occur on or before the tenth (10th) day of September of the school year in which the child registers to enter school. A student who meets the six-(6)-years-old requirement, but who has not completed a kindergarten program, will be tested and placed at the discretion of the administration. A birth certificate and an immunization record are required for admission to the District. The District will not assign or admit any child who has reached his/her nineteenth (19th) birthday on or prior to September 10th of the year in which the child is to enroll, without Board approval.

School Entrance

1. The District requires that a child's parents, legal guardian, or legal custodian present to the school, within forty (40) days of enrollment, proof of identity of the child (birth certification or certified transcript).
2. In accordance with the Montana Immunization Law, a student will not be admitted who has not been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles (except that pertussis vaccination is not required for person seven [7] years or older). If the student qualifies for conditional attendance or an exemption is filed as defined by Montana law, immunization may not be required.

Placement

The goal of the District shall be to place students at levels and in settings that will enhance 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 principal, subject to review by the Superintendent and the Board.

Transfer

District policies regulating pupil enrollment from other accredited elementary and secondary schools are designed to protect the educational welfare of the child and of other children enrolled in the District.

Elementary Grades (K-8): Any student transferring into the District will be admitted and placed on a probationary basis for a period of two (2) weeks.

3110
page 2 of 2

Should any doubt exist with teacher and/or principal as to grade and level placement of the student, the student shall be subject to an educational assessment to determine appropriate grade and level placement.

During the two-(2)-week probationary period, the student will be subject to observation by the teacher and building principal.

Secondary Grades (9-12), Credit Transfer: Requests for transfer of credits from any secondary school shall be subject to a satisfactory examination of the following:

1. Appropriate certificates of accreditation.
2. Length of course, school day and school year.
3. Content of applicable courses.
4. The school facility as it relates to credit earned (i.e., lab areas for appropriate science or vocational instruction).
5. An appropriate evaluation of student performance leading toward credit issuance.
6. Final approval of transfer credits will be determined by the high school principal, subject to review upon approval by the Superintendent and Board of Trustees.

Montana Accreditation Rules and Standard, in accordance with local alternate procedures for earning credit, shall be applied to all credit transfer review.

Legal Reference:	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-403, MCA	Immunization requirement - release and acceptance of immunization records
	§ 20-5-404, MCA	Conditional attendance
	§ 20-5-405, MCA	Medical or religious exemption
	§ 20-5-406, MCA	Immunization record
	10.55.601 et seq., ARM	

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3120

Compulsory Attendance

Parents are responsible for seeing that their children of age seven (7) or older prior to the first day of school attend school, until the later of the following dates:

1. The child's sixteenth (16th) birthday;
2. The date of completion of the work of the eighth (8th) grade.

Parents shall enroll the student unless the student is:

1. Provided with supervised correspondence or home study;
2. Excused because of a determination by a district judge that attendance is not in the best interests of the child;
3. Enrolled in a non-public or home school.
4. Enrolled in a school of another district or state under the tuition provisions of this title.
5. Excused by the Board upon a determination that such attendance by a child who has attained the age of sixteen (16) is not in the best interest of the child and the school.

Legal Reference:	§ 20-5-101, MCA	Attendance of child to school
	§ 20-5-103, MCA	Compulsory enrollment and excuses
	§ 20-5-108, MCA	Tribal agreement with district for Indian child attendance
	§ 20-5-104, MCA	Attendance office

Policy History:

Adopted on: November 14, 2000

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Whitewater School District

STUDENTS

3121

Enrollment and Attendance Records

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

Policy History:

Adopted on: November 14, 2000

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Whitewater School District

STUDENTS

3121P

Enrollment and Attendance Records

Average Number Belonging

Average Number Belonging (ANB) is the enrollment measure used for the State Foundation Program calculations as defined in § 20-9-311, MCA. The ANB of one year is based on the attendance records of the preceding year. Funding for districts is based on ANB and must be accurate.

For a child to be counted for ANB purposes, they must:

- a) meet the definition of pupil as found in § 20-1-101(10), MCA;
- b) be enrolled for a full school day, namely two (2) hours for kindergarten, four (4) hours for grades one (1) through three (3), and six (6) hours for grades four (4) through twelve (12); and
- c) not be dropped from enrollment for being absent more than ten (10) consecutive school days.

Attendance Accounting:

Days present and absent for every student are recorded in each building for the purpose of informing parents of a student's attendance record.

On the first (1st) Monday in October and first (1st) Monday in February, the number of all enrolled students (whether present or absent) by grade level and class will be recorded on the forms provided by the District. Special education children who are enrolled in special programs sixteen (16) hours a week or more will be listed separately. The Director of Special Education should be contacted to verify this count. Monthly student counts of enrolled children by grade and class room will be provided by the office.

Procedure History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3122

Attendance Policy

The entire process of education requires a regular continuity of instruction, classroom participation, learning experiences, and study in order to reach the goal of maximum educational benefits for each individual child. The regular contact of the students with one another in the classroom and their participation in instructional activities under the tutelage of a competent teacher are vital to this purpose. This is an established principle of education which underlies and gives purpose to the requirement of compulsory schooling in this and every other state in the nation. The good things that schools have to offer can only be presented to students who are in attendance. With continued emphasis regarding Excellence in Education, all parties involved in attendance can better strive for quality in the classroom. Attendance reflects a student's dependability and is a significant factor on the student's permanent record. Future employers are as much concerned about punctuality and dependability as they are about academic record. School success, scholarship, and job opportunity are greatly affected by a good attendance record.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3122P

page 1 of 2

Attendance Policy

In order to graduate from Whitewater High School, a student must complete twenty-five (25) credits. Completion of a course at Whitewater High School will be defined as sixty-five percent (65%) mastery of the material and attendance to include not more than ten (10) absences per semester. This attendance criteria is based on the theory that prompt and regular attendance in school is the beginning of dependability in adult business, personal, and social life. Furthermore, regular attendance is important, because valuable skills and information gained in the classroom may or may not show up on tests or be reflected in an academic grade. The general welfare of all students is best served by regular attendance.

1. A student will be allowed ten (10) absences per class, per semester. Any absence beyond that number may mean a loss of credit in those subjects missed.
2. The ONLY absences that WILL NOT be used in calculating the attendance record are:
 - A. Those that occur due to school-sponsored activities, since these are considered an equivalent educational experience. These exemptions will apply to students participating in sports events, cheerleading, music related events, FFA trips, academic field trips, and others deemed co-curricular.
 - B. Bereavement in the immediate family (grandmother, grandfather, father, mother, sister, brother). Any extended bereavement may be reviewed by the Attendance Board;
 - C. Subpoenas to appear in court or court-ordered, out-of-district placements for special services; and
 - D. Illness or hospitalization verified by a doctor's statement.
3. Absences which will be counted in the ten-(10)-day limit will include such areas as: family trips, work days, vacations, visiting friends or relatives, suspension in and out of school, watching tournaments when not an actual participant, hair, medical, dental, or photography appointments, skiing, hunting, court appearances, attending concerts, shopping, or any others not mentioned which are unacceptable to the Attendance Board.
4. It is the student's responsibility to notify teachers prior to being absent. Teachers may require the work to be completed and turned in prior to departure. If not requested by a teacher, students will have one (1) day to make up work for each day missed, upon return. Absences for school-sponsored activities are excused, but students are held responsible for the work missed. In order to participate in an extracurricular activity,

including practice, students must be in school during the afternoon of the event or in the afternoon on the last school day prior to the activity, if the activity falls on a non-school day. Exceptions may be made by the administration.

5. Students are expected to be in class on time. When a student's tardiness becomes frequent or disruptive, the student shall be referred to the principal or counselor. If counseling, parent conference, or disciplinary action is ineffective in changing the student's attendance behavior, he or she may be suspended from the class. Such suspension is considered an unexcused absence.
6. After five (5) absences from school/class, a letter will be sent to the student's home, indicating the school policy and the number of days missed.
7. After seven (7) absences, another letter will be sent, indicating the severity of the situation and explaining in detail the alternatives for non-compliance.
8. After going over the tenth (10th) absence, the student may have credit withheld. That student, with parental accompaniment, must appear before the Attendance Board, consisting of the high school principal, the guidance counselor, and those teachers whose classes the student has exceeded the allowable number of absences.
9. This Board will review the absence report to determine if the student will have credit withheld, which will occur unless extenuating circumstances surface.
10. The Attendance Board can, after hearing a student's/parent's appeal for retainment of credit, deny credit or put certain stipulations on a student whose credit will be dependent upon an agreement reached with the student and parents concerning attendance for the rest of the semester.
11. Any decision to withhold credit can be appealed to the Superintendent and/or to the Board. If the appeal is rejected, one can assume the Board feels the absence could have been avoided.
12. If the appeal is not granted, the student will remain in that particular class period for the remainder of the semester or be placed in study hall. If disciplinary problems occur in that subject, the student will be suspended from school.
13. If the appeal is granted, the student will return to class with the Attendance Board's stipulations. If the stipulations are violated, a loss of credit will result.
14. The Attendance Board may also decide to make decisions regarding the student's participation in extracurricular activities.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3125

Education of Homeless Children

Every child of a homeless individual and every homeless child are entitled to equal access to the same free, appropriate public education as provided to other students. The District must assign and admit a child who is homeless to a District school regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment. The District may not require an out-of-District attendance agreement and tuition for a homeless child.

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

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

1. Transportation services;
2. Educational services for which a student meets eligibility criteria (e.g., Title I);
3. Educational programs for children with disabilities and limited English proficiency;
4. Programs in vocational and technical education;
5. Programs for gifted and talented students; and
6. School nutrition program.

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

A “homeless individual” is defined as provided in the McKinney Homeless Assistance Act.

Anyone having a concern or complaint regarding placement or education of a homeless child will first present it orally and informally to the District homeless liaison. Thereafter, a written complaint must be filed in accordance with the District Uniform Complaint Procedure.

Cross Reference:	1700	Uniform Complaint Procedure
Legal Reference:	42 U.S.C. §§42 U.S.C. § 11301 § 20-5-101, MCA	McKinney Homeless Assistance Act Admittance of child to school

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

Whitewater School District

STUDENTS

3130

Students of Legal Age

Every student eighteen (18) years of age or older will be deemed to be an adult and will have legal capacity to act as such. Such students, like all other students, will comply with the rules established by the District, pursue the prescribed course of study, and submit to the authority of teachers and other staff members as required by policy and state law.

Admission to School: The residence of an adult student who is not residing with a parent or guardian will be considered the residence for school purposes.

Field Trips/Athletic Programs: Approved forms for participation will be required of all students. The form should indicate that the signature is that of the parent or the adult student. Sponsors or coaches will be required to confirm the ages of those students signing their own forms.

Absence-Lateness-Truancy: Absence notes, normally signed by parents or guardians, may be signed by adult students. Excessive absences will result in consequences according to policy 3122P and will be reported on the report card.

Suspension/Expulsion: All suspension and/or expulsion proceedings will conform to the requirements of state statutes. Notification of all such proceedings will be sent to parents or guardians. Adult students, however, are permitted to represent themselves if they so choose.

Withdrawal from School: Adult students may withdraw from school under their own cognizance. Counselors will guide and counsel potential dropouts and encourage their continued attendance. Parents will be notified of impending dropouts by the school.

Permission to Inspect Student Records: Adult students may request permission to inspect their school records if they are eligible students according to FERPA.

Report Cards: Progress reports will be sent to the parent or legal guardian.

Excuses from School: The school will verify requests from students who wish to leave school early for reasons such as job interviews, college visits, driver testing, etc., with the organization being visited. Permission to leave school early may be denied for what is considered a non-valid reason.

Financial Responsibility: Students of legal age can be held financially responsible for damage to school property.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3141
page 1 of 2

Discretionary Nonresident Student Attendance Policy

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. The Superintendent is hereby given the authority to recommend to the Board any student's admission in accordance with this policy. The Board shall make the final decision on admission.
3. 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. Foreign exchange students, per existing District policy;
 - B. Children in the immediate family of nonresident District employees;
 - C. Students residing outside the District provided they:
 - be in good standing with the most recently attended school in terms of academics, conduct, and attendance;
 - be able to demonstrate a record free of truancy;
 - be able to demonstrate a clean behavior record in the school last attended for a period of at least one (1) year;
 - have passing grades in the school previously attended;
 - have correctly completed the nonresident student application process; and
 - present no other educationally related detriment to the students of the District.
4. The Board will not admit any student prior to viewing that student's records from the student's previous school districts.
5. 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.

6. 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.

7. 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.
8. 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.
9. The Board reserves the right to charge tuition for nonresident students.
10. All nonresident students will be considered ineligible transportees for school transportation services (20-10-101, MCA).
11. 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
	§ 20-5-320, 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
	10.10.301B, ARM	Out-of-district attendance agreements

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3145

Foreign Exchange Students

It is the policy of the Board to recognize the benefits from non-immigrant students in the District. The Board does not, however, sponsor student foreign exchange programs. The District does not provide any financial contribution to the student. The Board assumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible to attend either elementary or secondary school. Any sponsoring organization must have a local representative, be a nonprofit organization, and be approved by the Council on Standards for International Education Travel. F-1 visa holders (individual foreign students sponsored by relatives or friends) may not attend the District.

The number of foreign exchange students attending Whitewater High School at one time shall not exceed twenty percent (20%) of the total high school enrollment. The Board reserves the right to withdraw approval and regulate the number of students participating.

Legal Reference: 20 U.S.C. 221, et seq.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3145P
page 1 of 2

Foreign Exchange Students

Admission Requirements

1. Foreign exchange students must be eighteen (18) years of age or younger at the time of enrollment.
2. Foreign exchange students must reside with a legal resident of the District. Limited exceptions may be granted at the discretion of the Board.
3. Foreign exchange students must have sufficient knowledge of the English language to enable effective communication and to use instructional materials and textbooks printed in English.
 - a. An English proficiency test of the District's own choosing may be administered and will supersede all other tests.
 - b. If an organization places a student who, upon arrival, is deemed by the District to be deficient in English language proficiency, the organization will do one of the following:
 - i. Terminate the student's placement.
 - ii. Provide, and pay for, tutorial help until the student reaches proficiency, as determined by the District.

Academic Standards and Graduation

1. Foreign exchange students will be expected to meet all appropriate standards required of any student enrolled in the District.
2. Foreign exchange students will not graduate from or receive a diploma from the High School, but they may participate in the ceremonies and receive a certificate of attendance.

Student Opportunities/Responsibilities

1. Foreign exchange students will be expected to enroll in the following academic classes while attending Whitewater High School:
 - a. One (1) English class;
 - b. One (1) United States history class or one (1) government class;

- c. Maintain enrollment in at least six (6) classes.

3145P
page 2 of 2

- 2. Foreign exchange students are eligible to participate in the High School Activities Program. Guidelines for participation are set by District policy and by the Montana High School Association, as follows:
 - a. RECOGNITION. The student must be a participant of an “official Foreign Exchange Program” as defined in the publication from the National Association of Secondary School Principals, entitled *Advisory List of International Educational Travel and Exchange Programs*.
 - b. GRADUATION. The student cannot have graduated or received a diploma in his/her own country.
- 3. Foreign exchange students are expected to pay all yearbook fees, lab fees, prom tickets, yearbook costs, athletic fees, cap and gown fees, lunch prices, and all other school incurred expenses that are expected of other students enrolled in the High School.
- 4. Foreign exchange students must maintain passing grades in all classes, follow rules and regulations of District student policies, and show satisfactory discipline and attendance. Failure to comply with these expectations shall result in dismissal of the student from the District’s Foreign Exchange Program.

Procedure History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

STUDENTS

3150

Part-Time Attendance

Non-disabled students eligible to enroll in grades K-12 will not be accepted for part-time enrollment in the District schools. Students in grades K-12 requesting part-time enrollment will be reviewed on a case-by-case basis. The final decision lies with the Superintendent. Only those students who are not enrolled in any other school, including a home school, will be considered.

The criteria for acceptance of non-disabled part-time students grades 9-12 include:

1. acceptance of a student shall not create an excess student enrollment in the requested class;
2. acceptance of a student shall not create need for an additional staff member;
3. acceptance of a student shall not cause the creation of a new section of the requested class;
4. regular full-time students shall have first priority on any available space;

When a number of part-time students have requested admission into the same class, they will be accepted on a first-come basis as long as feasible within the criteria. In the event the class enrollment position of a part-time student is needed for a regular full-time student during the course of the year, the full-time student will have priority for the position beginning with the next semester after the need is identified. Students with disabilities residing in the District who are attending private or home schools will be accepted in accordance with state and federal statutes and regulations.

Legal Reference: § 20-9-311(a), MCA Calculation of average number belonging (ANB)

Policy History:

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Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3200

Student Rights and Responsibilities

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
 § 20-5-201, MCA Duties and sanctions
 Tinker v. Des Moines Ind. Sch. Dist., 89 S.Ct. 733 (1969)

Policy History:

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Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3210

Equal Education, Nondiscrimination and Sex Equity

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. Any student may file a discrimination grievance using the procedure that follows this policy.

No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

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 should include the name and location of the coordinator and will be carried in all handbooks.

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

Legal Reference:	Art. X, Sec. 7 in education	Montana Constitution - Non-discrimination
	§ 49-2-307, MCA	Discrimination in education
	24.9.1001, et seq., ARM	Sex discrimination in education

Policy History:

Adopted on: November 14, 2000

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Reviewed on: February 13, 2012

Uniform Grievance Procedure

All individuals should use this grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

The District will endeavor to respond to and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies, and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

Level 1: Informal

An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

Level 2: Superintendent

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Superintendent within sixty (30) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the principal shall investigate and attempt to resolve the complaint. If either party is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) days of receiving the Superintendent's decision. The Board is the policy-making body of the school, however, and appeals to that level, must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the Superintendent shall investigate the complaint and complete a written investigative report within thirty (30) days after receipt of the written grievance. The Superintendent may hire an outside investigator, if necessary. The Superintendent's recommendation will be implemented unless the party is not satisfied,

in which case the party may make a written appeal, within fifteen (15) days of receiving the report of the Superintendent, to the Board for a hearing.

3215
page 2 of 2

Level 3: The Board

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

Level 5: County Superintendent

If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

Procedure History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3221

Student Publications

Student publications produced as part of the school's curriculum or with the support of student body funds are intended to serve both as vehicles for instruction and student communications. They are operated and substantively financed by the student body and the District.

Material appearing in such publications should reflect all areas of student interest, including topics about which there may be controversy and dissent. Controversial issues may be presented provided they are treated in depth and represent a variety of viewpoints. Such materials may not be libelous, obscene or profane nor may they cause a substantial disruption of the school, invade the privacy rights of others, demean any race, religion, gender, or ethnic group, or advocate the violation of the law. They may not advertise tobacco, liquor, illicit drugs or drug paraphernalia.

The Superintendent shall develop guidelines to implement these standards and shall establish procedures for the prompt review of any materials which appear not to comply with the standards.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3222

Distribution and Posting of Materials

The distribution of materials from outside the school system uses a considerable amount of valuable educational time. This time is taken away from students, teachers, and the clerical staff. It is the District's policy to limit the distribution of materials to parent and student organizations sponsored by the District or other governmental agencies. Materials which provide information valued or needed by the District may also be distributed.

All organizations must have the approval of the Superintendent before materials may be distributed. The Superintendent will use the guidelines listed above in the approval of the distribution of the materials.

In order to facilitate the distribution of materials with information about student activities offered in the community, each school will do the following:

- A. Maintain a centrally located bulletin board for the posting of bulletins.
- B. Maintain a table where flyers and other information can be made available to students.
- C. Include announcements for student related activities in newsletters that go home to students. The announcements must be submitted one (1) week prior to the newsletter in which the announcement is to go home, must advertise a youth-oriented activity, and must be of non-religious or political nature.

It is the intent to post all notices and place flyers on the distribution table except those that are viewed by the principal as likely to be disruptive, libelous or obscene.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3224

Student Dress

Students are reminded that their appearance significantly affects the way others respond to them. 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.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Sexual Harassment/Intimidation of Students

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 insure that employees or students accused of sexual

3225
page 2 of 2

harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

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

Policy History:

Adopted on: November 14, 2000

Revised on: May , 2001

Reviewed on: February 13, 2012

Whitewater School District
Harassment Reporting Form for Students

3225F

School _____ Date _____

Student's name _____

(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate.

We assure you that we'll use our best efforts to keep your report confidential.)

- Who was responsible for the harassment or incident(s)?

- Describe the incident(s). _____

- Date(s), time(s), and place(s) the incident(s) occurred. _____

- Were other individuals involved in the incident(s)? yes no
If so, name the individual(s) and explain their roles.

- Did anyone witness the incident(s)? yes no
If so, name the witnesses. _____

- Did you take any action in response to the incident? yes no
If yes, what action did you take? _____

- Were there any prior incidents? yes no
If so, describe any prior incidents. _____

Signature of complainant _____

Signatures of parents/legal guardians _____

Whitewater School District

R

STUDENTS

3226

page 1 of 3

Bullying/Harassment/Intimidation/Hazing

The Board will strive to provide a positive and productive learning and working environment. Bullying, harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices (“cyberbullying”).

Definitions

- “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.
- “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.
- “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.
- “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, at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, and that has the effect of:

- a. Physically harming a student or damaging a student's property;
- b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property.
- c. Creating a hostile educational environment.

- “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.

Reporting

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, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal or the District Administrator, who have overall responsibility for such investigations. A student may also report concerns to a teacher or counselor, who will be responsible for notifying the appropriate District official. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent or District Administrator 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.

Responsibilities

The District Administrator 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.

Consequences

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 District Administrator or the Board. Individuals may also be referred to law enforcement officials.

Retaliation and Reprisal

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.

Cross Reference: 3225F Harassment Reporting Form for Students

Legal Reference: 10.55.701(1)(g), ARM Board of Trustees
10.55.801(1)(d), ARM School Climate

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

STUDENTS

3231

Searches and Seizure

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. This applies to student vehicles parked on school property. Building principals may require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle and personal effects therein, when reasonable suspicion of wrongdoing exists.

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. When appropriate, such evidence may be transferred to law enforcement authorities.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3231P

Searches and Seizure

The following rules shall apply to any searches and the seizure of any property by school personnel:

1. The Superintendent and the authorized assistants of either shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.
2. If the authorized administrator has reasonable suspicion to believe that any locker, car or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.

The authorized administrator may perform random searches of any locker, car or container of any kind on school premises without notice or consent.

3. If the authorized administrator has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.
4. No student shall hinder, obstruct or prevent any search authorized by this procedure.
5. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.
6. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.
7. In any situation where the administrator is in doubt as to the propriety of proceeding with any search or seizure, the administrator is authorized to report to and comply with the directions of any public law enforcement agency.

Procedure History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3233

Student Use of Buildings: Equal Access

Non-curriculum related secondary school student organizations may conduct meetings on school premises without intervention on the basis of the religious, political, philosophical or other content of the meeting.

The following criteria must be met:

1. The meeting is voluntary and student-initiated.
2. There is no sponsorship of the meeting by the school, the government, or its agents or employees.
3. The meeting must occur during non-instructional time on regular school days.
4. Employees or agents of the school or government are present only in a non-participatory capacity.
5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
6. Non-school persons may not direct, conduct, control, or regularly attend activities.

Although the school assumes no sponsorship of these kinds of meetings, all meetings held on school premises must be scheduled and approved by the principal.

This policy pertains to student meetings. The school has the authority, through its agent or employees, to maintain order and discipline on school premises and to protect the well-being of students and faculty.

Legal Reference: 20 U.S.C. 4071 Equal Access Act
Board of Education v. Mergens, 110 S.Ct. 2356 (1990)

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3235

Video Surveillance

The Board authorizes the use of video cameras on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property, and to safeguard District facilities and equipment. Video cameras may be used in locations as deemed appropriate by the Superintendent.

The District shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on District property.

Students or staff in violation of Board policies, administrative regulations, building rules, or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement agencies.

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

Audio shall not be part of the video recordings made, reviewed, or stored by the District.

Cross-Reference: 3600 Student Records

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3300
page 1 of 2

Corrective Actions and Punishment

All students shall submit to the reasonable rules of the District. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension, or expulsion.

For the purposes of the District's policies relating to corrective action or punishment:

1. "Suspension" is the exclusion from school or individual classes for a specific period of time, after which the student has a right to return. Administrators may suspend.
2. "Expulsion" is the exclusion from school. Only the Board has the authority to expel.
3. "Discipline" constitutes all other forms of corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period and exclusion from any other type of activity conducted by or for the District. Discipline shall not adversely affect specific academic grade, subject, or graduation requirements, as long as all required work is performed.

Except in extreme cases, students will not be expelled unless other forms of corrective action or punishment have failed, or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed. Suspensions or expulsions shall be used only for instances of serious student misconduct.

Students with disabilities may also be suspended under these same rules if the suspension will not constitute a change in placement. If a student with a disabling condition accrues ten (10) or more days suspension per incident, the Child Study Team who has knowledge of the student's disabling condition will determine if there is causal relationship between the disabling condition and the student's misconduct. If such a relationship exists, the student's educational placement may not be changed without parental approval or a court order, pending a due process hearing under IDEA.

Likewise, before a recommendation on the expulsion of a disabled student is submitted to the Board, the Child Study Team must meet to determine if there is a causal relationship between the disabling condition and the student's misconduct. The Board shall consult legal counsel before expelling any disabled student.

When a disabled student is acting in such a way that he/she poses a danger to himself/herself or to another student or property, or substantially disrupts his/her educational program or that of other students, an emergency suspension may take place. Emergency suspensions may not last

longer than ten (10) school days. The building administrator shall convene the Team for reviewing the student's record before the student is readmitted to school and no later than the tenth (10th) day of suspension.

Once a student is expelled in compliance with District policy, the expulsion shall be brought to the attention of appropriate local or state authorities, in order that such authorities may address the student's needs.

No student shall be expelled, suspended, or disciplined in any manner for any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

Legal Reference:	20 U.S.C. 1400, et seq.	Individuals with Disabilities Education Act
	§ 20-5-105, MCA	Attendance officer - powers and duties
	§ 20-5-106, MCA	Truancy
	§ 20-4-302, MCA	Power of teacher or principal over pupils
	§ 20-4-402, MCA	Duties of district superintendent
	§ 20-5-201, MCA	Duties and sanctions
	§ 20-5-202, MCA	Suspension and expulsion
	§ 10.16.1105, ARM	Aversive treatment procedures

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Corrective Actions and Punishment

It is the intent of the Board to provide each student with those due process rights which are provided by law.

Suspension

In the event the proposed punishment of a student is to include denial of the right of school attendance from any single class or full schedule of classes for at least one (1) day, the following procedure shall be used:

1. Before suspension, the student shall be provided a conference during which the charges will be explained and the student will be given the opportunity to respond to the charges.
2. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. Any suspension shall be reported immediately to the student's parent or legal guardian. A written notice of suspension shall state the reasons for the suspension, including any school rule which was violated, and a notice to the parent or guardian of the right to a review of the suspension. A copy of the notice shall be sent to the Superintendent.
4. Upon request of the parent or legal guardian, a review of the suspension shall be conducted by the Superintendent. At the review, the student and parent or legal guardian may appear and discuss the suspension with the Superintendent. After the meeting, the Superintendent shall take such action as appropriate. That action is final.

Students who are absent as a result of an out-of-school suspension do not have the right to make up the work missed.

Expulsion

A student may be expelled from school only by the Board, and only after the following due process procedures have been followed:

1. The student and parent or legal guardian shall be provided written notice of the Board hearing to consider the recommendation for expulsion, by registered or certified mail at least five (5) school days before the date scheduled for the hearing. The notice shall

include the time and place of the hearing; information describing the process to be used to

3300P
Page 2 of 2

conduct the hearing; notice of the Board's intent to conduct the hearing in executive session unless the parent or legal guardian waives the student's right to privacy.

2. Within the limitation that the hearing must be conducted during the period of suspension, an expulsion hearing may be rescheduled by the parent or legal guardian by submitting a request showing good cause to the Superintendent at least two (2) school days prior to the date of the hearing as originally scheduled. The Superintendent shall determine if the request shows good cause.
3. At the hearing, the student may be represented by counsel, present witnesses and other evidence, and cross-examine witnesses. Formal rules of evidence are not binding on the Board.

Procedures for Suspension and Expulsion of Students with Disabilities

The District shall comply with the provisions of the IDEA when disciplining students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Any special education student whose gross disobedience or misconduct is not a manifestation of the student's disability may be expelled pursuant to expulsion procedures, except that the disabled student shall continue to receive education services as provided in the IDEA during such period of expulsion.

A special education student may be suspended for ten (10) days of school per incident, regardless of whether the student's gross disobedience or misconduct is a manifestation of the student's disabling condition. Any special education student who has or will exceed ten (10) days of suspension may be temporarily excluded from school by court order or by order of a hearing officer if the District demonstrates that maintaining the student in the student's current placement is substantially likely to result in injury to the student or others. The student shall continue to receive educational services in accordance with the IDEA during such period of suspension.

A special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from the student's current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days in accordance with the IDEA.

Procedure History:

Adopted on: November 14, 2000
Revised on:
Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3310
page 1 of 3

Student Discipline

A teacher or building administrator 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.

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

- 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 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 a weapon in violation of the “Possession of Weapons in a School Building” section of this policy.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- 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 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.
- Hazing.
- 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.

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

- ✓ On, or within sight of, school grounds before, during, or after school hours or at any other time when the school is being used by a school group;
- ✓ Off school grounds at a school-sponsored activity, or event, or any activity or event which bears a reasonable relationship to school:
- ✓ 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 of 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. Corporal punishment does not include, and 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.

Gun-Free Schools

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered, or looks like, a firearm, shall be expelled for a definite period of time of at least one (1) calendar year. The Board, however, may modify the expulsion period on a case-by-case basis. The building administrator shall notify the criminal justice or juvenile delinquency system of any student who brings a firearm to school.

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

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

3310
page 3 of 3

Possession of a Weapon in a School Building

Any person who possesses, carries or stores a weapon in a school building, except as provided below, shall be referred to law enforcement for immediate prosecution, as well as face disciplinary action by the District. 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 in a school building.

For the purposes of this section only, the following terms are defined: “school building” shall be defined as all buildings owned or leased by a local school district that are used for instruction or for student activities; “weapon” shall be defined as any type of firearm, a knife with a blade four (4) or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, firecrackers, or brass or other metal knuckles.

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

This 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.

Cross Reference: 3300 Corrective Actions and Punishment

Legal Reference:	§ 20-4-302, MCA	Discipline and punishment of pupils
	§ 20-5-202, MCA	Suspension and expulsion
	§ 45-8-361, MCA	Possession or allowing possession of weapon in school building
	20 U.S.C. § 8921, et seq.	Gun Free Schools Act
	29 U.S.C. § 701	Rehabilitation Act of 1973

Policy History:

Adopted on: November 14, 2000
Revised on:
Reviewed on: February 13, 2012

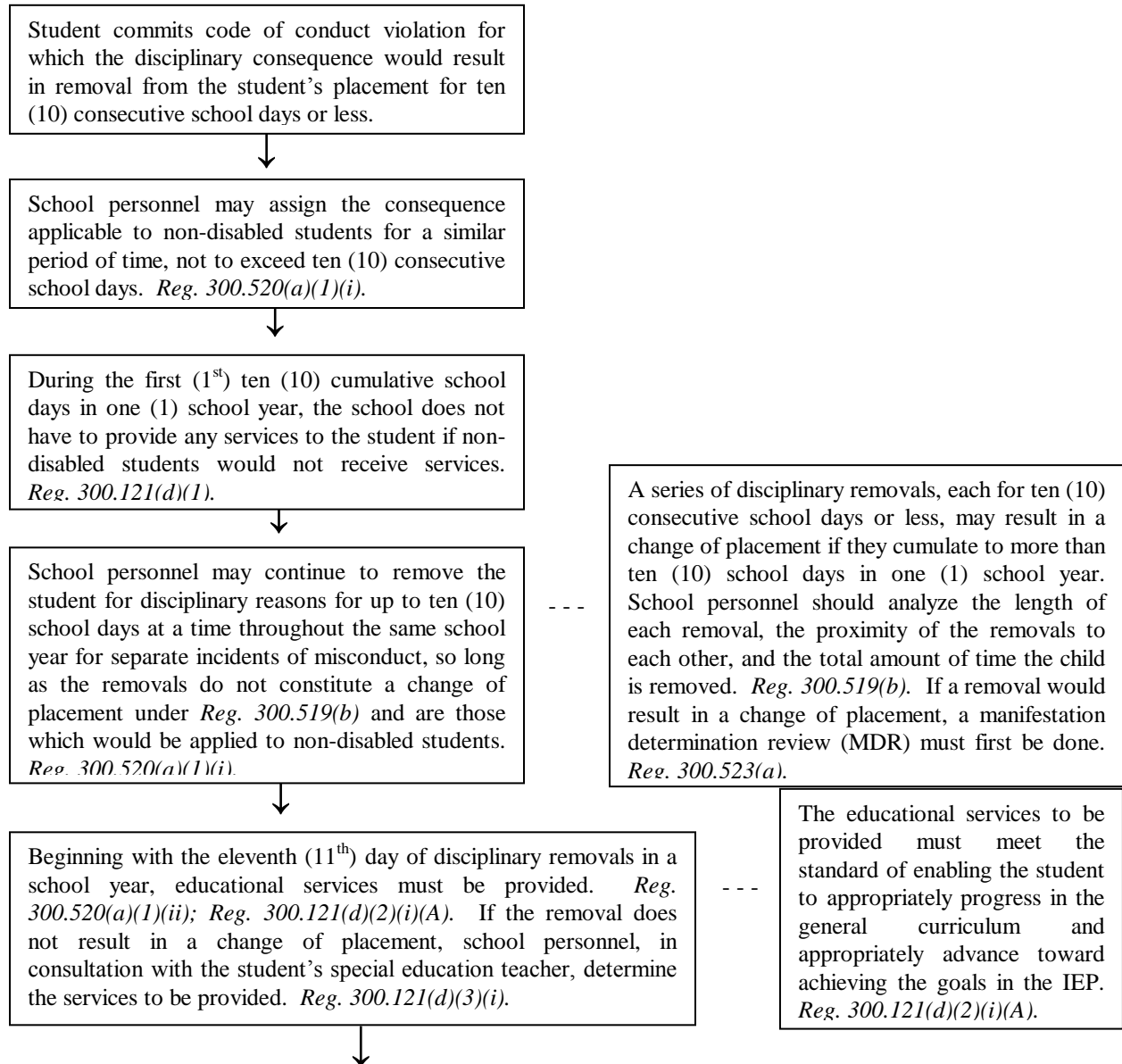
Whitewater School District

STUDENTS

3310P
page 1 of 8

Discipline of Students With Disabilities

**Code of Conduct Violations by Students With Disabilities, Resulting
in Disciplinary Consequences of Ten (10) School Days or Less**



Beginning with the eleventh (11th) day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within ten (10) business days of first removing the student for more than ten (10) school days in a school year, to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal. *Reg. 300.520(b)(1)(i).*



After the functional behavioral assessment is completed, the IEP Team meets as soon as practicable to develop a behavioral intervention plan to address the behavior and implement the plan. *Reg. 300.520(b)(2).*



If the student is assigned subsequent disciplinary removals in a school year for ten (10) days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. *Reg. 300.520(c)(2).*



If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary. *Reg. 300.520(c)(2).*

If the student's IEP already includes a behavior intervention plan, within ten (10) business days of first removing the student for more than ten (10) school days in a school year, the IEP Team must meet to review the behavior intervention plan and its implementation, and modify the plan and its implementation as necessary to address the behavior. *Reg. 300.520(b)(1)(ii).*



Code of Conduct Violations by Students With Disabilities for Which Recommended Disciplinary Consequences Would Result in Change of Placement for More Than Ten (10) School Days (Excluding Drug and Weapon Offenses)

Student violates code of conduct, and the recommended disciplinary consequence would result in a removal from the current educational placement for more than ten (10) consecutive school days (alternate placement, expulsion). This constitutes a change of placement. *Reg. 300.519(a).*



The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. *Reg. 300.519(b).*

School personnel may remove from current educational placement for ten (10) school days or less (*Reg. 300.520(a)(1)(i)*) and recommend further discipline according to the code of conduct. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled. See pp. 1-2 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and law enforcement authorities to whom the crime was reported must be provided special education and disciplinary records to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9). Reg. 300.529.*

At the time the decision is made to take this action, school personnel must notify parent of decision and provide procedural safeguards notice in *Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).*



Within ten (10) business days, IEP Team and other qualified personnel must meet and review relationship between disability and the behavior subject to disciplinary action (manifestation determination review – MDR). *Sec. 1415(k)(4)(A); Reg. 300.523(a)(2), (b).* If there has been no previous functional behavioral assessment and creation of a behavior intervention plan, the IEP Team must develop an assessment plan. *Reg. 300.520(b)(1)(i).* As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. *Reg. 300.520(b)(2).* If the IEP contains a behavior intervention plan, the IEP Team reviews the plan and its implementation and modifies them as necessary to address the behavior. *Reg. 300.520(b)(1)(ii)*



For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability, if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student's IEP and placement, special education services, supplementary aids, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d).* If IEP Team identified deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f).*



If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A); Reg. 300.121(a); Reg. 300.524(a)*. The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b)*.

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. *Sec. 1415(k)(6); Reg. 300.525(a), (b)*.

Parent may appeal decision to place student in forty-five-(45)-day interim placement. The hearing is expedited before a special education hearing officer, who applies the standards regarding a dangerous student in *Reg. 300.521*. *Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2)*.

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. *Reg. 300.526(a)*. Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. *Reg. 300.526(b), (c)*. The hearing officer applies the standards in *Reg. 300.121*. *Reg. 300.526(c)*. Hearing officer can order another placement for up to forty-five (45) days. *Reg.*

The standard the educational services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a)*. The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii)*.

Drug and Weapon Offenses by Students With Disabilities

Student carries weapon to school, or possesses, uses, sells, or solicits sale of illegal or controlled substance on school property or at a school function.



Illegal drug – controlled substance. Excludes legally used and possessed prescription drugs. *Sec. 1415(k)(10)(B); Reg. 300.520(d)(2)*.

Controlled substance – drug or substance in 21 U.S.C. § 812(c), Schedules I-V. *Sec. 1415(k)(10)(A); Reg. 300.520(d)(1)*.

Weapon – A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. *Sec. 1415(k)(10)(D); Reg. 300.520(d)(3)*.

School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. *Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i)*. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and special education and disciplinary records will be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9); Reg. 300.529*.

At time decision is made to take this disciplinary action, school personnel must notify parent of decision and provide procedural safeguards notice in *Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1)*.

Within ten (10) business days, IEP Team must meet and may extend the removal by placing student in appropriate interim alternative educational setting applicable to non-disabled student for same amount of time non-disabled student would be assigned, but not more than forty-five (45) calendar days. *Sec. 1415 (k)(1)(A)(ii) and (3)(A); Reg. 300.520(a)(2); Reg. 300.522(a)*. IEP Team must review the behavior intervention plan, if one exists, and its implementation and modify, as necessary, to address behavior. *Reg. 300.520(b)(1)(ii)*. If there has been no previous functional behavioral assessment and creation of behavior intervention plan, IEP Team must develop assessment plan. *Sec. 1415(k)(1)(B); Reg. 300.520(b)(1)(i)*. As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. *Reg. 300.520(b)(2)*. The IEP Team and other qualified personnel must review the relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). *Sec. 1415(k)(4)(A); Reg. 300.523 (a)(2)(b)*.

The forty-five-(45)-day alternative interim placement must:

- Enable student to progress in general curriculum, although in another setting;
- Enable student to continue to receive those services and modifications, including those described in the student's IEP, that will enable the student to meet the goals set out in that IEP; and
- Include services and modifications designed to address the drug or weapon offense so that it does not recur. *Sec. 1415(k)(3)(B); Reg. 300.522; Reg. 300.121 (d)(2)(ii)*.

Comments to regulations:
Students may be subject to multiple forty - five - (45) - day interim placements for separate drug and weapon offenses. The forty - five - (45) - day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty - five - (45) - day interim

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student's IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that, in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student's IEP and placement, special education services, supplementary aids and services, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d)*. If IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. *Reg. 300.523(f)*.

- or -

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a). Reg. 300.524(a)*. The campus must ensure that special education and disciplinary record are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b)*.

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. *Sec. 1415(i)(6); Reg. 300.525(a), (b)*.

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. *Sec. 1415(k)(6)(A); Reg. 300.525(a)(2)*.

During appeals, stay put applies. *Reg. 300.524(c)*. If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to forty-five (45) days. Standards to be met are

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a)*. The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii)*.

Students Dangerous to Self or Others

IDEA discipline procedures are followed for a non-drug or weapon offense, the penalty for which would result in expulsion or removal from the student's placement for more than ten (10) school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due-process hearing. Stay put applies, and child stays in the current placement, unless school acts to change the placement. *Reg. 300.524.*



School requests hearing officer to change the placement during the pendency of the hearing because of the likelihood of injury to self or others. *Sec. 1415(k)(2); Reg. 300.521.*



Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. *Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a).* Hearing officer must also:

- Consider the appropriateness of the current placement.
- Consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- Determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher:
 - Enables the student to participate in the general curriculum, although in another setting;
 - Enables the student to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP; and
 - Include services and modification designed to address the behavior so that it does not recur.

Sec. 1415(k)(2); Reg. 300.521(b), (c), (d); Reg. 300.522(b); Reg. 300.121(d)(2)(ii)(B).

If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. *Sec. 1415(k)(6)(B)(ii); Reg. 300.525 (h)(2)*

If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. *Sec. 1415(k)(2); Reg. 300.521.*



Student returns to his or her current placement (the placement prior to the interim alternative educational setting) at end of forty-five (45) days, if no decision has been issued by hearing officer in pending due-process hearing. If school believes it would be dangerous for student to return to current placement while hearing is still pending, school may request another expedited hearing to again place student in forty-five-(45)-day interim placement while hearing continues to be pending. *Reg. 300.526(b), (c)(4)*. Hearing officer holds same type of hearing initially held when hearing officer ordered first forty-five-(45)-day interim placement. *Sec. 1415(k)(7); Reg. 300.526*. Any subsequent forty-five-(45)-day interim setting must meet the standards in *Reg. 300.522*.

Procedure History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

STUDENTS

3311
Page 1 of 3

FIREARMS AND WEAPONS

Firearms

For the purposes of the firearms section of this policy, the term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

It is the policy of the Whitewater School District to comply with the federal Gun Free Schools Act of 1994 and state law 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with Montana law, a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district must be expelled from school for a period of not less than 1 year.

CHOOSE ONE OF THE FOLLOWING OPTIONS:

OPTION #1 – However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the underlying circumstances and, in the discretion of the Board, may authorize the school administration to modify the requirement for expulsion of a student.

A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals with Disabilities Education Act.

Possession of Weapons other than Firearms

The District does not allow weapons on school property. Any student found to have possessed, used or transferred a weapon on school property will be subject to discipline in accordance with the District’s discipline policy. For purposes of this section, “weapon” means 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 air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles; numchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

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.

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon **in a school building**, and the District may take disciplinary action as well in the case of a student. In addition the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. (45-8-361 (1) (2))

For the purposes of this section only, “school building” means all buildings owned or leased by a local school district that are used for instruction or for student activities. (45-8-361 (5a))

The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry, or store a weapon in a school building must request permission of the Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to possess, carry, or store a weapon in a school building. (45-8-361 (3b))

This policy does not apply to law enforcement officers acting in his or her official capacity. (45-8-361 (3a))

Note: Section (g) of the NCLB Section 4141 – Gun Free Requirements, carves out a very significant exception to the Gun Free Schools Act in that it allows a student to have “a firearm that is lawfully stored inside a locked vehicle on school property. . .” Montana law (20-5-202, MCA), on the other hand, does not provide for any exception to the expulsion requirement if a student has a firearm that is lawfully stored inside a locked vehicle on school property. The only reference to federal law in 20-5-202(2), MCA is the federal definition of a firearm. As you well know 20-5-202(2), MCA provides that:

(2) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.

So, Montana schools are required, by state law, to expel a student from school for a period of not less than 1 year if it is determined that the student brought a firearm to school, subject to the case-by-case exception noted in the statute. Based upon the exception noted in federal law and in circumstances where a student is found to have a firearm on school property in a locked

vehicle, Montana schools should be citing state law (20-5-202, MCA) and district policy to support any recommendation for expulsion.

*There is one significant inconsistency between the Federal Gun Free Schools Act and Montana is that under federal law it provides that “State law **shall** allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing,” whereas 20-5-202(2), MCA, provides that the trustees **may** authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.*

Cross Reference:	Policy 3310	Student Discipline
	Policy 4332	Conduct of School Property
Legal Reference:	§ 20-5-202, MCA	Suspension and expulsion
	§ 45-8-361, MCA	Possession or allowing possession of a weapon in a school building
	20 U.S.C. § 7151, et seq.	Gun Free Schools Act of 1994
	18 U.S.C. § 921	Definitions
	NCLB, Section 4141	Gun Free Requirements

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

Whitewater School District

STUDENTS

3312

Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students. Students may be required to attend Saturday detention for up to four (4) hours.

Preceding the assessment of such punishment, the staff member shall inform the student of the nature of the offense charged, and/or the specific conduct which allegedly constitutes the violation. The student shall be afforded an opportunity to explain or justify his/her actions to the staff member. Parents must be notified prior to a student serving an after-school detention.

Students detained for corrective action or punishment shall be under the supervision of the staff member or designee.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3340

Extra- and Co-Curricular Chemical Use Policy

Students participating in extra- and co-curricular activities, whether sponsored by the MHSA or not, shall not use, have in possession, sell, or distribute alcohol, tobacco, or illegal drugs, or abuse prescription or non-prescription drugs during their extracurricular seasons. These rules are in effect twenty-four (24) hours a day. If a student receives an IP, or is seen using tobacco, alcohol, or illicit drugs, the student will forfeit the privilege of participating in accordance with the activities and student handbooks.

Policy Coverage

This policy applies to students who are involved in the extra- and co-curricular activities program.

Policy Duration

This policy is in effect each school year from the date of the first practice for fall activities until the last day of school or activities, whichever is later. Violations are cumulative on an annual basis. The Administration shall publish the participation rules annually in the activities and student handbooks.

Student and Parent/Legal Guardian Due Process

If a determination is made that a student has violated this policy, the student and parent or guardian shall be notified of the violation by telephone where possible, and also by mail. Also at this time, the student and parent or guardian shall be notified of the type of discipline that will be administered.

APPEAL PROCESS: Any parent or legal guardian and student who is aggrieved by the imposition of discipline shall have the right to an informal conference with the principal, for the purpose of resolving the grievance. At such a conference, the student and the parent shall be subject to questioning by the principal, and shall be entitled to question staff involved in the matter being grieved.

Legal Reference: § 20-5-201, MCA Duties and sanctions

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3345

Gambling

Students are not permitted to gamble for money while in school, on school property, in school vehicles, while on school-sponsored trips, or when representing the school during activity or athletic functions. Students who are found to be betting, playing cards, rolling dice for money, playing keno or poker machines, gambling on the Internet, or involved in any other form of gambling shall be reported to the principal. Appropriate discipline will be administered in accordance with the District's student discipline policies.

Legal Reference: § 23-5-112, MCA Definitions
 § 23-5-158, MCA Minors not to participate – penalty – exception

Policy History:

Adopted on: June 11, 2005

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

STUDENTS

3410

Student Health

The Board may arrange each year for health services to be provided to all students. Such services may include, but not be limited to:

1. The development of procedures at each building for the isolation and temporary care of students who become ill during the school day.
2. Consulting services of a qualified specialist for staff, students, and parents.
3. Vision and hearing screening.
4. Scoliosis screening.
5. Immunization as provided by the Department of Health & Environmental Sciences.

Legal Reference: § 20-3-324(20), MCA Powers and duties

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3413

Student Immunization

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 District must receive the original immunization records for the pupil who transfers into the District.

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 Health 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 Powers and duties
§ 20-5-401 through 410, MCA Health

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3415

Management of Sports Related Concussions

The Whitewater School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The Board acknowledges the risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed. Therefore, all competitive sport activities in the District will be identified by the administration.

Consistent with the National Federation of High School (NFHS) and the Montana High School Association (MHSA), the District will utilize procedures developed by the MHSA and other pertinent information to inform and educate coaches, youth athletes, and their parents and/or guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury. Resources are available on the Montana High School Association Sports Medicine page at www.mhsa.org.

Annually, the district will distribute a head injury and concussion information sheet to all parents and guardians of student- athletes in competitive sport activities prior to the student-athlete's initial practice or competition.

All coaches, including volunteers, will complete training as required in the District procedure. Additionally, all coaches of competitive sport activities will comply with MHSA procedures for the management of head injuries and concussions.

Reference: Montana High School Association, Rules and Regulations
Section 4, Return to Play

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

Whitewater School District

STUDENTS

3415P

Management of Sports Related Concussions

A. Athletic Director or Administrator in Charge of Athletic Duties:

1. *Updating:* Each spring, the athletic director, or the administrator in charge of athletics if there is no athletic director, shall review any changes that have been made in procedures required for concussion and head injury management or other serious injury by consulting with the MHSAs or the MHSAs Web site. If there are any updated procedures, they will be adopted and used for the upcoming school year.
2. *Identified Sports:* Identified sports include all MHSAs-sanctioned activities, including cheer/dance squads, and any other district-sponsored sports or activities as determined by the district.

B. *Coach Training:* All coaches shall undergo training in head injury and concussion management at least once every two years by one of the following means: (1) through viewing the MHSAs sport-specific rules clinic; or (2) through viewing the MHSAs concussion clinic found on the MHSAs Sports Medicine page at www.mhsa.org.

C. *Parent Information Sheet:* On a yearly basis, a concussion and head injury information sheet shall be distributed to the student-athlete and the athlete's parent and/or guardian prior to the student-athlete's initial practice or competition. This information sheet may be incorporated into the parent permission sheet which allows students to participate in extracurricular athletics and should include resources found on the MHSAs Sports Medicine page at www.mhsa.org.

D. *Coach's Responsibility:* A student-athlete who is suspected of sustaining a concussion or head injury or other serious injury in a practice or game shall be immediately removed from play.

E. *Return to Play After Concussion or Head Injury:* In accordance with MHSAs Return to Play Rules and Regulations, a student athlete who has been removed from play may not return to play until the athlete is cleared by a licensed health care provider (MD, DO, PAC or NP). The health care provider may be a volunteer.

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

Whitewater School District

STUDENTS

3416
page 1 of 3

Administering Medicines to Students

Any school employee authorized in writing by the school administrator or school building administrator:

1. May assist in the self-administration of any drug which may lawfully be sold over the counter without a prescription to a pupil in compliance with the written instructions, if the pupil's parent or guardian consents in writing.
2. May assist in the self-administration of a prescription drug to a pupil in compliance with the written instructions of a practitioner, if the pupil's parent or guardian consents in writing.

No employee except a qualified health care professional may administer a drug or prescription drug to a pupil under this policy except in an emergency situation. Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a school employee and should not be practiced by any school personnel.

Administering Medication

The Board will permit the administration of medication to students in schools in its jurisdiction. Pursuant to the written authorization of a physician or dentist, as well as the written authorization of a parent or guardian, the school nurse (who has successfully completed specific training in administration of medication) 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 the risk of such reaction, a school nurse or delegate may administer emergency oral and/or injectable medication to any student in need thereof on the school grounds, in the school building, or at a school function, according to the standing order of the chief medical advisor or the student's private physician.

In the absence of a school nurse, the 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. There must be on record a medically diagnosed allergic condition which would require prompt treatment to protect the student from serious harm or death.

Record of the medication administered in an emergency will be entered on an Individual Student Medication Record and filed in the student's cumulative health folder.

Self-Administration of Medication

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

1. A physician or dentist provides a written order for self-administration of said medication.
2. There is written authorization for self-administration of medication from the student's parent or guardian.
3. The principal and appropriate teachers are informed that the student is self-administering prescribed medication.

Any school employee authorized in writing by the school administrator or principal may assist with self-administration of medications provided that only the following acts are used:

1. verbal suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
2. handing a prefilled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy to the student;
3. opening the lid of the above container for the student;
4. guiding the hand of the student to self-administer the medication;
5. holding and assisting the student in drinking fluid to assist in the swallowing of oral medications;
6. assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

Handling and Storage of Medications

All medications, including those approved for keeping by students for self medication, must first be delivered by the parent or other responsible adult to the nurse or employee assisting with the self-administration of medication. The nurse or the employee must:

1. Examine any new medication to insure that it is properly labeled with dates, name of student, medication name, dosage and physician's name.
2. If administration is necessary, the nurse must develop a medication administration plan

for the student before any medication is given by school personnel.

3. Record on the Student's Individual Medication Record the date the medication is delivered and the amount of medication received.
4. Store medication requiring refrigeration at 36F - 46F.
5. Store prescribed medicinal preparations in a securely locked storage compartment. Controlled substances will be contained in a separate compartment, secured and locked at all times.

No more than a forty-five (45) school day supply of a medication for a student will be stored at the school. All medications, prescription and nonprescription, will be stored in their original containers.

Access to all stored medication will be limited to persons authorized to administer medications or assist in the self-administration of medications. Each school will maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

Disposal of Medication

School personnel must either return to the parent or destroy (with permission of the parent or guardian) any unused, discontinued or obsolete medication. Medicine which is not repossessed by the parent or guardian within a seven (7) day period of notification by school authorities will be destroyed by the school nurse in the presence of a witness.

Legal Reference: 8.32.1701 - 1712, ARM Delegation and assignment

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

**Montana Authorization to Possess or Self-Administer
Asthma, Severe Allergy, or Anaphylaxis Medication**

For this student to possess or self-administer asthma, severe allergy, or anaphylaxis medication while in school, while at a school sponsored activity, while under the supervision of school personnel, before or after normal school activities (such as while in before-school or after-school care on school-operated property), or while in transit to or from school or school-sponsored activities, this form must be fully completed by: 1) the prescribing physician/physician assistant/advanced practice registered nurse, and 2) an authorizing parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or legal guardian.

Student's Name: _____ School: _____
Sex: (Please circle) Female/Male City/Town: _____
Birth Date: ____/____/____ School Year: _____ (Must be renewed annually)

Physician's Authorization:

The above named student has my authorization to carry and self administer the following medication:

Medication: (1) _____ Dosage:(1) _____
(2) _____ (2) _____

Reason for prescription(s): _____

Medication(s) to be used under the following conditions (times or special circumstances): _____

I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication without school personnel supervision. I have formulated and provided to the parent/guardian or caretaker relative a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

Signature of Physician/PA/APRN Phone Number Date

Authorization by Parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or Guardian

As the parent, individual who has executed a caretaker relative educational or medical authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used epinephrine during school hours, he/she understands the need to alert the school nurse or other adult at the school who will provide follow-up care, including making a 9-1-1 emergency call.

I acknowledge that the school district or nonpublic school and its employees and agents are not liable as a result of any injury arising from the self-administration of medication by the student, and I indemnify and hold them harmless for such injury, unless the claim is based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to work with the school in establishing a plan for use and storage of backup medication. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma, severe allergy, or anaphylaxis emergency. I have provided the following backup medication: _____

I understand that in the event the medication dosage is altered, a new "self-administration form" must be completed, or the health care provider may rewrite the order on his/her prescription pad, and I, the parent/caretaker relative/guardian, will sign the new form and assure the new order is attached.

I understand it is my responsibility to pick up any unused medication at the end of the school year, and the medication that is not picked up will be disposed of.

I authorize the school administration to release this information to appropriate school personnel and classroom teachers.

Parent/Guardian, Caretaker Relative Signature: _____ Date: _____

(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health

care provider) See, generally, Mont. Code Ann. § 20-5-420.

3416F

Montana Authorization to Carry and Self-Administer Medication

For this student to carry and self-administer medication on school grounds or for school sponsored activities, this form must be fully completed by the prescribing physician/provider and an authorizing parent, an individual who has executed a caretaker relative educational authorization affidavit, or legal guardian.

Student's Name: _____ School: _____
Sex: (Please circle) Female/Male City/Town: _____
Birth Date: ____/____/____ School Year: _____(Renew each year)

Physician's Authorization:

The above named student has my authorization to carry and self administer the following medication:

Medication: (1) _____ Dosage: (1) _____
(2) _____ (2) _____

Reason for prescription(s): _____

Medication(s) to be used under the following conditions: _____

I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication on his own without school personnel supervision. I have provided a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

Signature of Physician Physician's Phone Number Date

Backup Medication – The law provides that if a child's health care provider prescribes "backup" medication to be kept at the school, it must be kept in a predetermined location, known to the child, parent, and school staff.

The following backup medication has been provided for this student:

For Completion by Parent, an individual who has executed a caretaker relative educational authorization affidavit, or Guardian

As the parent, individual who has executed a caretaker relative educational authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used an auto-injectable epinephrine, he/ she understands the need to alert an adult that emergency medical personnel need to be called. If he/she has used his/her asthma inhaler as prescribed and does not have relief from an asthma attack, he/she is to alert an adult.

I also acknowledge that the school district or nonpublic school may not incur liability as a result of any injury arising from the self-administration of medication by the student and that I shall indemnify and hold harmless the school district or nonpublic school and its employees and agents against any claims, except a claim based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to also work with the school in establishing a plan for use and storage of backup medication if prescribed, as above, by my child's physician. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma or anaphylaxis emergency.

Authorization is hereby granted to release this information to appropriate school personnel and classroom teachers.

I understand that in the event the medication dosage is altered, a new "self-administration form" must be completed, or the physician may rewrite the order on his prescription pad and I, the parent/guardian, will sign the new form and assure the new order is attached.

I understand it is my responsibility to pick up any unused medication at the end of the school year, and the medication that is not picked up will be disposed of.

Parent/Guardian, Caretaker Relative Signature: _____ Date: _____

(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider)

Whitewater School District

STUDENTS

3417

Page 1 of 2

Communicable Diseases

The District is required to provide educational services to all school age children who reside within its boundaries. Attendance at school may be denied to any child diagnosed as having a communicable disease which could make the child's attendance harmful to the welfare of other students. In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the school have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

The Board recognizes that communicable diseases which 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 shall rely on the 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.

Management of common communicable diseases will be in accordance with Montana Department of Health guidelines and communicable diseases control rules. A student who exhibits symptoms of a communicable disease which is readily transmitted in the school setting may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the school nurse or other responsible person designated by the Board and may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

The District reserves the right to require a statement from the student's primary care provider authorizing the student's return to school. In all proceedings related to this policy, the District shall respect the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious communicable disease, the staff member or volunteer shall promptly notify the school nurse or other responsible person designated by the Board to determine appropriate measures to protect student and staff health and safety. The school nurse or other responsible person designated by the Board, after consultation with and on the advice of public health officials, shall 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 the student or for determining appropriate educational accommodation will be informed of the specific nature of the condition, if it is determined there is a need for such individuals to know this information.

3417
page 2 of 2

Parents of other children attending the school may be notified that their child has been exposed to a communicable disease without identifying the particular student who has the disease.

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.

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

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3422

Suicide

The District may provide the following programs in order to prevent adolescent suicide by: offering and providing help and assistance including early identification; support and/or counseling by school support personnel for low-risk students; referral to appropriate sources outside the school for high and moderate-risk students; attendance to the rights of the student and his/her family; and after care support by the school for faculty, staff, and students after a sudden death has occurred.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3431

Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment in case of sudden illness or injury to a student, but that further medical attention is the responsibility of the parent or guardian.

Each parent or guardian must provide an emergency telephone number where the parent or designee of the parent can be reached.

When a student is injured, staff shall provide immediate care and attention until relieved by a superior, a nurse or a doctor. The building administrator or designated staff member should immediately contact the parent so that the parent can arrange for care or treatment of the injured student.

If a child develops symptoms of illness while at school, the responsible school officials shall do the following:

- a. Isolate the child immediately from other children in a room or area segregated for that purpose.
- b. Inform the parent or guardian as soon as possible about the illness and request him or her to pick up the child.
- c. Report each case of suspected communicable disease the same day by telephone to the local health authority, or as soon as possible thereafter if no contact can be made the same day.

In the event that the parent cannot be reached and in the judgment of the principal or person in charge immediate medical attention is required, the injured student may be taken directly to the hospital and treated by the physician on call. When the parent is located, he/she may elect to continue the treatment or make other arrangements.

A person with a currently valid American Red Cross Standard First Aid Card shall be present for all field trips, athletic and other off-campus events.

Legal Reference: 16.10.1117, ARM Health Supervision and Maintenance

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

STUDENTS

3431F

Accident Report

**This form is to be completed by the appropriate employee(s) as soon as possible after an accident occurs.
Please Print or Type.**

District Name _____ School Name _____

Principal's Name _____ School Phone _____

Date of Accident: _____ Time: ____ AM PM Supervising Employee _____

Claimant's Name _____	_____	_____	_____
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
Claimant's Address _____	_____	_____	_____
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Claimant's SS # _____	Home Phone Number (____) _____		
Claimant's Age _____	Date of Birth _____	Sex _____	Grade _____
Parent's Name (if student) _____	Work Phone Number (____) _____		

<i>Nature of Injury</i>	
<input type="checkbox"/> Scratch	<input type="checkbox"/> Concussion
<input type="checkbox"/> Fracture	<input type="checkbox"/> Head Injury
<input type="checkbox"/> Bruise	<input type="checkbox"/> Sprain/Strain
<input type="checkbox"/> Burn	<input type="checkbox"/> Cut/Puncture
<input type="checkbox"/> Dislocation	<input type="checkbox"/> Bite
<input type="checkbox"/> Other _____	

<i>Place of Accident</i>	
<input type="checkbox"/> Classroom	<input type="checkbox"/> Gymnasium
<input type="checkbox"/> Hallway	<input type="checkbox"/> Parking Lot
<input type="checkbox"/> Bathroom	<input type="checkbox"/> Sidewalk
<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Stairs
<input type="checkbox"/> Playground	<input type="checkbox"/> Athletic Field
<input type="checkbox"/> Other _____	

<i>Body Part Injured</i>		
<input type="checkbox"/> Ankle	<input type="checkbox"/> Foot	<input type="checkbox"/> Leg
<input type="checkbox"/> Arm	<input type="checkbox"/> Face	<input type="checkbox"/> Nose
<input type="checkbox"/> Back	<input type="checkbox"/> Finger	<input type="checkbox"/> Teeth
<input type="checkbox"/> Neck	<input type="checkbox"/> Hand	<input type="checkbox"/> Wrist
<input type="checkbox"/> Eye	<input type="checkbox"/> Knee	<input type="checkbox"/> Shoulder
<input type="checkbox"/> Other _____		

Describe accident and injury in detail (attach additional description as necessary): _____

—

—

Were efforts made to contact the parent/guardian about the accident? Yes No

Was first aid administered? Yes No By whom? _____

Was the student Sent home Sent to physician Sent to hospital

Is student covered by Student Accident Insurance? Yes No If "yes," please list Company Name, address, and phone number

If medical or hospital treatment was required, please complete the following information. (Attach a copy of medical bills, if available.)

Name and address of doctor or hospital

Witnesses (Name, Address, and Phone) _____

—

<i>Signature/Name of Person Completing the Report</i>	<i>Date</i>
Whitewater School District	

STUDENTS 3432

Fire Drills

Fire drills will occur on a regular basis as required by state law. A record will be kept of all fire drills. Appropriate procedures for fire drills will be discussed at the beginning of the school year in class by all teachers and posted in a conspicuous place near the exit door.

Legal Reference: §§ 20-1-401 - 407, MCA Fire drills

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3440

Removal of Student During School Hours

The Board recognizes its responsibility for the proper care of students during school hours. Students shall not be removed from school grounds, any school building or school function during school hours except by a person duly authorized in accordance with District procedures. Before a student is removed or excused, the person seeking to remove the student must present, to the satisfaction of the principal, evidence of his/her proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone unless the request is approved by the principal. The Superintendent is directed to establish procedures for the removal of a student during school hours.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3440P

Removal of Student During School Day

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policy 4410P.
2. Any other agencies must have a written administrative or court order directing the District to give custody to them. However, employees of the Department of Family Services may take custody of a student under provisions of § 41-3-301, MCA, without a court order. Proper identification is required before the student shall be released.
3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.
4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.
5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else's custody, unless an emergency situation justifies a waiver.
6. Police should be called if a visitor becomes disruptive or abusive.

Cross Reference: 4410 Relations with the Law Enforcement and Child Protective Agencies

Procedure History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3510

School Sponsored Student Activities

1. Student Organizations:
 - a. All student organizations must be approved by the administration. Secret or clandestine organizations or groups will not be permitted.
 - b. Bylaws and rules of student organizations must not be contrary to board policy or to administrative rules and regulations.
 - c. Procedures in student organizations must follow generally accepted democratic practices in the acceptance of members and nomination and election of officers.

2. Social Events
 - a. Social events must have prior approval of the administration.
 - b. Social events must be held in school facilities unless approved by the Board.
 - c. Social events must be chaperoned at all times.
 - d. Attendance at high school social events and dances shall be limited to high school students, and middle school social events shall be limited to middle school students, unless prior permission is received from the building administrator.

3. Extracurricular Activities
 - a. Academic and behavior eligibility rules are established by MHSAs rules and District policy.
 - b. Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.
 - c. In establishing an interscholastic program, the Board directs the administration to:

1. Open all sports to all students enrolled in the District with an equal opportunity for participation.
2. Recommend sports activities based on interest inventories completed by the students.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3520

Student Fees, Fines and Charges

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

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

The Board delegates authority to the Superintendent to establish appropriate fees and procedures governing the collection of fees and to make annual reports to the Board regarding fee schedules. Fees may be required for the actual cost of breakage and of excessive supplies used in courses such as commercial, industrial arts, music, domestic science, science or agriculture.

A student shall be responsible for the cost of replacing materials or property which are lost or damaged due to negligence. The student and parent shall be notified regarding the nature of the violation or damage, how restitution may be made, and how an appeal may be instituted. A student's grades or diploma may be withheld until restitution is made by payment. The student or parent may appeal the imposition of a charge for damages, to the Superintendent and the Board.

Legal reference:	§ 20-5-201, MCA	Duties and sanctions
	§ 20-7-703, MCA	Free textbook provisions
	§ 20-9-214, MCA	Fees

Policy History:

Adopted on: November 14, 2000
Revised on:
Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3530

Student Fund Raising Activities

The Board acknowledges that the solicitations of funds from students, staff and citizens must be limited since students are a captive audience and since solicitation can disrupt the program of the schools. Solicitation and collection of money by students for any purpose, including the collection of money by students in exchange for tickets, papers, magazine subscriptions, or for any other 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.

Policy History:

Adopted on: November 14, 2000
Revised on:
Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3535

Distribution of Fund Drive Literature Through Students

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

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3600F
page 1 of 3

Student Records

Notification to Parents and Students of Rights Concerning a Student's School Records

This notification may be distributed by any means likely to reach the parent(s)/guardian(s).

The District will maintain two (2) sets of school records for each student, a permanent record and a cumulative record. The permanent record shall include:

- basic identifying information
- academic transcripts
- attendance record
- accident and health reports

The cumulative record may include:

- intelligence and aptitude scores
- psychological reports
- achievement test results
- participation in extracurricular activities
- honors and awards
- teacher anecdotal records
- special education files
- verified reports or information from non-educational persons
- verified information of clear relevance to the student's education
- information pertaining to release of this record
- disciplinary information

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students over eighteen (18) years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. **The right to inspect and copy the student’s education records within a reasonable time of the day the District receives a request for access.**

Students less than eighteen (18) years of age have the right to inspect and copy their permanent record. Parents/guardians or students should submit to the school building administrator (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The building administrator will make arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the time and place where the records may be inspected.

3600F
page 2 of 3

The District charges a nominal fee for copying, but no one will be denied their right to copies of their records for inability to pay this cost.

The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

2. **The right to request the amendment of the student’s education records that the parent(s)/guardian(s) or eligible student believes are inaccurate, misleading, irrelevant, or improper.**

Parents/guardians or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, irrelevant, or improper. They should write the school principal or records custodian, clearly identifying the part of the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. **The right to permit disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA or state law authorizes disclosure without consent.**

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a

person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to

inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

4. **The right to a copy of any school student record proposed to be destroyed or deleted.**
5. **The right to prohibit the release of directory information concerning the parent's/guardian's child.**

Throughout the school year, the District may release directory information regarding students, limited to:

- name
- address
- gender
- grade level
- birth date and place
- parents'/guardians' names and addresses
- academic awards, degrees, and honors
- information in relation to school-sponsored activities, organizations, and athletics
- major field of study
- period of attendance in school
- photograph

Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building principal within thirty (30) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.

6. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

STUDENTS

Student Records

Maintenance of School Student Records

The District maintains two (2) sets of school records for each student — a permanent record and a cumulative record.

The permanent record shall include:

- basic identifying information
- academic transcripts
- immunization records
- attendance record

The cumulative record may include:

- intelligence and aptitude scores
- psychological reports
- achievement test results
- participation in extracurricular activities
- honors and awards
- teacher anecdotal records
- verified reports or information from non-educational persons
- verified information of clear relevance to the student's education
- information pertaining to release of this record
- disciplinary information

Information in the permanent record will indicate authorship and date, and shall be maintained in perpetuity for every student who has been enrolled in the District. Cumulative records shall be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

The building administrator shall be responsible for the maintenance, retention, or destruction of a student's permanent or cumulative records, in accordance with the District's procedure established by the Superintendent.

Access to Student Records

The District shall grant access to student records as follows:

1. The District or any District employee shall not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.
2. The parents of a student under eighteen (18) years of age shall be entitled to inspect and copy information in the child's school records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within fifteen (15) days of the District's receipt of such a request.

Where the parents are divorced or separated, both shall be permitted to inspect and copy the student's school records unless a court order indicates otherwise. The District shall send copies of the following to both parents at either one's request, unless a court order indicates otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including pupil-parent interaction.

When the student reaches eighteen (18) years of age, graduates from high school, marries, or enters military service, all rights and privileges accorded to the parent become exclusively those of the student.

Access shall not be granted to the parent or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment, or the receipt of an honor or award, if the student has waived his or her right of access, after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The District may grant access to, or release information from, student records to employees or officials of the District or the Montana State Board of Education, provided a current, demonstrable, educational or administrative need is shown, without parental consent or notification. Access in such cases shall be limited to the satisfaction of that need.
4. The District may grant access to, or release information from, student records without

parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

5. The District shall grant access to or release information from a student's records pursuant to a court order, provided that the parent shall be given prompt written notice, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
6. The District shall grant access to or release information from any student record as specifically required by federal or state statute.
7. The District shall grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy shall be mailed to the parent or eligible student by the Superintendent. Whenever the District requests the consent to release certain records, the records custodian shall inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.
8. The District may release student records to the Superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.
9. Prior to the release of any records or information under items 5, 6, 7, and 8 above, the District shall provide prompt written notice to the parents or eligible student of this intended action. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.
10. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian shall make this decision taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District shall notify the parents or eligible student as soon as possible of the information released, the date of the release, the person,

agency or organization to whom the release was made, and the purpose of the release.

The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities pertaining to violations of the Montana Youth Court Act or criminal laws by the student.

12. The District charges a nominal fee for copying information in the student's records. No parent or student shall be precluded from copying information because of financial hardship.
13. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) shall be kept and maintained as part of such records. This record shall be maintained for the life of the student record and shall be accessible only to the parent or eligible student, records custodian, or other person. The record of release shall include:
 - a. Information released or made accessible.
 - b. The name and signature of the records custodian.
 - c. The name and position of the person obtaining the release or access.
 - d. The date of the release or grant of access.
 - e. A copy of any consent to such release.

Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information shall be limited to:

- name
- address
- gender
- grade level
- birth date and place
- parents'/guardians' names and addresses
- academic awards, degrees, and honors
- information in relation to school-sponsored activities, organizations, and athletics
- major field of study
- period of attendance in school
- photograph

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

Student Record Challenges

The parents may challenge the accuracy, relevancy or propriety of the records, except (1) grades, and (2) references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing at which each party has:

- the right to present evidence and to call witnesses;
- the right to cross-examine witnesses;
- the right to counsel;
- the right to a written statement of any decision and the reasons therefor;
- the right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include a statement in any release of the information in dispute.

Legal Reference:	Family Education Rights & Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99
	§ 20-5-201, MCA Duties and sanctions
	§ 40-4-225, MCA Access to records by non-custodial parents
	§ 41-5-215, MCA Youth court and department records – notification to school
	10.55.2002, ARM Student records

Procedure History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3606

Transfer of Student Records

A certified copy of the permanent, or cumulative, file of any student and the file containing special education records of any student shall be forwarded by mail, or electronically, to a local educational agency or accredited school in which the student seeks to or intends to enroll within five (5) working days after receipt of a written or electronic request. The files that are forwarded must include education records in the permanent file (as defined by the Board), special education records, and any disciplinary actions taken against the student, that are educationally related.

If the records cannot be transferred within five (5) days, the District shall notify the requestor, in writing or electronically, providing the reasons why the District is unable to comply with the five-(5)-day time frame. The District shall also include in that notice the date by which the requested records will be transferred. A request for the transfer of records shall not be refused because the student owes fines or fees.

Cross Reference: 3600 - 3600P Student Records

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

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

RECORDS CERTIFICATION

I, (name of custodian of records), the duly appointed custodian of records for the _____ School District No. _____, _____ County, State of Montana, pursuant to § 20-1-213, MCA, do hereby certify that the attached is a true and correct copy of the student records of (name of student), maintained in my possession and under my control.

DATED this _____ day of _____, 20__.

Custodian of Records

_____ School District No. _____

(S E A L)

Whitewater School District

STUDENTS

3608

Receipt of Confidential Records

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
- Building Administrator
- Guidance 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

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

Whitewater School District

STUDENTS

3610
page 1 of 2

Programs for At-Risk/Disadvantaged Students

The District will designate one (1) at-risk coordinator to collect and disseminate data regarding dropouts in the District and to coordinate the District's program for students who are at high risk of dropping out of school.

Each school year, the at-risk coordinator will prepare a dropout reduction plan that identifies:

1. The number of District students who dropped out in the preceding regular school term;
2. The number of students in grades 1-12 who are at risk of dropping out;
3. The District's dropout rate goal for the next school year;
4. The dropout reduction programs, resources, and strategies to be used during the school year.

The Board will review and approve the plan and will make it available to the public.

The District is not required to prepare a dropout reduction plan if fewer than five percent (5%) of its students are identified as "at risk" of dropping out.

At-Risk Students

In determining whether a student is at high risk of dropping out of school, the District will consider the student's academic performance as well as whether the student is adjudged delinquent; abuses drugs or alcohol; is a student of limited English proficiency; receives compensatory or remedial education; is sexually, physically, or psychologically abused; is pregnant; is a slow learner; enrolls late in the school year; stops attending school before the end of the school year; is an underachiever; is unmotivated; or exhibits other characteristics that indicate the student is at high risk of dropping out of school.

Programs and District Plan

The District will provide a remedial and support program for any student who is at risk of dropping out of school.

The District will have a plan designed to retain students in a school setting. The District plan will be the responsibility of the Superintendent or the designated at-risk coordinator and will:

1. Emphasize a comprehensive team approach that includes the Superintendent, principal,

parent/guardian, teacher, student, community service provider, business representative, or

others;

2. Include objectives designed to meet the identified needs of at-risk students and to retain those students in school;
3. Be designed to use community resources that are available to serve at-risk youth;
4. Provide for parental involvement, such as participation in developing student academic plans and training programs for parents; and
5. Provide for review of individual profiles for at-risk students.

The District plan may also:

1. Include alternatives; and
2. Provide for the referral of students who drop out to programs such as adult basic education, Job Training Partnership Act programs, or other options.

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

STUDENTS

Gangs and Gang Activity

The Board is committed to ensuring a safe and orderly environment, where learning and teaching may occur void of physical or psychological disruptions, unlawful acts, or violations of school regulations. 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.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

District-Provided Access to Electronic Information, Services, and Networks

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 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.

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:

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

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

Internet filtering software or other technology-based protection systems may be disabled by a supervising teacher or school administrator, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 18 and older.

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 students 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.

Policy History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

INTERNET ACCESS CONDUCT AGREEMENT

Every student, regardless of age, must read and sign below:

I have read, understand, and agree to abide by the terms of the Whitewater School District's policy regarding District-provided Access to Electronic Information, Services, and Networks (Policy No. 3612). Should I commit any violation or in any way misuse my access to the District's computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

User's Name (Print) _____ Home Phone: _____
 User's Signature: _____ Date: _____
 Address: _____

Status: Student ____ Staff ____ Patron ____ I am 18 or older ____ I am under 18 ____

If I am signing this policy when I am under 18, I understand that when I turn 18, this policy will continue to be in full force and effect and agree to abide by this policy.

Parent or Legal Guardian. (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.) As the parent or legal guardian of the above named-student, I have read, understand and agree that my child shall comply with the terms of the District's policy regarding District-Provided Access to Electronic Information, Services and Networks for the student's access to the District's computer network and/or the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child's responsibility for abiding by the policy. I am, therefore, signing this Agreement and agree to indemnify and hold harmless the District, the Trustees, Administrators, teachers and other staff against all claims, damages, losses, and costs, of whatever kind, that may result from my child's use of his/her access to such networks or his/her violation of the District's policy. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting. I hereby give my child permission to use the building-approved account to access the District's computer network and the Internet.

Parent / Legal Guardian (Print): _____
 Signature: _____
 Home Phone: _____ Address: _____
 Date: _____

This Agreement is valid for the _____ school year only.

Whitewater School District

STUDENTS

3612P
page 1 of 5

Acceptable Use of Electronic Networks

All use of electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. **The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.**

Terms and Conditions

1. Acceptable Use – Access to the District's electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.
2. Privileges – The use of the District's electronic networks is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The system administrator (and/or building principal) will make all decisions regarding whether or not a user has violated these procedures, and may deny, revoke, or suspend access at any time. His or her decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
 - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any U.S. or state law;
 - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
 - c. Downloading copyrighted material for other than personal use;
 - d. Using the network for private financial or commercial gain;
 - e. Wastefully using resources, such as file space;
 - f. Hacking or gaining unauthorized access to files, resources, or entities;
 - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
 - h. Using another user's account or password;

- i. Posting material authored or created by another, without his/her consent;
 - j. Posting anonymous messages;
 - k. Using the network for commercial or private advertising;
 - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
 - m. Using the network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
- a. Be polite. Do not become abusive in messages to others.
 - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
 - c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
 - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
 - e. Do not use the network in any way that would disrupt its use by other users.
 - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.
6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.

7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses.
9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.
10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.
 - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
 - b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.
 - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
 - d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
 - e. Student work may only be published if there is written permission from both the parent/guardian and the student.

11. Use of Electronic Mail.

- a. The District's electronic mail system, and its constituent software, hardware, and data files, are owned and controlled by the District. The District provides e-mail to aid students and staff members in fulfilling their duties and responsibilities and as an education tool.
- b. The District reserves the right to access and disclose the contents of any account on its system, without prior notice or permission from the account's user. Unauthorized access by any student or staff member to an electronic mail account is strictly prohibited.
- c. Each person should use the same degree of care in drafting an electronic mail message as would be put into a written memorandum or document. Nothing should be transmitted in an e-mail message that would be inappropriate in a letter or memorandum.
- d. Electronic messages transmitted via the District's Internet gateway carry with them an identification of the user's Internet "domain." This domain name is a registered domain name and identifies the author as being with the District. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of this District. Users will be held personally responsible for the content of any and all electronic mail messages transmitted to external recipients.
- e. Any message received from an unknown sender via the Internet should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internet-based message is prohibited, unless the user is certain of that message's authenticity and the nature of the file so transmitted.
- f. Use of the District's electronic mail system constitutes consent to these regulations.

Internet Safety

Internet access is limited to only those "acceptable uses," as detailed in these procedures. Internet safety is almost assured if users will not engage in "unacceptable uses," as detailed in these procedures, and will otherwise follow these procedures.

1. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
2. Each District computer with Internet access has 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.
3. The system administrator and building principals shall monitor student Internet access.

Legal Reference: Children's Internet Protection Act, P.L. 106-55420 U.S.C. § 6801, et seq.
47 U.S.C. § 254(h) and (l)

Procedure History:

Adopted on: November 14, 2000

Revised on:

Reviewed on: February 13, 2012

Whitewater School District

STUDENTS

3630

Cell Phones and Other Electronic Equipment

Student possession and use of cellular phones, pagers, and other electronic signaling devices on school grounds, at 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.

Students may use cellular phones, pagers, and other electronic signaling devices on campus before school begins and after school ends. These devices must be kept out of sight and turned off during the instructional day. 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. Repeated unauthorized use of such devices will result in disciplinary action.

Policy History:

Adopted on: September 9, 2010

Revised on:

Reviewed on: February 13, 2012