**4.17—STUDENT DISCIPLINE**

The Imboden Area Charter School Board of Education has a responsibility to protect the health, safety, and welfare of the school’s students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the uniform enforcement of student discipline. Students are responsible for their conduct that occurs:

* At any time on the school grounds;
* Off school grounds at a school sponsored function, activity, or event; and
* Going to and from school or a school activity.

The Director may also take disciplinary action against a student for off-campus conduct occurring at any time that would have a detrimental impact on school discipline, the educational environment, or the welfare of the students and/or staff. A student who has committed a criminal act while off campus and whose presence on campus could cause a substantial disruption to school or endanger the welfare of other students or staff is subject to disciplinary action up to and including expulsion. Such acts could include, but are not limited to a felony or an act that would be considered a felony if committed by an adult, an assault or battery, drug law violations, or sexual misconduct of a serious nature. Any disciplinary action pursued by the school shall be in accordance with the student’s appropriate due process rights.

The school’s Director and staff shall annually review the School’s student discipline policies, including State and School student discipline data, and may recommend changes in the policies to the Imboden Area Charter School Board. The Board has the responsibility of determining whether to approve any recommended changes to student discipline policies.

The School’s student discipline policies shall be distributed to each student during the first week of school each year and to new students upon their enrollment. Each student’s parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall sign and return to the school an acknowledgment form documenting that they have received the policies.

The School shall develop and provide programs, measures, or alternative means and methods for continued student engagement and educational access during periods of suspension or expulsion.

The Director is authorized to modify the penalties set forth in the School’s student discipline policies on a case-by-case basis.

It is required by law that the Director report to the police any incidents the person has personal knowledge of or has received information leading to a reasonable belief that a person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision. If the person making the report is not the Director, that person shall also inform the Director of the incident. Additionally, Director shall inform any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The Director shall inform the Board of Directors of any such report made to law enforcement.

The Director shall make a report annually to the Board of Directors on student discipline data, which shall include, without limitation: the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.18—PROHIBITED CONDUCT**

Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board. Prohibited behaviors include, but shall not be limited to the following:

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession of any paging device, beeper, or similar electronic communication devices on the school campus during normal school hours unless specifically exempted by the Director for health or other compelling reasons.
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
10. Inappropriate public displays of affection;
11. Cheating, copying, or claiming another person's work to be his/her own;
12. Gambling;
13. Inappropriate student dress;
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;
16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, sexual orientation, gender identity, or disability;
18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student.
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, “throwing signs” or other gestures associated with gangs are prohibited;
21. Sexual harassment;
22. Bullying;
23. Operating a vehicle on school grounds while using a wireless communication device;
24. Theft of another individual’s personal property.

The Board directs the Director to develop implementation regulations for prohibited student conduct consistent with applicable Board policy, State and Federal laws, and judicial decisions.

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.19—CONDUCT TO AND FROM SCHOOL AND TRANSPORTATION ELIGIBILITY**

The School’s Student Code of Conduct applies to students while traveling to and from school or to and from a school activity to the same extent as if the students were on school grounds. Appropriate disciplinary actions may be taken against commuting students who violate the School’s Student Code of Conduct.

The preceding paragraph also applies to student conduct while on school buses. Students shall be instructed in safe riding practices. The driver of a school bus shall not operate the school bus until every passenger is seated. In addition to other disciplinary measures provided for violations of the Student’s Student Code of Conduct, the student’s bus transportation privileges may be suspended or terminated for violations of the Student Code of Conduct related to bus behavior.

Students are eligible to receive School bus transportation if they live along bus routes. The Director shall annually establish the routes and modify them as needed. The transportation to and from school of students who have lost their bus transportation privileges is the responsibility of the student’s parent or guardian.

Specific rules to riding the school bus:

1. Follow directions of the driver

2. Stay seated at all times

3. Speak quietly

4. No eating or drinking

5. Keep all parts of body and objects inside the bus

The bus driver or the bus monitor are the authorities on the school bus and will report all infractions of the rules to the Director. A security camera may be used on the bus to document student behavior.

Depending upon the severity of the violation, consequences for disobeying the specific school bus rules are as follows:

Minimum Consequences: Parent Call

Maximum Consequences: Suspension of bus privileges for the remainder of the school year

Date Adopted: September 3, 2002

Last Revised: June 27, 2019

**4.20—DISRUPTION OF SCHOOL**

No student shall, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the disruption of any lawful mission, process, or function of the school, or engage in any such conduct for the purpose of causing disruption or obstruction of any lawful mission, process, or function. Nor shall any student encourage any other student to engage in such activities.

Disorderly activities by any student or group of students that adversely affect the school’s orderly educational environment shall not be tolerated at any time on school grounds. Teachers may remove from class and send to the Director’s office a student whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher’s ability to teach the students, the class, or with the ability of the student’s classmates to learn. Students who refuse to leave the classroom voluntarily will be escorted from the classroom by the Director.

Consequences for repeated disruption are as follows:

Minimum Consequences: Parent Call

Maximum Consequences: Expulsion

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.21—STUDENT ASSAULT OR BATTERY**

A student shall not threaten, physically abuse, or attempt to physically abuse, or behave in such a way as to be perceived to threaten bodily harm to any other person (student, school employee, or school visitor). Any gestures, vulgar, abusive or insulting language, taunting, threatening, harassing, or intimidating remarks by a student toward another person that threatens their well-being is strictly forbidden. This includes, but is not limited to, fighting, racial, ethnic, religious, or sexual slurs.

Furthermore, it is unlawful, during regular school hours, and in a place where a public school employee is required to be in the course of his or her duties, for any person to address a public school employee using language which, in its common acceptation, is calculated to:

1. Cause a breach of the peace;
2. Materially and substantially interfere with the operation of the school;
3. Arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation.

Students guilty of such an offense may be subject to legal proceedings in addition to any student disciplinary measures.

Consequences for assault or battery are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-

school suspension

Maximum Consequence: Expulsion

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.22—WEAPONS AND DANGEROUS INSTRUMENTS**

No student shall possess a weapon, display what appears to be a weapon, or threaten to use a weapon while in school, on or about school property, before or after school, in attendance at school or any school sponsored activity, en route to or from school or any school sponsored activity, off the school grounds at any school bus stop, or at any school sponsored activity or event. Military personnel, such as ROTC cadets, acting in the course of their official duties are exempted.

A weapon is defined as any firearm; knife; razor; ice pick; dirk; box cutter; nun chucks; pepper spray or other noxious spray; explosive; Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or any other instrument or substance capable of causing bodily harm. For the purposes of this policy, “firearm” means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

Possession means having a weapon, as defined in this policy, on the student’s body or in an area under his/her control. If, a student discovers prior to any questioning or search by any school personnel that he/she has accidentally brought a weapon, other than a firearm, to school on his/her person, in a bookbag/purse, or in his/her vehicle on school grounds, and the student informs the Director immediately, the student will not be considered to be in possession of a weapon unless it is a firearm. The weapon shall be confiscated and held in the office until such time as the student’s parent/legal guardian shall pick up the weapon from the school’s office. Repeated offenses are unacceptable and shall be grounds for disciplinary action against the student as otherwise provided for in this policy.

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of not less than one year. The Director shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis. Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a firearm policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm brought to school for the purpose of participating in activities approved and authorized by the school that include the use of firearms. Such activities may include ROTC programs, hunting safety or military education, or before- or after-school hunting or rifle clubs. Firearms brought to school for such purposes shall be brought to the Director. The Director shall store the firearms in a secure location until they are removed for use in the approved activity.

The school shall report any student who brings a firearm to school to the criminal justice system or juvenile delinquency system by notifying local law enforcement.

Consequences for weapons possession are as follows:

Minimum Consequence: Call to police, parent call

Maximum Consequence: One year expulsion

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.23—TOBACCO, ELECTRONIC NICOTINE DELIVERY SYSTEMS, AND RELATED PRODUCTS**

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by the school, including school buses owned or leased by the school, is prohibited. Students who violate this policy may be subject to legal proceedings in addition to student disciplinary measures.

With the exception of recognized tobacco cessation products, this policy’s prohibition includes any tobacco or nicotine delivery system or product. Specifically, the prohibition includes any product that is manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other name or descriptor.

Consequences for possessing tobacco are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-school suspension

Maximum Consequence: Expulsion

Date Adopted: September 3, 2002

Last Revised: March 2, 2020

**4.24—DRUGS AND ALCOHOL**

An orderly and safe school environment that is conducive to promoting student achievement requires a student population free from the deleterious effects of alcohol and drugs. Their use is illegal, disruptive to the educational environment, and diminishes the capacity of students to learn and function properly in our schools.

Therefore, no student in the Imboden Area Charter School shall possess, attempt to possess, consume, use, distribute, sell, buy, attempt to sell, attempt to buy, give to any person, or be under the influence of any substance as defined in this policy, or what the student represents or believes to be any substance as defined in this policy. This policy applies to any student who; is on or about school property; is in attendance at school or any school sponsored activity; has left the school campus for any reason and returns to the campus; is en route to or from school or any school sponsored activity.

Prohibited substances shall include, but are not limited to: alcohol, or any alcoholic beverage; inhalants or any ingestible matter that alter a student’s ability to act, think, or respond; LSD, or any other hallucinogen; marijuana, cocaine, heroin, or any other narcotic drug; PCP; amphetamines; steroids; “designer drugs;” look-alike drugs; or any controlled substance.

The sale, distribution, or attempted sale or distribution of over-the-counter (OTC) medications, dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, or prescription drugs is prohibited. The possession or use of OTC medications dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, or prescription drugs is prohibited except as permitted under Policy 4.35 – STUDENT MEDICATIONS.

Consequences for possession of drugs are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-school suspension

Maximum Consequence: Expulsion

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.25—STUDENT DRESS AND GROOMING**

The Imboden Area Charter School Board of Education recognizes that dress can be a matter of personal taste and preference. At the same time, the school has a responsibility to promote an environment conducive to student learning. This requires limitations to student dress and grooming that could be disruptive to the educational process because they are immodest, disruptive, unsanitary, unsafe, could cause property damage, or are offensive to common standards of decency.

Students are prohibited from wearing, while on the school grounds during the school day and at school-sponsored events, clothing that exposes underwear, buttocks, or the breast of a female. This prohibition does not apply, however to a costume or uniform worn by a student while participating in a school-sponsored activity or event.

The Director shall establish student dress codes for the school, to be included in the student handbook, and are consistent with the above criteria.

Date Adopted: September 3, 2002

Last Revised: June 21, 2011

**4.26—GANGS AND GANG ACTIVITY**

The Board is committed to ensuring a safe school environment conducive to promoting a learning environment where students and staff can excel. An orderly environment cannot exist where unlawful acts occur causing fear, intimidation, or physical harm to students or school staff. Gangs and their activities create such an atmosphere and shall not be allowed on school grounds or at school functions.

The following actions are prohibited by students on school property or at school functions:

1. Wearing or possessing any clothing, bandanas, jewelry, symbol, or other sign associated with membership in, or representative of, any gang;
2. Engaging in any verbal or nonverbal act such as throwing signs, gestures, or handshakes representative of membership in any gang;
3. Recruiting, soliciting, or encouraging any person through duress or intimidation to become or remain a member of any gang; and/or
4. Extorting payment from any individual in return for protection from harm from any gang.

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion.

Students arrested for gang related activities occurring off school grounds shall be subject to the same disciplinary actions as if they had occurred on school grounds.

Consequences for gang activity are as follows:

Minimum Consequence: Parent call, exclusion from privileges and 1-3 days out-of-school suspension

Maximum Consequence: Expulsion

Date Adopted: September 3, 2002

Last Revised: June 27, 2019

**4.27—STUDENT SEXUAL HARASSMENT**

The Imboden Area Charter School is committed to providing an academic environment that treats all students with respect and dignity. Student achievement is best attained in an atmosphere of equal educational opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational environment and will not be tolerated.

The School believes the best policy to create an educational environment free from sexual harassment is prevention; therefore, the School shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

* the nature of sexual harassment;
* The School’s written procedures governing the formal complaint grievance process;
* The process for submitting a formal complaint of sexual harassment;
* That the district does not tolerate sexual harassment;
* That students can report inappropriate behavior of a sexual nature without fear of adverse consequences;
* The supports that are available to individuals suffering sexual harassment; and
* The potential discipline for perpetrating sexual harassment.

**Definitions**

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Education program or activity” includes locations, events, or circumstances where the School exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A School employee:
2. Conditions the provision of an aid, benefit, or service of the School on an individual’s participation in sexual conduct; or
3. Uses the rejection of sexual conduct as the basis for academic decisions affecting that individual;
4. The conduct is:
5. Unwelcome; and
6. Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s education program or activity; or
7. Constitutes:
8. Sexual assault;
9. Dating violence
10. Domestic violence; or
11. Stalking.

“Supportive measures” means individualized services that are offered to the complainant or the respondent designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the School’s educational environment, or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment, sexual harassment is prohibited between any of the following: students; employees and students; and non-employees and students.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

* Making sexual propositions or pressuring for sexual activities;
* Unwelcome touching;
* Writing graffiti of a sexual nature;
* Displaying or distributing sexually explicit drawings, pictures, or written materials;
* Performing sexual gestures or touching oneself sexually in front of others;
* Telling sexual or crude jokes;
* Spreading rumors related to a person’s alleged sexual activities;
* Discussions of sexual experiences;
* Rating other students as to sexual activity or performance;
* Circulating or showing e-mails or Web sites of a sexual nature;
* Intimidation by words, actions, insults, or name calling; and
* Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the student self-identifies as homosexual or transgender.

Students who believe they have been subjected to sexual harassment, or the parent/legal guardian/other responsible adult of a student who believes their student has been subjected to sexual harassment, are encouraged to bring their concerns to **any** School staff member, including a counselor, teacher, Title IX coordinator, or administrator. If the School staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the School staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another School staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

* Discuss the availability of supportive measures;
* Consider the complainant’s wishes with respect to supportive measures;
* Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
* explain to the complainant the process for filing a formal complaint.

**Supportive Measures**

The School shall offer supportive measures to both the complainant and respondent that are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The School shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the School’s offer of supportive measures may request supportive measures at a later time and the School shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

**Formal Complaint**

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

* Notice of the School’s grievance process and a copy of the procedures governing the grievance process;
* Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
* The identities of the parties involved in the incident, if known;
* The conduct allegedly constituting sexual harassment; and
* The date and location of the alleged incident, if known;
* A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
* That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
* That the parties may inspect and review evidence relevant to the complaint of sexual harassment; and
* That the School’s code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the School shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the School has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a School shall:

* Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties;
* Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the School obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
* Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
* Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
* Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
* Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
* Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
* Whether obtained from a party or other source,;
* The School does not intend to rely upon in reaching a determination regarding responsibility; and
* That is either Inculpatory or exculpatory; and
* Create an investigative report that fairly summarizes relevant evidence.

At least ten (10) days prior to completion of the investigative report, the School shall send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10) days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties’ inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

* Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
* Provide each party with the answers;
* Allow for additional, limited follow-up questions from each party; and
* Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

Following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
3. Any notifications to the parties;
4. Interviews with parties and witnesses;
5. site visits;
6. Methods used to gather other evidence,; and
7. Hearings held;
8. Findings of fact supporting the determination;
9. Conclusions regarding the application of the School’s code of conduct to the facts;
10. A statement of, and rationale for, the result as to each allegation, including:
11. A determination regarding responsibility;
12. Any disciplinary sanctions imposed on the respondent; and
13. Whether remedies designed to restore or preserve equal access to the School’s education program or activity will be provided by the School to the complainant; and
14. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

* If an appeal is not filed, the day after the period for an appeal to be filed expires; or
* If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The School shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the School’s education program or activity; or did not occur against a person in the United States, then the School shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the School’s code of conduct.

The School may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

* The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
* The respondent is no longer enrolled at the School; or
* Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the School shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The School may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

**Appeals**

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

1. The existence of a procedural irregularity that affected the outcome of the matter;
2. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the School shall:

1. Notify the other party in writing when an appeal is filed;
2. Simultaneously Provide all parties a written copy of the School’s procedures governing the appeal process;
3. Implement appeal procedures equally for both parties;
4. Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

**Confidentiality**

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

* individuals who are responsible for handling the School’s investigation and determination of responsibility to the extent necessary to complete the School’s grievance process;
* Submit a report to the child maltreatment hotline;
* Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
* The extent necessary to provide either party due process during the grievance process.

Except as listed above, the School shall keep confidential the identity of:

* Any individual who has made a report or complaint of sex discrimination;
* Any individual who has made a report or filed a formal complaint of sexual harassment;
* Any complainant;
* Any individual who has been reported to be the perpetrator of sex discrimination;
* Any respondent; and
* Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the School to provide the supportive measures.

**Emergency removal**

The School may remove a respondent from the School’s education program or activity on an emergency basis only after the completion of an individualized safety and risk analysis that determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A removed student will be provided with notice and an opportunity to challenge the removal decision immediately following the removal.

**Retaliation Prohibited**

Students, or the parents/legal guardians/ other responsible adult of a student, who submit a report or file a formal complaint of sexual harassment,; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for code of conduct violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The School shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by School officials, students, or third parties.

**Disciplinary Sanctions**

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following the completion of the School’s grievance process, any student who is found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Students who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including expulsion. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

**Records**

The School shall maintain the following records for a minimum of seven (7) years:

* Each sexual harassment investigation including:
* Any determination regarding responsibility;
* any disciplinary sanctions imposed on the respondent;
* Any remedies provided to the complainant designed to restore or preserve equal access to the School’s education program or activity;
* Any appeal and the result therefrom;
* All materials used to train Title IX Coordinators, investigators, and decision-makers;
* Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
* The basis for the School’s conclusion that its response was not deliberately indifferent; and
* Document:
* If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the School’s education program or activity; or
* If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.28—LASER POINTERS**

Students shall not possess any hand held laser pointer while in school; on or about school property, before or after school; in attendance at school or any school-sponsored activity; en route to or from school or any school-sponsored activity; off the school grounds at any school bus stop or at any school-sponsored activity or event. School personnel shall seize any laser pointer from the student possessing it and the student may reclaim it at the close of the school year, or when the student is no longer enrolled in the school.

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.29—INTERNET SAFETY AND ELECTRONIC DEVICE USE POLICY**

**Definition**

For the purposes of this policy, "electronic device" means anything that can be used to transmit or capture images, sound, or data.

The school makes electronic device(s) and/or electronic device Internet access available to students, to permit students to perform research and to allow students to learn how to use electronic device technology. Use of school electronic devices is for educational and/or instructional purposes only. Student use of electronic device(s) shall only be as directed or assigned by staff or teachers; students are advised that they enjoy no expectation of privacy in any aspect of their electronic device use, including email, and that monitoring of student electronic device use is continuous.

No student will be granted Internet access until and unless an Internet and electronic device use agreement, signed by both the student and the parent or legal guardian (if the student is under the age of eighteen [18]) is on file. The current version of the Internet and electronic device use agreement is incorporated by reference into board policy and is considered part of the student handbook.

**Technology Protection Measures**

The School is dedicated to protecting students from materials on the Internet or world wide web that are inappropriate, obscene, or otherwise harmful to minors; therefore, it is the policy of the School to protect each electronic device with Internet filtering softwarethat is designed to prevent students from accessing such materials. For purposes of this policy, “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:

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

(B) 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; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

**Internet Use and Safety**

The School is dedicated to ensuring that students are capable of using the Internet in a safe and responsible manner. The School uses technology protection measures to aid in student safety and shall also educate students on appropriate online behavior and Internet use including, but not limited to:

* interacting with other individuals on social networking websites and in chat rooms;
* Cyberbullying awareness; and
* Cyberbullying response.

**Misuse of Internet**

The opportunity to use the School’s technology to access the Internet is a privilege and not a right. Students who misuse electronic devices or Internet access in any way will face disciplinary action, as specified in the student handbook and/or Internet safety and electronic device use agreement. Misuse of the Internet includes:

* The disabling or bypassing of security procedures, compromising, attempting to compromise, or defeating the district’s technology network security or Internet filtering software;
* The altering of data without authorization;
* Disclosing, using, or disseminating passwords, whether the passwords are the student’s own or those of another student/faculty/community member, to other students;
* Divulging personally identifying information about himself/herself or anyone else either on the Internet or in an email unless it is a necessary and integral part of the student's academic endeavor. Personally identifying information includes full names, addresses, and phone numbers.
* Using electronic devices for any illegal activity, including electronic device hacking and copyright or intellectual property law violations;
* Using electronic devices to access or create sexually explicit or pornographic text or graphics;
* Using electronic devices to violate any other policy or is contrary to the Internet safety and electronic device use agreement.

Consequences for students found guilty of misuse of electronic devices or Internet access are as follows:

Minimum Consequence: Parent/student/Director conference, school counselor conference, and 3-5 days out-of-school suspension

Maximum Consequence: Expulsion

Date Adopted: September 3, 2002

Last Revised: March 18, 2014

**4.29F—STUDENT ELECTRONIC DEVICE AND INTERNET USE AGREEMENT**

Student’s Name (Please Print)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_Grade Level\_\_\_\_\_\_\_

Date\_\_\_\_\_\_\_\_\_\_\_\_

The Imboden Area Charter School agrees to allow the student identified above (student) to use the school’s technology to access the Internet under the following terms and conditions which apply whether the access is through a school or student owned electronic device (as used in this Agreement, “electronic device” means anything that can be used to transmit or capture images, sound, or data):

1. Conditional Privilege: The Student’s use of the school’s access to the Internet is a privilege conditioned on the student’s abiding to this agreement. No student may use the school’s access to the Internet whether through a school or studnets owned electronic device unless the student and his/her parent or guardian have read and signed this agreement.
2. Acceptable Use: The student agrees that he/she will use the school’s Internet access for educational purposes only. In using the Internet, the student agrees to obey all federal laws and regulations and any State laws and rules. The student also agrees to abide by any Internet use rules instituted at the student’s school or class, whether those rules are written or oral.
3. Penalties for Improper Use: If the student violates this agreement and misuses the Internet, the student will be subject to the following disciplinary actions:

First offense No computer use for one week.

Second offense No computer use for one quarter.

Third offense No computer use for the rest of the school year.

[**Note: A.C.A. § 6-21-107 requires the district to have “…provisions for administration of punishment of students for violations of the policy with stiffer penalties for repeat offenders, and the same shall be incorporated into the district’s written student discipline policy.” You may choose to tailor your punishments to be appropriate to the school’s grade levels.]**

1. “Misuse of the school’s access to the Internet” includes, but is not limited to, the following:
   1. using the Internet for other than educational purposes;
   2. gaining intentional access or maintaining access to materials which

are “harmful to minors” as defined by Arkansas Law;

* 1. using the Internet for any illegal activity, including computer hacking

and copyright or intellectual property law violations;

* 1. making unauthorized copies of computer software;
  2. accessing “chat lines” unless authorized by the instructor for a class

activity directly supervised by a staff member;

* 1. using abusive or profane language in private messages on the

system; or using the system to harass, insult, or verbally attack others;

* 1. posting anonymous messages on the system;
  2. using encryption software;
  3. wasteful use of limited resources provided by the school, including paper;
  4. causing congestion of the network through lengthy downloads of files;
  5. vandalizing data of another user;
  6. obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
  7. gaining or attempting to gain unauthorized access to resources or files;
  8. identifying oneself with another person’s name or password or using an account or password of another user without proper authorization;
  9. invading the privacy of individuals;
  10. divulging personally identifying information about himself/herself or anyone else either on the Internet or in an e-mail unless it is a necessary and integral part of the student’s academic endeavor. Personally identifying information includes full names, address, and phone number.
  11. using the network for financial or commercial gain without school permission;
  12. theft or vandalism of data, equipment, or intellectual property;
  13. attempting to gain access or gaining access to student records, grades, or files;
  14. introducing a virus to, or otherwise improperly tampering with the system;
  15. degrading or disrupting equipment or system performance;
  16. creating a web page or associating a web page with the school without proper authorization;
  17. providing access to the school’s internet access to unauthorized individuals;
  18. failing to obey school or classroom internet use rules;
  19. taking part in any activity related to internet use which creates a clear and present danger of the substantial disruption of the orderly operation of the school; or
  20. installing or downloading software on school computers without prior approval of the Director.

1. Liability for debts: Students and their cosigners shall be liable for any and all costs (debts) incurred through the student’s use of the computers or access to the internet including penalties for copyright violations.
2. No Expectation of Privacy: The student and parent/guardian signing below agree that if the student uses the Internet through the school’s access, that the student waives any right to privacy the student may have for such use. The student and the parent/guardian agree that the school may monitor the student’s use of the school’s internet access and may also examine all system activities the student participates in, including but not limited to e-mail, voice, and video transmissions, to ensure proper use of the system. The school may share such transmissions with the student’s parents/guardians.
3. No Guarantees: The school will make good faith efforts to protect children from improper or harmful matter that may be on the internet. At the same time, in signing this agreement, the parent and student recognize that the school makes no guarantees about preventing improper access to such materials on the part of the student.
4. Signatures: We, the persons who have signed below, have read this agreement and agree to be bound by the terms and conditions of this agreement.

Student’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date \_\_\_\_\_\_\_\_\_\_\_\_\_

Parent/Legal Guardian Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date \_\_\_\_\_\_\_\_\_\_\_\_\_

Date Adopted: September 3, 2002

Last Revised: June 27, 2019

**4.30—SUSPENSION FROM SCHOOL**

Students who are not present at school cannot benefit from the educational opportunities the school environment affords. The Director, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. The Board authorizes the Director to suspend students for disciplinary reasons for a period of time not to exceed ten (10) school days, including the day upon which the suspension is imposed. The suspension may be in school or out of school. Students are responsible for their conduct that occurs:

* At any time on the school grounds;
* Off school grounds at a school-sponsored function, activity, or event; and
* Going to and from school or a school activity.

A student may be suspended for behavior including, but not limited to that which:

1. Is in violation of school policies, rules, or regulations;
2. Substantially interferes with the safe and orderly educational environment;
3. School administrators believe will result in the substantial interference with the safe and orderly educational environment; and/or
4. Is insubordinate, incorrigible, violent, or involves moral turpitude.

Out-of-school suspension (OSS) shall not be used to discipline a student in kindergarten through fifth (5th) grade unless the student’s behavior:

1. Poses a physical risk to himself or herself or to others;
2. Causes a serious disruption that cannot be addressed through other means; or
3. Is the act of bringing a firearm on school campus

OSS shall not be used to discipline a student for skipping class, excessive absences, or other forms of truancy.

The Director shall proceed as follows in deciding whether or not to suspend a student:

1. The student shall be given written notice or advised orally of the charges against him/her;
2. If the student denies the charges, he/she shall be given an explanation of the evidence against him/her and be allowed to present his/her version of the facts; and
3. If the Director finds the student guilty of the misconduct, he/she may be suspended.

When possible, notice of the suspension, its duration, and any stipulations for the student’s re-admittance to class will be given to the parent(s), legal guardian(s), person(s) with lawful control of the student, person(s) standing in loco parentis, or to the student if age eighteen (18) or older prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), person(s) having lawful control of the student, person(s) standing in loco parentisor to the student if age eighteen (18) or older or mailed to the last address reflected in the records of the school.

Generally, notice and hearing should precede the student's removal from school, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.

It is the responsibility of a student’s parents, legal guardians; person having lawful control of the student, or person standing in loco parentis to provide current contact information to the school, which the school shall use to immediately notify the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

* A primary call number;
  + The contact may be by voice, voice mail, or text message.
* An email address;
* A regular first class letter to the last known mailing address.

The school shall keep a log of contacts attempted and made to the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis.

The School shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student’s period of OSS.

During the period of their suspension, students serving out-of-school suspensions shall not be permitted on campus except to attend a student/parent/director conference or when necessary as part of the School’s engagement or access to education program.

During the period of their suspension, students serving in-school suspension shall not attend or participate in any school-sponsored activities during the imposed suspension.

Suspensions initiated by the Assistant Director may be appealed to the Director, but not to the Board.

Suspensions initiated by the Director may be appealed to the Board.

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.31—EXPULSION**

The Board of Education may expel a student for a period longer than ten (10) school days for violation of the school’s written discipline policies. The Director may make a recommendation of expulsion to the Board of Education for student conduct:

* Deemed to be of such gravity that suspension would be inappropriate;
* Where the student’s continued attendance at school would disrupt the orderly learning environment; or
* Would pose an unreasonable danger to the welfare of other students or staff.

Expulsion shall not be used to discipline a student in kindergarten through fifth (5th) grade unless the student's behavior:

1. Poses a physical risk to himself or herself or to others;
2. Causes a serious disruption that cannot be addressed through other means; or
3. Is the act of bringing a firearm on school campus.

The Director shall give written notice to the parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis (mailed to the address reflected on the school’s records) that he/she will recommend to the Board of Education that the student be expelled for the specified length of time and state the reasons for the recommendation to expel. The notice shall give the date, hour, and place where the Board of Education will consider and dispose of the recommendation.

The hearing shall be conducted not later than ten (10) school days following the date of the notice, except that representatives of the Board and student may agree in writing to a date not conforming to this limitation.

The President of the Board shall preside at the hearing. The student may choose to be represented by legal counsel. Both the Director and School Board also may be represented by legal counsel. The hearing shall be conducted in open session of the Board unless the parent, legal guardian, person having lawful control of the student, person standing in loco parentis, or student if age eighteen (18) or older, requests that the hearing be conducted in executive session. Any action taken by the Board shall be in open session.

During the hearing, the Director will present evidence, including the calling of witnesses, that gave rise to the recommendation of expulsion. The student, or his/her representative, may then present evidence including statements from persons with personal knowledge of the events or circumstances relevant to the charges against the student. Formal cross-examination will not be permitted. However, any member of the Board, the Director, the student, or his/her representative may question anyone making a statement and/or the student. The presiding officer shall decide questions concerning the appropriateness or relevance of any questions asked during the hearing.

Except as permitted by policy 4.22, the Director shall recommend the expulsion of any student for a period of one (1) year for possession of any firearm prohibited on school campus by law. The Director shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents, legal guardians, persons having lawful control of a student, or persons standing in loco parentis of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property. The parents, legal guardians , persons having lawful control of the student, or persons standing in loco parentis shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The Director and the Board of Education shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

The School shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student’s period of expulsion. The School’s program shall include offering an expelled student an opportunity for enrollment in digital learning courses or other alternative educational courses that result in the receipt of academic credit that is at least equal to credit the expelled student may have received from the School if the student had not been expelled.

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.39 - CORPORAL PUNISHMENT**

The Imboden Area Charter School authorizes the use of corporal punishment to be administered in accordance with this policy by the Director or Assistant Director who are required to have a state-issued license as a condition of their employment.

Prior to the administration of corporal punishment, the student receiving the corporal punishment shall be given an explanation of the reasons for the punishment and be given an opportunity to refute the charges.

All corporal punishment shall be administered privately, i.e. out of the sight and hearing of other students, shall not be excessive, or administered with malice, and shall be administered in the presence of another staff member who shall be licensed and employed by the school.

Corporal punishment shall not be used as a form of discipline for a student who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

Date Adopted: September 3, 2002

Last Revised: July 20, 2020

**4.43 -BULLYING**

**Definitions**

“Attribute” means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

“Bullying” means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

* Physical harm to a public school employee or student or damage to the public school employee's or student's property;
* Substantial interference with a student's education or with a public school employee's role in education;
* A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
* Substantial disruption of the orderly operation of the school or educational environment;

Examples of "Bullying" include, but are not limited to, a pattern of behavior involving one or more of the following:

1. Cyberbullying;
2. Sarcastic comments "compliments" about another student’s personal appearance or actual or perceived attributes,
3. Pointed questions intended to embarrass or humiliate,
4. Mocking, taunting or belittling,
5. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
6. Demeaning humor relating to a student’s actual or perceived attributes,
7. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
8. Blocking access to school property or facilities,
9. Deliberate physical contact or injury to person or property,
10. Stealing or hiding books or belongings,
11. Threats of harm to student(s), possessions, or others,
12. Sexual harassment, as governed by policy 4.27, is also a form of bullying, and/or
13. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether the student self-identifies as homosexual or transgender (Examples: “Slut”, “You are so gay.”, “Fag”, “Queer”).

"Cyberbullying" means any form of communication by electronic act that is sent with the purpose to:

* Harass, intimidate, humiliate, ridicule, defame, or threaten a student, school employee, or person with whom the other student or school employee is associated; or
* Incite violence towards a student, school employee, or person with whom the other student or school employee is associated.

Cyberbullying of School Employees includes, but is not limited to:

1. Building a fake profile or website of the employee;
2. Posting or encouraging others to post on the Internet private, personal, or sexual information pertaining to a school employee;
3. Posting an original or edited image of the school employee on the Internet;
4. Accessing, altering, or erasing any computer network, computer data program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords of a school employee;
5. Making repeated, continuing, or sustained electronic communications, including electronic mail or transmission, to a school employee;
6. Making, or causing to be made, and disseminating an unauthorized copy of data pertaining to a school employee in any form, including without limitation the printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network;
7. Signing up a school employee for a pornographic Internet site; or
8. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

Cyberbullying is prohibited whether or not the cyberbullying originated on school property or with school equipment, if the cyberbullying results in the substantial disruption of the orderly operation of the school or educational environment or is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose.

“Harassment” means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

“Substantial disruption” means without limitation that any one or more of the following occur as a result of the bullying:

* Necessary cessation of instruction or educational activities;
* Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
* Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
* Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Respect for the dignity of others is a cornerstone of civil society. Bullying creates an atmosphere of fear and intimidation, robs a person of his/her dignity, detracts from the safe environment necessary to promote student learning, and will not be tolerated by the Board of Directors. Students who bully another person shall be held accountable for their actions whether they occur on school equipment or property; off school property at a school sponsored or approved function, activity, or event; going to or from school or a school activity in a school vehicle or school bus; or at designated school bus stops.

Students are encouraged to report behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, to their teacher or the Director. The report may be made anonymously. Teachers and other school employees who have witnessed, or are reliably informed that, a student has been a victim of behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the Diretor as soon as possible. Parents or legal guardians may submit written reports of incidents they feel constitute bullying, or if allowed to continue would constitute bullying, to the building principal, or designee.

The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.

The Director, who receives a credible report or complaint of bullying shall:

1. As soon as reasonably practicable, but by no later than the end of the school day following the receipt of the credible report of bullying:
2. Report to a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student that their student is the victim in a credible report of bullying; and
3. Prepare a written report of the alleged incident of bullying;
4. Promptly investigate the credible report or complaint of bullying, which shall be completed by no later than the fifth (5th) school day following the completion of the written report.
5. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student who was the aledged victim in a credible report of bullying whether the investigation found the credible report or complaint of bullying to be true and the availability of counseling and other intervention services.
6. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of the student, or person acting in loco parentis of the student who is alleged to have been the perpetrator of the incident of bullying:
7. That a credible report or complaint of bullying against their student exists;
8. Whether the investigation found the credible report or complaint of bullying to be true;
9. Whether action was taken against their student upon the conclusion of the investigation of the alleged incident of bullying; and
10. Information regarding the reporting of another alleged incident of bullying, including potential consequences of continued incidents of bullying;
11. Make a written record of the investigation, which shall include:
12. A detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying;
13. Any action taken as a result of the investigation; and
14. Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion. In determining the appropriate disciplinary action, consideration may be given to other violations of the student handbook which may have simultaneously occurred. In addition to any disciplinary actions, the School shall take appropriate steps to remedy the effects resulting from bullying.

Notice of what constitutes bullying, the School’s prohibition against bullying, and the consequences for students who bully shall be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus. Parents, legal guardians, person having lawful control of a student, persons standing in loco parentis, students, school volunteers, and employees shall be given copies of the notice annually.

The Director shall make a report annually to the Board of Directors on student discipline data, which shall include, without limitation, the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

Copies of this policy shall be available upon request.

Date Adopted: July 15, 2003

Last Revised: July 20, 2020