

MIDVALE SCHOOL DISTRICT #433 - Policy Manual

SECTION 1000

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MISCELLANEOUS

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1011.1 – FACILITY USE REGULATIONS AND CHARGES

Use and Priority Classification

1. The following primary classifications shall apply, in order, for the purpose of setting fees and establishing priorities for use:

Classification A – District sponsored or co-sponsored activities

Classification B – Open activities. Education or recreational activities, open to the public, that are conducted by local, non-profit groups.

Classification C – Restricted activities. Educational or recreational activities that are conducted by local, non-profit groups for the benefit of their membership.

Classification D – Private Activities. Activities restricted to the membership of the group or by private invitation such as parties, weddings or receptions.

Classification E – Commercial activities conducted for commercial purposes.

2. The following sub-classifications shall be considered in the determination of fees and priorities of use:

Sub-classification 1 – Unorganized group. An organized group shall have preference over an unorganized group.

Sub-classification 2 – Non-resident individual or group. Any individual who resides outside the district boundaries or any group whose make-up consists of over 50% non-residents.

3. The following procedures will be utilized when scheduling district facilities for activities:

A. Fund raising activities, be each classification group, will be required to obtain:

1. Superintendent approval.
2. Midvale Student Council Approval. Classification groups may obtain approval for fund raising activities by making a written request to the Superintendent or Student Council Advisor, or by attending Student Council meetings and making the request personally.

B. Non-fund raising activities requesting use of the facilities will require the Superintendent's approval.

Fees for Facility Use

Classification "E" and Sub-classification "2" shall pay a \$50.00 fee for use of school facilities. Other classifications may be charged if the charge is included in the yearly fee schedule.

Fees shall be established yearly by resolution of the Board and after recommendation of the Superintendent.

Liability Insurance

The Superintendent may require an individual or group to furnish liability insurance if it is deemed to be in the best interest of the District.

Use of Tobacco and Alcoholic Beverages Prohibited

Use of tobacco or alcoholic beverages are prohibited in school facilities and any violator will be removed from the facility.

Permit Required

A use permit is required of all individuals or groups. And the permit must be signed by a responsible party who agrees to accept responsibility for enforcing the provisions of this policy.

Administrative Rules

1. A permit may be obtained from 2 days to 4 months in advance.
2. The school may cancel any reservation when it is necessary to use the facility for school activities.
3. The individual signing the permit will be responsible for setting up, cleaning up and care of the facility.
4. The person signing the permit must pick up a key the day before the activity and return it the next day. The key may be picked up on Friday and returned on Monday for weekend activities. Exceptions must be approved by the Superintendent.
5. A \$25.00 deposit will be required when picking up a key and will be reimbursed when the key is returned.

Last Updated: 17 Nov 1997

1011.2 – POLICY AND RULES ON FACILITIES USE

Policy on Facility Use

1. A use permit is required of all individuals or groups. The permit must be signed by a responsible party who agrees to accept responsibility for enforcing the provisions of this policy.
2. Use of tobacco or alcoholic beverages are prohibited in school facilities. Any violator will be removed from the facility.
3. The Superintendent may require an individual or group to furnish liability insurance if it is deemed to be in the best interest of the District.
4. CLASSIFICATIONS FOR USE. Priorities for use are in the following order:
 - A. School sponsored or co-sponsored activities.

- B. Educational or recreational activities, open to the public and sponsored by local, non-profit groups.
 - C. Educational or recreational activities, restricted to membership or invitation, and sponsored by local, non-profit groups.
 - D. Activities such as parties, weddings or receptions.
 - E. Commercial activities.
- SUB-CLASSIFICATIONS:
- 1. Unorganized groups.
 - 2. Non-resident group or individual.

Administrative Rules

- 1. A permit may be obtained from 2 days to 4 months in advance.
- 2. The school may cancel any reservation when it is necessary to use the facility for school activities.
- 3. The individual signing the permit will be responsible for setting up, cleaning up and care of the facility.
- 4. The person signing the permit must pick up a key the day before the activity and return it the next day. The key may be picked up on Friday and returned on Monday for weekend activities. Exceptions must be approved by the Superintendent.

Last Updated: 1011.2

1011.3 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.

Last Updated: 15 Aug 2005

1012.1 — CO-SPONSORED ACTIVITIES

When the district chooses to co-sponsor an activity on school property and there is to be a fee charged for participation, the following shall apply:

1. The fee must be approved by the Superintendent.
2. The fee shall not be excessive when considered in light of the instructor's salary, supplies, etc.
3. The fee must be collected by the non-school sponsor.
4. The school shall collect ten (10) percent of the fee and credit the amount collected to a maintenance fund for the facility used.

Last Updated: 17 Mar 1997

1013.1 — NON-SMOKING RESOLUTION

WHEREAS, the State Board of Education is concerned about the health and safety of all students, employees, and patrons of the public schools of the State of Idaho; and

WHEREAS, research has indicated that the second-hand smoke is harmful to the health of individuals subjected to it; and

WHEREAS, smoking is currently prohibited in all state buildings;

NOW THEREFORE be it resolved that the State Board of Education, exercising its constitutional authority to supervise public institutions of education of the State of Idaho, hereby

prohibits smoking in all buildings and on all property owned or leased by public school districts in Idaho.

Last Updated: 17 Aug 2009

1021.2 – BOARD-STAFF COMMUNICATIONS

The board of trustees recognizes that the success of the district's educational program requires effective and open communication between the board and staff members to facilitate the sharing of ideas and matters of mutual interest, as well as resolving personnel issues as they arise. The superintendent, as administrator of the district and chief executive of the board, will establish the avenues for board-staff communications.

“Official communications” is defined as those oral or written statements which are relevant to the staff member as an employee of the district. Official communications include statements regarding internal policies or practices which are relevant only to the district employees. Excluded from official communications are 1) oral or written statements between the board and a staff member in his/her capacity as a district patron or parent; and 2) oral or written statements which specifically address matters of public concern.

In order to ensure the orderly conduct of district business, all official communications to the board or individual board members from staff members will be submitted to the board through the superintendent. The superintendent will develop a system to efficiently facilitate official communications from staff members to the board. However, this requirement will not be construed as denying any staff member's right to appeal administrative decisions to the board, provided that the superintendent has been notified of the forthcoming appeal and it is processed according to applicable procedures.

All official board communications, policies, directives and actions will be communicated to staff members through the superintendent. The superintendent will develop appropriate methods to keep staff fully informed of the board's problems, concerns and actions.

Any staff member who wishes to address the board in the employee's capacity as a parent or district patron, rather than as an employee, may do so by following the district policies regarding patron complaints and communications.

Last Updated: 16 Nov 1998

1022.1 GRIEVANCE PROCEDURE FOR EMPLOYEES

DEFINITIONS

Grievance is an employee's written allegation of unfair treatment or a violation of district policy

by the board, district administrator or other staff member which effects the employee's employment.

PROCEDURE

1. An employee may file a grievance about any matter related to his or her employment, provided that neither the employee's rate of salary or wage nor the decision to terminate a non-certificated employee for cause during the initial one hundred eighty (180) days of employment will be a proper subject for consideration under this grievance procedure.
2. A grievance must be in writing and received by the employee's immediate supervisor within six (6) working days of the incident giving rise to the grievance. The grievance must state the nature of the grievance and the remedies sought.
3. The immediate supervisor will investigate and provide a written response to the employee within six (6) working days of receipt of a grievance.
4. If the employee is not satisfied with the immediate supervisor's response, or if there is no response within six (6) working days, the employee may appeal the grievance to the superintendent or designee within five (5) working days after receiving a response or within five (5) working days from the date a response should have been received.
5. In an effort to resolve the appeal, the superintendent or designee will investigate and communicate with the employee within six (6) working days of receiving the appeal. Within five (5) working days of communicating with the employee, the superintendent or designee will provide a written response to the employee.
6. If the employee is not satisfied with the response of a superintendent or designee, or if no response was received, the employee may request a review of the grievance by a panel within five (5) working days of receipt of the response or failure to receive a response.
7. The board will convene a panel consisting of three (3) persons within ten (10) working days of receipt of the appeal. The panel will consist of one (1) individual designated by the superintendent, one (1) individual designated by the employee, and one (1) individual agreed upon by the two (2) appointed members for the purpose of reviewing the appeal.
8. The panel will submit its written decision within five (5) working days following completion of its review to the employee, the superintendent, and the board.
9. The panel's decision will be the final and conclusive resolution of the grievance unless the board overturns the panel's decision by resolution at the board's next regularly scheduled public meeting. Either party may, within forty-two (42) calendar days of the filing of the board's decision, appeal to the district court of this county.
10. An employee filing a grievance will be entitled to a representative of the employee's choice at each step of the grievance procedure. The district's representative will also be

entitled to representation at each step of the grievance procedure.

11. The time lines set forth in this policy may be waived or modified by mutual agreement.
12. Utilization of the grievance procedure will not constitute a waiver of any right of appeal available pursuant to law or regulation.
13. Neither the board nor any member of the administration will take reprisals affecting the employment status of any party in interest.

Last Updated: 16 Nov 1998

1023.1 FILING OF COMPLAINTS

General

State and Federal laws and regulations guarantee students and staff alike varying degrees of due process before they are deprived of certain privileges or activities. In certain instances due process guarantees a person the right to face the person registering the complaint.

The purpose of this policy is to establish guidelines to protect the Board, the Administrator and the party against whom a complaint has been filed, and to guarantee consistency of procedures.

Complaints, other than grievances defined in Policy 1002.1, should be discussed by and between the parties involved. Should this discussion not resolve the issue, then the following more formal procedures should be followed.

Complaints by the Public

The Board recognizes that the district's patrons may have complaints or concerns regarding the district's operation and educational programs. District patrons include individuals who reside within the district's boundaries and parents who have students attending district schools.

Individual members of the board of trustees may listen to the problems brought to their attention by a patron of the district, but will take no action except to refer the individual to the building principal or superintendent. A board member may bring any matter for review to the attention of any member of the administration and/or to the attention of the board sitting as a whole.

Patrons are encouraged to make every effort to resolve a complaint or concern informally by discussing the matter with the responsible staff member.

Complaints by Staff Members

Complaints by staff members must be made in writing, signed, dated and delivered to the

Superintendent. Staff members shall not discuss complaints or problems with school employees, students, or patrons with individual Board members.

Complaints by Students

Complaints by students should be resolved when possible without written statements. However, when in the opinion of the Superintendent, the complaint is of such a nature as to be considered serious the complaint shall be put in writing, signed and dated.

Procedure

When a written complaint has been filed, the following procedure shall be followed:

1. If the complaint cannot be resolved informally or the patron, staff or student is unwilling to discuss the matter directly with the staff member, a written complaint may be filed with the district. The written complaint must identify the complainant and the staff member(s) involved, and include a summary of the nature of the complaint, the relevant facts and the efforts made in informally resolve the issue. The written complaint must be filed within ten (10) working days of the date of the incident giving rise to the complaint.
2. All written complaints regarding staff members shall be initially filed with the building principal or immediate supervisor. Complaints regarding an administrator shall be filed with the superintendent or designee. Complaints regarding the superintendent shall be filed with the board chairman.

If the complaint does not involve a personnel issue, the written complaint must be filed with the administrator overseeing the educational program or other operation.

3. The administrator receiving the complaint shall investigate and attempt to resolve the issues raised consistently with the district's policies and educational goals. Employees against whom complaints are lodged will be notified in a timely manner that a complaint has been filed and given an opportunity to write a response. At his/her discretion, the administrator will document his/her findings and recommendations for resolution. The complainant and employee will be notified, in writing, of the administrator's findings and recommendations for resolution within ten (10) working days of the date the complaint was filed with the district.
4. If the complaint remains unresolved after an initial review by the administrator, it may be appealed to the superintendent. The appeal must be filed by the complainant or employee within five (5) working days of the date notice of the administrator's findings and recommendations for resolution were mailed or hand delivered to the parties. The superintendent will review the complaint and information obtained during the investigation, and the recommendations for resolution. The superintendent may conduct further investigations and/or meetings as he/she deems necessary. The superintendent will affirm or modify the administrator's recommendations for resolution. The

complainant and employee will be notified, in writing, of the administrator's findings and recommendations for resolution within ten (10) working days of the date the appeal was filed.

5. If the complaint remains unresolved after the superintendent's review, it may be appealed to the board of trustees. The appeal must be filed by the complainant or employee within five (5) working days of the date notice of the superintendent's findings and recommendations for resolution were mailed or hand delivered to the parties. The complaint will be taken up at the board's next regularly scheduled meeting for which it may be placed on the agenda. The complainant, employee, or superintendent may request to address the board. Unless the complaint is directed against the superintendent, no party may address the board unless the superintendent's report regarding the complaint and recommended resolution has been received by the board.

Complaints before the board concerning an employee shall be addressed in executive session except that the employee may require that the hearing be conducted in open session.

All parties to a complaint may be asked to attend the board meeting for the purpose of presenting all available evidence and allowing every opportunity for explaining and clarifying the issue. Individuals must identify whom they represent and may be asked questions regarding their presentation. The board reserved the right to set time limitations for presentations and speakers.

The board's decision regarding resolution of the complaint will be final.

Last Updated 19 Oct 1998

1031.1 — RETENTION AND DESTRUCTION OF RECORDS

General

The records listed below may be destroyed after the prescribed retention period. When such records are destroyed, the Superintendent shall report the same to the Board of Trustees.

Records to be Retained for Five (5) Years

The following inactive records shall be retained for five (5) years after the close of the fiscal year to which they apply unless there is pending litigation relating to them:

1. Contracts or agreements.
2. Advertising, job opening announcements, interviews, and related documents.

Records to be Retained for Ten (10) Years

The following inactive records shall be retained for ten (10) years after the close of the fiscal year to which they apply unless there is pending litigation relating to them:

1. Federal compliance reports.
2. Transcripts and exhibits from administrative hearings.
3. Expired insurance policies.

Records to be Retained Permanently

The following records shall be retained permanently:

1. Titles to all real property.
2. Blueprints of buildings.
3. Board meeting minutes.
4. Permanent records of all employees which shall include dates of employment, salary paid, certification records, training data, and data relating to employment problems.
5. Permanent student records.
6. Legal description of school district boundaries.
7. Legal description of trustee zones.
8. Records of enrollment and attendance by grades for each year.
9. Deeds of certificates for water rights.
10. Policy manuals and revisions.

Last Updated: 12 Aug 1985

1032.1 — MAINTENANCE OF STUDENT RECORDS

General

The district shall keep a cumulative folder on all students. The folders shall be stored in a fireproofed, locked file in the administrator's or counselor's office. In addition, students enrolled in special service programs may have separate supporting records maintained in the resource room.

Records Management

The school counselor shall serve as records manager for regular files and the special services program folder shall be managed by the special program coordinator.

All records shall be confidential and access logs shall be signed by all who review the records.

Student records shall contain accurate, permanent or semi-permanent information on student grades, test results, attendance and health that will assist the student, staff, and parents in reaching academic, personal, social, and vocational decisions.

Review and Release of Information

Records may be reviewed by school employees with a legitimate educational interest without

parental or student consent. Records may be released to certain educational agencies and other parties identified by law without prior parental or student consent. Before information is released to others not specified above parental or student (if 18 or over,) consent must be given in writing.

Parents and students have the right to review student records at reasonable times and to obtain copies at no cost to the parent or student.

Each year, parents and students shall be notified by press release and/or handouts at registration, of their rights to inspect records and where those records are kept.

Record Destruction

Records shall be purged of information no longer needed and parents or students shall be notified.

Parents or eligible students have a right to request and have outdated or irrelevant information deleted from records.

General Regulations

The district shall use the booklet “Guidelines For the Management of Student Records” published by the State Department of Education, August 1980, as the district guideline for records management and the accompanying forms, amended as needed, shall be used.

Last Updated: 13 Apr 1987

1051.1 — ACQUIRED IMMUNE DEFICIENCY SYNDROME/HIV (AIDS)

For the purposes of the guidelines set forth in this policy, the terms “infected individual” includes “infected students” and “infected employees”. These terms are defined as those persons who have been diagnosed as having AIDS or ARC (AIDS Related Complex) and to persons who are asymptomatic carriers who have serologic evidence of infection.

No infected student (employee) shall attend school or school activities until the following review process has been completed. The determination whether an infected student (employee) shall be permitted to attend classes and participate in school activities with other students shall be recommended by an evaluation team on a case by case basis to the Board of Trustees.

The Board of Trustees shall consider the evaluation team’s recommendation and make a final non-precedential determination. The evaluation team shall be composed of public health personnel, the student’s (employee’s) physician, the student’s parent or guardian, school district legal counsel, and appropriate school personnel as determined by the Board of Trustees. In making this recommendation, the team shall consider in each case:

1. The behavior neurological development and physical condition of the student

- (employee);
- 2. The expected type of interaction with others in the school setting;
- 3. The risks and benefits to both the infected individual and others in the school setting.

All school personnel and all others involved in the review process must keep all information confidential including the name of the person suspected of having AIDS. The school district will take every reasonable step to maintain confidentiality, however, there is no guarantee of confidentiality nor is there any implied or expressed recognition of a right of privacy.

Last Updated: 13 Mar 1989

1052.1 - Abused and Neglected Child Reporting

The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees and patrons of the School District. It is of particular importance that employees within the District become knowledgeable and thoroughly educated as to their legal and ethical responsibilities on observation and reporting of suspected child abuse, child abandonment or child neglect. The Superintendent shall review with staff the legal requirements concerning suspected child abuse.

“Abuse” is defined in I.C. § 16-1602 of the Idaho Code as any case in which a child has been the victim of conduct or omissions resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling. Abuse is further defined in I.C. § 16-1602 to include sexual conduct including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child’s health or welfare or mental injury to the child abandonment or neglect.

“Abandoned” is defined as the failure of the parent to maintain a normal parental relationship with his/her child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year is evidence of abandonment. (I.C. § 16-1602(2)).

“Neglected” means a child: Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them with these items. (See I.C. § 16-1602(25)).

A District employee who has reasonable cause to suspect that a student may be an abused, abandoned or neglected as defined above or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment or neglect shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Superintendent or the

Superintendent's designee, who shall in turn report or cause to be reported the case to local law enforcement or the Department of Health and Welfare.

Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required in Idaho Code § 16-1605 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports that a child has been abused, abandoned or neglected in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed. (I.C. § 16-1606).

In addition, "any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of five hundred dollars (\$500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater." (I.C. § 16-1607).

Any District employee who fails to report a suspected case of abuse, abandonment or neglect, or who prevents another person from doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

Form 1052.1A is to be used to report any suspected child abuse, abandonment or neglect by any employee who suspects such and the completed form is to be given directly to the Superintendent or the Superintendent's designee.

Last Updated: 16 Jan 2007

1061.1 – CARRY CONCEAL POLICY

Emergency Operations Plan: The Superintendent shall ensure updating of the District's Emergency Operations Plan and ongoing staff training.

Firearms Purpose: Recognizing that District Schools are located in a somewhat isolated area and that response from emergency first responders, including law enforcement personnel, takes approximately 20 to 30 minutes, the Board adopts the following policy to address concerns about effective and timely response to emergency situations at schools, including invasion of the schools by an armed outsider, hostage situations, students who are armed and posing a direct threat of physical harm to themselves or others, and similar circumstances.

Authorization: Pursuant to its authority under Idaho Code Title 18 (18-3302D) (f) Notwithstanding the provisions of section 18-3302C, Idaho Code, a person or an employee of the school or school district who is authorized to carry a firearm with the permission of the board of trustees of the school district or the governing board.

(1), the Board may, from time to time, authorize specific school employees to possess certain firearms on school property, at school-sponsored or school-sanctioned events, and at Board meetings. Specifically authorized individuals shall be approved by separate action of the Board. The Board shall issue written authorization to approved employees.

Concealed Handgun Licensees: Only those school employees who have obtained and maintain a current license, in accordance with state law, to carry a concealed handgun are eligible to be authorized to possess a firearm on school property.

Training: Any school employee authorized by the school board to possess a firearm on school property shall be provided additional training in crisis intervention, management of hostage situations, and other training as the Board or designee may determine necessary or appropriate.

Permitted Ammunition: Only frangible ammunition, i.e., ammunition designed to have reduced ricochet hazard, will be permitted in firearms authorized to be on school property.

Last Updated: 19 Feb 2013
