



## ***Brabeion Academy Policy 3000s: Students***

**BRABEION ACADEMY**

**3000**

### **Enrollment, Placement, and Transfer**

#### **Entrance, Date and Age**

No pupil may be enrolled in the kindergarten or first grade whose fifth (5<sup>th</sup>) or sixth (6<sup>th</sup>) birthday does not occur on or before the first (1<sup>st</sup>) day of September of the school year in which the child registers to enter school. Any child of the age of five (5) years who has completed a private or public out-of-state kindergarten for the required 450 hours but has not reached the age and date requirements set forth above, shall be allowed to enter the first grade.

#### **Initial Enrollment**

A birth certificate (subject to provisions of McKinney Homeless Assistance Act) is required for admission to Brabeion Academy (see Policy 3060).

If a birth certificate is not provided upon enrollment of a student for the first time in elementary or middle school, Brabeion Academy shall notify the person enrolling the student in writing that he must provide within thirty (30) days either a certified copy of the student's birth certificate or other reliable proof of the student's identity and birth date, which proof shall be accompanied by an affidavit explaining the inability to produce a copy of the birth certificate. Other reliable proof of the student's identity and birth date may include a passport, visa, or other governmental documentation of the child's identity. If the person enrolling a student fails to provide the information within the requested thirty (days), Brabeion Academy shall immediately notify the local law enforcement agency of such failure and again notify the person enrolling the student, in writing, that he has an additional ten (10) days to comply. If any documentation or affidavit received pursuant to this section appears inaccurate or suspicious in form or content, Brabeion Academy shall immediately report the same to the local law enforcement agency. *Local law enforcement will investigate these reports. Failure of a parent, or person in custody of a child, or a person enrolling a student, to comply with the documentation requirements of this section after a lawful request ... shall constitute a misdemeanor.*

#### **Placement**

The goal of Brabeion Academy shall be to place students at levels and in settings that will enhance the probability of student success. Developmental testing, together with other relevant criteria,

including, but not limited to, health, maturity, emotional stability, and developmental disabilities, may be considered in the placement of all students. Final disposition of all placement decisions rests with the Chief Education Officer.

### **Transfer**

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

K-8 Students: Any student transferring into Brabeion Academy will be admitted and placed on a probationary basis for a period of two (2) weeks, or until 5 school days after receipt of transcripts.

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

During the probationary period, the student will be subject to observation by the teacher and school administration.

**Legal Reference:** Art. IX, § 9, Idaho Constitution- Compulsory Attendance at School  
I.C. § 18-4511 School Duties—Records of Missing Child—  
Identification Upon Enrollment—Transfer of Student Records  
I.C. § 33-201 School age  
I.C. § 33-209 Transfer of School Records  
I.C. § 39-4801 Immunization required

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3010**

#### **Open Enrollment**

The Brabeion Academy Board of Directors recognizes that some patrons may want to enroll their children in a school that is located within a District other than where their primary residence is located, therefore, this policy is adopted to allow all in-District and out-of-District patrons to choose among this school under specified conditions. In making a decision on a student's open enrollment application, school administration shall consider the needs of the student requesting the transfer as well as the other students affected by the transfer.

A student currently under suspension or expulsion in this school or another District is not eligible for Open Enrollment under this policy.

#### **Transportation**

Parents or guardians of a student accepted under this open enrollment policy will be responsible for transporting their child. If bus space is available, then students accepted under the open enrollment policy may be transported from an appropriate, established bus stop within the school's boundaries.

#### **Application/Approval Process**

An open enrollment application must be submitted annually for admission including students currently on the waitlist. Applications will be accepted to coincide with the annual lottery process each year for enrollment in the subsequent school year.

The Head of School shall establish a procedure for:

- the method of determining which students are chosen when classroom space is limited;
- notifying parents of the action taken on the open enrollment application;
- the factors which may possibly cause an open enrollment application to be denied; the process for removing a student from a transfer school, including the grounds for removal, parent notification and the appeal process.

#### **Re-enrollment**

As long as a transfer student continues to reapply for enrollment, the Head of School and Sport shall treat that student as if he/she resides in that school's attendance area, except in the circumstances described below. To the extent possible, the Head of School and Sport shall expedite the enrollment process.

### **Revocation of a Transfer**

Transfer students are required to comply with all school policies. Unacceptable behaviors by a transfer student or false or misleading information on their open enrollment application are grounds for the school to remove a transfer student at any time. If a student's open enrollment transfer is revoked, the parent/guardian may request an administrative review by the school administration of the school. The Board of Directors may review the school administration's decision.

### **Student Rights and Responsibilities**

All student's rights and responsibilities remain the same regardless of what school they attend within the District and regardless of where the student resides once accepted under the open enrollment policy. If a student who is a resident of another district, applies to Brabeion Academy and is accepted under the terms of this policy, and fails to attend, shall be ineligible to apply again for open enrollment at Brabeion Academy until next Open Enrollment period.

### **Preventing or Recruiting Potential Open Enrollment Students**

Brabeion Academy employees will not take any action to prohibit or prevent application by a student to attend school in another school District.. In no event is the school, or an employee of the school to recruit students outside of their attendance area. Violation of this policy may involve disciplinary action up to and including dismissal.

### **Evaluation of Policy**

Annually, the Head of School and Sport shall report to the Board of Directors the effect of this policy. The report should include the number of open enrollment requests accepted or denied by each school, the reasons for denial, and any unanticipated results of this policy.

**Legal Reference:** I.C. §33-512      Governance of Schools

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***Brabeion Academy***  
***Policy 3000s: Students***

**BRABEION ACADEMY**

**3020**

**Enrollment and Attendance Records**

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

Policy History

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3020 P**

#### **Average Daily Attendance**

A day of attendance is one in which a pupil is present for a full day (at least four (4) hours for grades 1 through 12 (1-12) and at least two and one-half (2 ½) hours for kindergarten) under the guidance and direction of a teacher or other authorized school personnel while school is in session or is a homebound student under the instruction of a teacher employed by Brabeion Academy.

Average Daily Attendance (ADA) is the aggregate number of days enrolled students are present divided by the number of days of school in the reporting period. Students who attend school in another state that abuts the student's resident school, shall be counted for purposes of ADA. Students for whom no Idaho school is a home school shall not be counted for purposes of ADA. Funding for schools is based on ADA and must be accurate.

#### **Attendance Accounting:**

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

**Legal Reference:** I.C. § 33-1001 Definitions  
I.C. § 33-1002E Pupils attending school in another state  
IDAPA 08.02.01.250.05 Day of Attendance (ADA) – Grades One Through Twelve (1-12)  
IDAPA 08.02.01.250.03 Day in Session When Counting Pupils in Attendance  
IDAPA 08.02.01.250.04 Day of Attendance - Kindergarten

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## *Brabeion Academy*

### *Policy 3000s: Students*

**BRABEION ACADEMY**

**3050**

#### **Attendance Policy**

Attendance is extremely important and is a focus at Brabeion Academy. The state of Idaho tracks student attendance and Brabeion Academy is held accountable for students attending school.

Students who have missed more than ten days (total excused or unexcused) may have limited, or be restricted from, participation in field trips, sports, student performances, and/or extra-curricular activities. Students who have missed 16 or more days (total excused or unexcused) will have limited, or be restricted from, participation in field trips, sports, student performances, and/or extra-curricular activities.

When a child is absent from school, written notification must be provided to the school within three school days after their return or the absence will be deemed unexcused. Any pre-arranged absence must be submitted two weeks in advance of the absence, using the Pre- Arranged Absence Form available in the school office. Students must attend school the day they are involved in sports practice, games, student performances, event nights, or extra-curricular activities in order to participate that day.

**Please be aware, that pursuant to Idaho law, if a student is deemed to be habitually truant, that student may face disciplinary proceedings in front of the Board of Directors. In addition, if a student reaches 20 absences in a school year, that student may be retained dependent upon academic growth.**

Brabeion Academy will abide by the following Student Attendance Reporting Procedures. Attendance defines **Excused School Absence** as:

- Personal illness of the student (medical evidence may be required by the Chief Education Officer or designee for absences exceeding three consecutive days). The written statement must include all dates the student has been absent from school. If a student is continually sick and repeatedly absent from school due to a specific medical condition, the student must be under the supervision of a health care provider in order to receive excused absences from school.

- Medical/Dental Appointment: If a student is absent from school due to a medical appointment a written statement from a health care provider indicating the date and time of the appointment must be submitted to the Registrar within 3 days of student's return.
- Death of an immediate family member.
- An approved school activity (absences recorded but not reported).
- Other absences with prior approval of the Chief Academic Officer after being turned in to the Registrar.
- Attendance at a center under Department of Children and Families supervision.
- Observance of a religious holiday or service when it is mandated for all members of a faith that such a holiday or service should be observed.
- Military Connected Students – Brabeion Academy is committed to assist students from military families and will continue efforts to facilitate the development and implement policies that directly impact children of military personnel. In an effort to ease the burden of our students who have parents that may be deployed or on "Black Leave", schools will allow up to a total of five days of excused absences each academic year to allow families time together.
- The absences are to be pre-approved by the school Chief Education Officer after being turned into the Registrar.
- Students shall have a reasonable amount of time to complete make-up work.
- Events or educational enrichment activities that are not school-sponsored as determined and approved by the Chief Academic Officer. The student must receive advance written permission from the Chief Academic Officer.  
Examples of special events include: public functions, conferences, and regional, State and national competitions. **Pre-Arranged absences must be pre- approved in order to be excused. A Pre-Arranged Absence Form is available in the school office. The completed form must be signed by the teacher(s) and turned into the Attendance Clerk three days PRIOR to the first day of the absence so the Chief Education Officer can review.**
- Court appearance of the student, subpoena by law enforcement agency or mandatory court appearance.
- Other individual student absences beyond the control of the parent or student, as determined and approved by the Chief Education Officer, require documentation related to the condition and must be turned in to the Attendance Clerk by the parent.

### **COURSE MAKE-UP FOR ABSENCES**

If the absences are excused, all educational requirements for the course shall be met before a passing grade and/or credit is assigned. The student shall have up to three (3) school days to request make-up work for excused absences. Students will have the opportunity to submit assignments in a period of time equal to the number of days absent.

### **UNEXCUSED ABSENCES**

Any absence that does not fall into one of the above excused absence categories will be considered unexcused. Any student who has been absent from school will be marked with an unexcused absence until the required documentation is received. Failure to provide the required documentation within three school days upon the return to school will result in an unexcused absence.

- Unexcused absences include:
  - Vacations, personal services, local non-school event, program or sporting activity
  - Older students providing day care services for siblings
  - Illness of others

- Non-compliance with immunization requirements (unless lawfully exempt)

### **TARDIES**

Any child who is not in their classroom by the official start of the academic school day\* will be marked TARDY. Students arriving after the commencement of school must report directly to the main office to obtain a tardy slip in order to be admitted into their classroom. Students who have more than three tardies will not be eligible for perfect attendance certificates. Middle school students will be marked tardy for the period in which they arrive late (this includes passing periods).

### **EARLY RELEASE**

Parents must present a current Driver's License or Identification Card to the front office in order to check their child out from school. Students will be released only to those adults on the student's registration profile in the office. Students who wish to be dismissed early (on a regular school day) are required to provide documentation. Documentation submitted more than 72 hours after an early dismissal will not be accepted, and the early dismissal will be deemed unexcused. Students must be called from the front office for release. Parents without proper identification will be asked to provide it before any student is contacted and released. Due to the continuous disruptions impacting the learning environment, please do not make early release a habit. Habitual early releases will not be allowed. Students with excessive unexcused early dismissals will be referred to the administration.

### **EXCESSIVE ABSENCES/TARDIES/EARLY RELEASES**

#### **Every Tardy or Absence**

- Teacher will enter attendance into Alma AND track/log all absences for homeroom class.
- Parents will receive email notifications of absence/tardy through Alma portal.

#### **Three Absences**

- Chief Education Officer or Student Support Advocate/Counselor will be notified.
- Registrar to send an email to parent(s).

#### **Five Absences**

- Chief Education Officer or Student Support Advocate/Counselor will be notified.
- Registrar to send an email to parent(s).
- School Administration may request a parent meeting.
- School Administration & Student Support Advocate/Counselor or teacher will develop an intervention plan.
- Student may be restricted from field trips, performances, sports, and/or extracurricular activities, and/or other school-related privileges.

#### **Policy History**

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3052**

#### **Self-Directed Learner Designation**

The Board of Directors recognizes that some students demonstrate the ability to successfully manage their own learning and achieve academic success through flexible instructional pathways. Pursuant to Idaho Code § 33-512D, the School may designate eligible students as Self-Directed Learners (SDLs) and provide flexible learning opportunities designed to support student achievement, engagement, and postsecondary readiness.

The School shall establish procedures for identifying, supporting, monitoring, and, when necessary, rescinding Self-Directed Learner designations.

#### **Definitions**

##### **Self-Directed Learner (SDL)**

A Self-Directed Learner is a student who demonstrates mastery of content knowledge and the ability to independently manage learning activities and achieve academic outcomes through flexible instructional opportunities.

##### **Flexible Learning**

Flexible learning may include, but is not limited to:

- Flexible attendance arrangements;
- Virtual or remote learning opportunities;
- Independent study;
- Extended learning opportunities;
- Internships or work-based learning experiences;
- Apprenticeships;
- Advanced coursework; and
- Other learning opportunities approved by the School.

##### **Eligibility Requirements**

To be eligible for Self-Directed Learner designation, a student must:

1. Be enrolled full-time in the School;

2. Demonstrate mastery of content knowledge through grades, assessments, mastery-based learning rubrics, or other approved measures; and
3. Meet any additional eligibility requirements established by School administration.

### **Grade 5 and Above**

Students in grades five (5) and above must demonstrate mastery of addition, subtraction, multiplication, and division facts through 10 x 10 as determined by School-established measures.

### **Grade 8 and Above**

Students in grades eight (8) and above must demonstrate informed postsecondary educational and career planning through the completion and ongoing maintenance of a Career Pathway Plan.

The Career Pathway Plan shall outline the student's academic and career goals and may include:

- A rigorous academic program of study;
- Career Technical Education coursework;
- Humanities coursework;
- Extended learning opportunities;
- Internships or apprenticeships;
- Advanced Opportunities courses or examinations;
- Dual credit coursework;
- Industry certifications; and
- Personal goals connected to postsecondary aspirations.

### **Designation Process**

A student may be designated as a Self-Directed Learner through a collaborative process involving:

- The student;
- The student's parent or legal guardian;
- One or more teachers; and
- An administrator or designee.

Teachers may recommend a student for SDL designation based upon consideration of factors including:

1. Demonstrated mastery of content;
2. Academic growth;
3. Timely completion of assignments;
4. Self-motivation;
5. Goal-setting skills;
6. Responsibility and accountability; and
7. Ability to achieve expected learning outcomes independently.

The final determination regarding SDL designation shall be made by the School administration.

### **Flexible Learning Agreement**

Prior to implementation of flexible learning opportunities, the School shall develop a written learning agreement with the student and parent/guardian outlining:

- Educational goals and expectations;
- Attendance and participation requirements;
- Academic performance expectations;
- Methods of measuring progress;
- Communication expectations; and
- Any accommodations, supports, or services required.

### **Monitoring and Support**

The School shall regularly monitor the academic progress of Self-Directed Learners.

Measures used to evaluate continued eligibility may include:

1. Continued mastery of content knowledge and skills;
2. Academic growth;
3. Progress toward postsecondary goals;
4. Completion of assigned coursework;
5. Participation in approved learning activities;
6. Common Assessments; and
7. Other indicators of student learning established by the School.

The School shall provide appropriate support and intervention when concerns regarding student progress arise.

### **Students with Disabilities and Other Special Populations**

Nothing in this policy shall diminish the rights of students receiving services under:

- The Individuals with Disabilities Education Act (IDEA);
- Section 504 of the Rehabilitation Act;
- Title VI language access requirements; or
- Other applicable federal or state laws.

The School shall ensure that students with Individualized Education Programs (IEPs), Section 504 Plans, English Learner services, McKinney-Vento protections, military-connected status, or other unique educational needs continue to receive all required services and supports, including a Free Appropriate Public Education (FAPE), when participating as Self-Directed Learners.

### **Rescission of Designation**

A Self-Directed Learner designation may be rescinded when:

1. The student no longer meets eligibility requirements;
2. The student fails to maintain satisfactory academic progress;
3. The student fails to remain current on coursework or assigned learning activities;
4. The student fails to satisfy the terms of the Flexible Learning Agreement; or
5. The student fails to correct identified deficiencies within an established improvement period.

A teacher may recommend rescission of SDL status. The final decision shall be made by the administrator or designee after consultation with the student and parent/guardian.

### **Internships and Work-Based Learning**

The School may award elective credit for approved internships, apprenticeships, work-based learning experiences, or other extended learning opportunities when:

1. The experience aligns with educational goals established by the School;
2. Appropriate documentation is maintained regarding hours, activities, and competencies attained; and
3. The experience satisfies applicable School requirements for elective credit.

Credit awarded toward core academic subjects shall require demonstrated proficiency in the applicable Idaho Content Standards and any other requirements established by the School.

### **Attendance and Reporting**

Self-Directed Learners shall remain subject to all applicable state reporting requirements.

The School shall maintain attendance and instructional participation records as required by Idaho law and Idaho State Department of Education reporting procedures.

Attendance for Self-Directed Learners may be demonstrated through participation in approved learning activities, completion of coursework, progress toward educational goals, or other measures established by the School.

### **Administrative Procedures**

The Executive Director or designee shall develop administrative procedures necessary to implement this policy, including application processes, monitoring protocols, flexible learning agreements, attendance procedures, and reporting requirements.

### **Legal References**

- Idaho Code § 33-512D – Self-Directed Learners
- Idaho Code § 33-6401 – Extended Learning Opportunities
- IDAPA 08.02.03.104 – Career Pathway Plans
- Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act of 1973

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3052**

#### **Reinforcement Days**

The Board of Directors recognizes the value of flexible learning opportunities that allow students to reinforce classroom instruction, develop independent learning skills, and engage in meaningful educational activities outside of the traditional classroom setting. Reinforcement Days provide students with structured asynchronous learning opportunities while allowing families greater flexibility in scheduling and supporting student learning.

The Board authorizes the Chief Education Officer and Chief Instruction and Assessment Officer to administer this policy and make determinations regarding student participation, attendance verification, interventions, and eligibility for Reinforcement Days.

#### **Definition**

A Reinforcement Day is a scheduled school day during which students complete assigned learning activities outside of the school building through asynchronous instruction. Students are not required to attend live instruction but are expected to complete all assigned coursework and physical education requirements.

#### **Benefits of Reinforcement Days**

Reinforcement Days are designed to:

1. Allow students additional time to practice and apply skills taught during in-person instruction.
2. Foster student responsibility, self-discipline, time management, and independent learning skills.
3. Provide opportunities for individualized learning and academic enrichment.
4. Allow students to learn at their own pace while maintaining academic progress.
5. Increase family involvement in the educational process.
6. Provide families with greater scheduling flexibility while ensuring continuity of learning.
7. Support student wellness by allowing flexibility for physical activity and experiential learning opportunities.

#### **Student Requirements**

Students participating in a Reinforcement Day must complete a minimum of three (3) hours of academic work and one (1) documented hour of physical education activity.

## **Academic Requirements**

Teachers shall post assignments, lessons, activities, and other instructional materials in Google Classroom or another school-approved learning platform.

Students are required to:

- Complete all assignments posted by their teacher(s);
- Submit completed work according to teacher instructions;
- Demonstrate engagement in assigned learning activities; and
- Complete a minimum of three (3) hours of academic work during the Reinforcement Day.

## **Physical Education Requirement**

Students must complete a minimum of one (1) hour of physical education activity during each Reinforcement Day.

Acceptable activities may include, but are not limited to:

- Walking, jogging, or running;
- Biking;
- Swimming;
- Fitness training;
- Dance;
- Recreational activities involving sustained physical movement; or
- Other activities approved by the School.

Parents/guardians shall document completion of the required physical education activity using procedures established by the School.

## **Attendance**

Attendance for Reinforcement Days shall be based upon evidence of participation and completion of required learning activities.

A student shall be considered present for a Reinforcement Day when:

1. Evidence of completed academic coursework is submitted; and
2. Documentation of the required one (1) hour of physical education activity is provided.

Failure to provide evidence of completed coursework and physical education participation may result in the student being marked absent for the Reinforcement Day.

## **Attendance Verification Procedures**

Attendance for Reinforcement Days shall be reviewed on the school day immediately following the Reinforcement Day.

The Teacher-in-Training shall:

1. Review student submissions and participation records;
2. Verify completion of required coursework and physical education documentation;
3. Record attendance information; and

4. Submit attendance records to the Registrar.

The Registrar shall enter the attendance information into the School's Student Information System (SIS).

### **Intervention and Loss of Reinforcement Day Privileges**

Students are expected to consistently participate in Reinforcement Days and complete all required learning activities.

A student who is absent from a Reinforcement Day shall be subject to the following intervention process:

#### **Missed Reinforcement Days**

**First Absence:** The student's teacher shall contact the parent/guardian to discuss the absence, review expectations, and provide support to ensure future participation.

**Second Absence:** The Chief Education Officer (CEO) or Chief Instruction and Assessment Officer (CIAO) shall contact the parent/guardian to discuss attendance concerns, identify barriers to participation, and establish an improvement plan.

**Third Absence:** The parent/guardian and student shall be required to attend a meeting with the Chief Education Officer and Chief Instruction and Assessment Officer to review attendance expectations and determine next steps.

#### **Loss of Reinforcement Day Eligibility**

A student who accumulates three (3) missed Reinforcement Days during a semester shall lose eligibility to participate in Reinforcement Days and shall be required to attend school in person for all remaining instructional days of that semester, unless otherwise approved by the administration for extraordinary circumstances.

The administration may consider documented medical conditions, family emergencies, or other extenuating circumstances when determining whether an absence shall count toward the three-day limit.

#### **Administrative Procedures**

The Chief Education Officer or designee shall establish procedures necessary to implement this policy, including documentation requirements, attendance verification procedures, physical education logs, and communication protocols.

Reinforcement Days are intended to support the School's implementation of flexible learning opportunities authorized under Idaho Code § 33-512D relating to Self-Directed Learners. Through participation in Reinforcement Days, students engage in structured asynchronous learning activities designed to reinforce classroom instruction, promote independent learning skills, and provide educational flexibility while maintaining accountability for academic progress. Attendance on Reinforcement Days shall be documented through evidence of completed coursework and required physical education activities in accordance with School procedures and applicable Idaho attendance reporting requirements. The School shall maintain documentation of student participation and learning activities to support attendance verification, ISEE reporting requirements, state funding calculations, and compliance with Idaho Code and Idaho State Department of Education guidance regarding flexible learning opportunities and Self-Directed Learners.

**Legal Reference:** I.C. § 33-512D Self-Directed Learners

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## ***Brabeion Academy Policy 3000s: Students***

**BRABEION ACADEMY**

**3060**

### **Education of Homeless Children**

The Board is committed to maintaining an educational environment that protects and promotes dignity, individual worth, and mutual respect for each individual, and is free from harassment. Each student deserves the opportunity to participate in a safe, supportive atmosphere that promotes equal opportunities, free from all forms of discrimination.

The Board recognizes the right of all students, including those students experiencing homelessness to:

- Receive a free, appropriate public education;
- Have meaningful opportunities to succeed in school;
- Participate fully in school activities; and
- Have equal access to all educational programs and services for which they are eligible.

### **Role of the Liaison**

For the purposes of this policy, the Chief Education Officer shall designate a school employee to serve as its liaison to serve homeless students. The liaison for homeless students shall:

- Coordinate with other services, public and private agencies, transportation department, state coordinator and others.
- Attend regional McKinney-Vento training sessions.
- Provide a training with all staff at least one time per year
- Identify students in transition and keep data and records up to date.
- Distribute and post public notice of the educational rights of homeless children and youth in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries and soup kitchens.

## **Identification**

The McKinney-Vento Liaison will support the school in Homeless Education identification to include:

- Dissemination of the nighttime residency form at the beginning of each school year.
- Another form of identification conducted mid-year.
- Training to include staff referrals
- Coordination with other entities and agencies

## **Services**

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

1. Transportation services
2. Educational services for which the student meets eligibility criteria, such as Title I
3. Educational programs for children with disabilities and limited English proficiency
4. Other academic and extracurricular activities including summer school, career and technical education, advanced placement, and/or online learning. The school nutrition program.
5. Preschool when applicable

## **Enrollment**

The Chief Education Officer or designee is legally required to enroll and have in attendance students experiencing homelessness within one full day of an attempt to enroll. The Board of Directors may not require an out-of-school attendance agreement and tuition for a homeless child.

Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including:

- Proof of residency
- Transcripts/school records (The enrolling school must contact the student's previous school to obtain school records. Initial placement of students whose records are not immediately available can be made based on the student's age and information gathered from the student, parent, and previous schools or teachers.)
- Proof of guardianship
- Birth certificate
- Any factor related to the student's living situation

Unaccompanied youth must be enrolled immediately in school. They may either enroll themselves or be enrolled by a parent, non-parent caretaker, older sibling, or local liaison.

## **School Selection Determination**

School selection for students experiencing homelessness should:

- Be based on the "best interest" of the student;
- Be based on the wishes of the parent/guardian/liaison;
- Keep the student in the school of origin, to the extent feasible;
- Be made on a case-by-case basis; and

- Before the duration of the current school year.

### **Transportation**

The school shall provide students experiencing homelessness with transportation services in accordance with Federal and State laws. Transportation will be provided for the entire time the student has a right to attend that school, including during pending disputes. Parents, guardians and unaccompanied youth will be informed of their right to transportation before school selection is determined.

### **Free Meals**

Once a student is verified as homeless, the student shall be expeditiously enrolled for free access to the National School Lunch and Breakfast Program.

### **Disputes**

In compliance with Federal and State law, the Head of School and Sport or designee shall develop procedures to resolve disputes regarding the rights and services of students experiencing homelessness. If the dispute is not resolved through the school's procedures, the grievant has the right to appeal to the Idaho State Department of Education Homeless coordinator who has the final decision. The child or youth experiencing homelessness will be admitted immediately to the school in which enrollment is sought pending final resolution; have a written explanation of decision and the right to appeal; parent or unaccompanied youth will be given every opportunity to participate meaningfully in the resolution of the dispute and also have the rights of a student who is homeless to all appropriated education services, transportation, free meals, and Title 1, Part A, services while the dispute is pending.

### **DEFINITIONS**

**Liaison:** the staff person designated by the school district as the person responsible for homeless education, rights and services.

**Students Experiencing Homelessness:** students who lack a fixed, regular, and adequate nighttime residence, including those who:

- Are sharing the housing of other persons due to loss of housing, economic hardships, or a similar reason; are living in motels, hotels, campgrounds, or trailer parks due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; or abandoned in hospitals.
- Have a primary nighttime residence that is a private or public place not designed for or ordinarily used as a regular sleeping accommodation for human beings

- Are living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
- Are migratory and living in a situation described above.

**Unaccompanied Youth:** a student not in the physical custody of a parent or guardian, who is homeless as defined above.

**School of Origin:** the school the student attended when *the student was permanently housed or the school in which the student was last enrolled*

**Legal Reference:** 42 U.S.C. § 11431, et seq. McKinney-Vento Homeless Assistance Act

### **Homeless Procedures**

**Homeless students** are defined as unaccompanied youth and/or any school age individual lacking a fixed, regular, adequate nighttime residence, which include the following conditions:

1. Sharing the housing of other persons due to loss of housing or economic hardship.
2. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations.
3. Living in emergency, transitional or domestic violence shelters.
4. Abandoned in hospitals.
5. Awaiting foster care placement.
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings.
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings.
8. Living as migratory children in conditions described in previous examples.
9. Living as run-away children.
10. Abandoned or forced out of homes by parents/guardians or caretakers.
11. Living as school age unwed mothers in houses for unwed mothers if they have no other living accommodations

### **Identification**

Brabeion Academy shall provide public notice of the educational rights of homeless students in schools, family shelters, and soup kitchens.

The Chief Education Officer or designee serves as the Homeless Director. The Chief Education Officer's designee serves at the Homeless Liaison. In order to identify homeless children both in and out of school, the Homeless Liaison coordinates with community service agencies and local shelters. In addition, the liaison provides annual awareness trainings to all school personnel. The Liaison coordinates with other districts on issues of records transfer and transportation.

Students may be identified by:

- a) Self-reporting. A family or student may notify school counselor or teacher and report their living situation; or upon enrollment they will report their situation to the school registrar.
- b) Referrals from other school districts.
- c) Local agencies that provide services to homeless children and youth and families.
- d) Identified by the school counselor or other school staff.

Data will be collected on the number of children and youth experiencing homelessness in the school; where they are living; their academic achievement (including state and local assessments); and school transfers.

### **School of Origin**

Defined as the school the student attended when permanently housed or the school in which the student was last enrolled. To the extent feasible, and in accordance with the student's best interest, a homeless student shall continue to be enrolled in his/her school of origin while she/he remains homeless or until the end of the academic year in which she/he obtains permanent housing.

### **Enrollment/Placement**

The selected school shall immediately enroll the student and begin instruction, even if the student is unable to produce records normally required for enrollment. However, Brabeion may require a parent/guardian to submit contact information. The Homeless Director or Liaison may contact the previous school for oral confirmation of immunizations, and the school shall request records from the previous District. Students shall not be discriminated against, segregated nor stigmatized based on their status as homeless.

### **Transportation**

Homeless students will be provided transportation services comparable to those offered to housed students. Brabeion shall provide transportation for homeless students to their school of origin or the school they choose to attend within the school district. If the school of origin is outside district boundaries or homeless students live in another district but will attend their school of origin in this district, the school districts shall agree upon a method to apportion the responsibility and costs of the transportation.

### **Services**

Homeless students shall be provided services comparable to those offered to other Brabeion students including, but not limited to, transportation services; school nutrition programs; vocational programs and technical education; programs for students with limited English proficiency; and educational services for which students meet eligibility criteria, such as programs for disadvantaged students, students with disabilities, and gifted and talented students.

### **Disputes**

If a dispute arises over school selection or enrollment, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parents/guardians shall be provided with a written explanation of Brabeion's decision, their right to appeal and the procedures to use for the appeal.

### **Free Meals**

The Child Nutrition office will be provided the name of the homeless student immediately upon

enrollment.

Policy History:

Adopted on: June 15, 2026

Revised on:

Reviewed on: June 15, 2026



## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3085**

#### **Sexual Harassment, Discrimination and Retaliation**

##### **Policy Purpose**

The purpose of this policy is to promote working and learning environments that are free from sex and gender-based harassment, discrimination, and retaliation, and to affirm Brabeion Academy's commitment to non-discrimination, equity in education and equal opportunity for employment.

##### **Scope of Policy**

This policy applies to all members of Brabeion Academy's community, including students, employees, and other members of the public including guests, visitors, volunteers, and invitees.

##### **Policy Statement**

Brabeion Academy is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sex and gender-based harassment, discrimination, and retaliation. Accordingly, the School prohibits harassment and discrimination on the basis of sex, sexual orientation, gender, gender identity, and pregnancy, as well as retaliation against individuals who report allegations of sex and gender-based harassment and discrimination, file a formal complaint, or participate in a grievance process. Students, employees, or other members of the School community who believe that they have been subjected to sex or gender-based harassment, discrimination, or retaliation should report the incident to the Chief Education Officer, who will provide information about supportive measures and the applicable grievance process(es). Violations of this policy may result in discipline for both students and Brabeion Academy employees.

##### **Title IX Coordinator**

The Chief Education Officer serves as Brabeion Academy's Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the Brabeion Academy's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex and gender-based harassment, discrimination, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority and is free from bias and conflicts of interest. To raise any concern involving bias, conflict of interest, misconduct or discrimination committed by the Title IX Coordinator, contact the Nampa School District Superintendent. If the District's Title IX Coordinator is the subject of any complaint regarding sex or gender-based harassment or has an apparent bias or conflict of interest regarding such a case, another person shall be appointed to act as the Title IX Coordinator for handling that case. Such appointees may include, but are not limited to: 1. The Title IX Coordinator of another school district

which the District has an agreement with; 2. Another employee of the District who is qualified and trained to address the matter, such as a deputy Title IX Coordinator; 3. A qualified and trained individual who enters into a professional services contract with the District; including but not limited to the District's legal counsel and/or contracted Human Resources or Title IX professionals. Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other official involved in the implementation of this policy or related grievance processes should be raised with the Title IX Coordinator.

### **Mandatory Reporters**

Brabeion Academy has classified all employees as mandatory reporters of any knowledge they have that a member of the School community experienced sex or gender-based harassment, discrimination, and/or retaliation. Accordingly, all School employees must promptly report actual or suspected sex and gender-based harassment, discrimination, and/or retaliation to the Title IX Coordinator. School employees must share with the Title IX Coordinator all known details of a report made to them in the course of their employment, as well as all details of behaviors under this policy that they observe or have knowledge of. Failure of a School employee to report an incident of sex or gender-based harassment, discrimination, or retaliation to the Title IX Coordinator of which they become aware is a violation of this policy and can be subject to disciplinary action for failure to comply. In addition, School employees must also report allegations of suspected child abuse and/or neglect to either law enforcement or the Idaho Department of Health and Welfare as described in Policy 5232.

### **Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and related procedures, may be made internally to Brabeion Academy's Title IX Coordinator using the contact information below:

Brabeion Academy  
1551 11th Avenue N  
Nampa, ID 83687  
208-537-7678  
[www.brabeion.org](http://www.brabeion.org)

Title IX Team Members  
Brabeion Academy Head of School and Sport  
Brabeion Academy Chief Education Officer

External inquiries can be made to the U.S. Department of Education, Office for Civil Rights, Region 10, using the contact information below:

Seattle Office  
Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, #3310 Seattle, WA 98174-1099  
[OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov) 1-800-877-8339

### **Notice/Formal Complaints of Sex and Gender-Based Harassment, Discrimination, and/or Retaliation**

Notice or formal complaints of sex or gender-based harassment, discrimination, and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator (or deputy/deputies, if applicable). Such a report may be made at any time, including during non-business hours, by using the telephone number, email address, or by mail to the office address listed for the Title IX Coordinator (or any other official as listed above).
2. Report by phone at 208-423-4170.

3. Report by email
4. Report by mail, 141 Center St W Kimberly, ID 83341

When notice is received regarding conduct that may constitute Title IX sexual harassment, Brabeion Academy shall provide information about supportive measures and how to file a formal complaint, as described in 3085P Sexual Harassment Grievance Process.

Any student, and/or parents or advocate of a student, or employee who believe they are being harassed should report the situation to school personnel as described in Policies 3225 Sexual Harassment/Intimidation of Student and 5012 Sexual Harassment/Sexual Intimidation in the Workplace.

A formal complaint means a document filed/signed by the alleged victim or signed by the Title IX Coordinator alleging an individual violated this policy and requesting that the School investigate the allegation(s). As used in this paragraph, the phrase “document filed/signed by the alleged victim” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the School, if applicable) that contains the alleged victim’s physical or digital signature, or otherwise indicates that the alleged victim is the person filing the complaint. For example, an alleged victim may send an email to the Title IX Coordinator, identify themselves as the alleged victim and the one sending the email, to file a formal complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the alleged victim to ensure that it is filed correctly.

Parents and legal guardians of primary and secondary school students who have the legal authority to act on their child’s behalf may file a formal complaint on behalf of their child.

### **Grievance Processes**

When a formal complaint is made alleging that this policy was violated, the allegations are subject to resolution using one of Brabeion Academy's grievance processes noted below, as determined by the Title IX Coordinator. All processes provide for a prompt, fair, and impartial process.

1. For formal complaints regarding conduct that may constitute Title IX sexual harassment involving students or employees, the School will implement procedures detailed in Procedure 3085P.
2. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where students are the accused party, and that do not constitute Title IX sexual harassment, the School will implement procedures described in 3210, 3215P, 3225F, 3225, 3237, 3300, 3300P, and 3310.
3. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where employees are the accused party, and that do not constitute Title IX sexual harassment, the School will implement procedures described in 5012, 5140, 5140P, and 5142. 3085-5 (ISBA 06/20 UPDATE)

### **Cross References:**

3270 Student Records  
3270P Student Records  
3285 Relationship Abuse and Sexual Assault Prevention and Response  
3290 Sexual Harassment/Intimidation of Students  
3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying  
3295P Hazing, Harassment, Intimidation, Bullying, Cyber Bullying  
3330 Student Discipline  
4120 Uniform Grievance Procedure  
4600 Volunteer Assistance  
4600P Volunteer Assistance  
5240 Sexual Harassment/Sexual Intimidation in the Workplace  
5250 Certificated Staff Grievances

5275 Adult Sexual Misconduct

5500 Personnel Records

5500P Procedures for Releasing Personnel Records to Hiring School Districts

5800 Classified Employment, Assignment, and Grievance

5800P Classified Employee Grievance Procedure

Legal References:

20 U.S.C. §§ 1681 - 1682 Title IX of the Education Amendments of 1972 34 CFR Part 106

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Policy History

Adopted on: June 15, 2026

Revised on:

Reviewed on: June 15, 2026



## ***Brabeion Academy Policy 3000s: Students***

**BRABEION ACADEMY**

**3085P**

### **Title IX - Sexual Harassment**

#### **When This Process Will Be Used**

The procedures outlined in this process apply only to qualifying allegations of Title IX sexual harassment involving members of the Brabeion Academy community, which include students, staff, administrators, and faculty members. A qualifying allegation must include all of the following elements:

1. The alleged conduct would constitute Title IX sexual harassment as defined below;
2. The conduct occurred in an Academy educational program or activity as defined below;
3. The respondent is a member of the Academy community as defined below;
4. The conduct occurred against a person in the United States; and
5. In cases where formal complaints are filed, at the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the Academy's education program or activity.

Allegations of sexual misconduct that do not meet the criteria above will be addressed through the applicable procedures outlined in Policy 3085, as determined by the Title IX Coordinator.

#### **Collateral Misconduct**

This procedure may be used to address collateral misconduct (e.g., vandalism, physical abuse of another, retaliation, etc.) arising from the investigation of, or occurring in conjunction with, reported conduct that meets the criteria of a qualifying allegation of Title IX sexual harassment as described above. For example, if a formal complaint is filed alleging that a qualifying allegation of Title IX sexual harassment and an act of vandalism occurred during the same incident, both allegations may be addressed using the procedures described below.

#### **Terms Used For This Process**

“Advisor” means a person chosen by a party to accompany the party to meetings, interviews, or hearings related to this grievance process and to advise the party on the process.

“Appeal Decision-maker” refers to those who have decision-making authority during the appeals phase of the Academy’s formal grievance process.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment, as defined below.

“Brabeion Academy” community means, for the purpose of this process, Academy students, staff, administrators, and faculty members. 3085P-2

“Education Program or Activity” means locations, events, or circumstances where the Academy exercises substantial control over both the respondent and the context in which the Title IX sexual harassment occurs. For example, this could include, but is not limited to, conduct that takes place within the Academy or on property owned or controlled by the Academy, or at Academy-sponsored events.

“Formal complaint” means a document submitted by a complainant or their parent/guardian or signed by the Title IX Coordinator alleging Policy 3085 and requesting that the Academy investigate.

“Formal grievance process” is the method of formal resolution used to determine whether a qualifying allegation of Title IX sexual harassment as described above violates Policy 3085. The formal grievance process is used in a manner that complies with the requirements of the 34 CFR §106.45.

“Decision-maker ” refers to those who have decision-making and sanctioning authority within the Academy’s formal grievance process.

“Investigator” means the person or persons assigned by the Academy to gather facts during the formal grievance process, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report.

“Notice” means that any Academy employee, including the Title IX Coordinator, is made aware of conduct that may constitute a violation of Policy 3085. “Parties” include the complainant(s) and respondent(s), collectively.

“Remedies” are applied to the complainant and/or the Academy community, following a resolution, to address safety, prevent recurrence, and restore access to the Academy's educational program.

“Respondent” means someone who has been reported as having engaged in conduct that could constitute Title IX sexual harassment, as defined below.

“Sanction” means a consequence imposed by the Academy on a respondent who is found to have violated Policy 3085 subsequent to engaging in the formal grievance process. “Title IX Coordinator” is the official(s) designated by the Academy to ensure compliance with Title IX and the Academy’s Title IX program. References to the Title IX Coordinator throughout this document may also include a designee of the Title IX Coordinator for specific tasks.

### **Definition of Title IX Sexual Harassment**

Title IX sexual harassment, as an umbrella category, includes the actual or attempted offenses of quid pro quo harassment, sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following criteria:

1. Quid pro quo harassment: An employee of the Brabeion Academy conditions, explicitly or implicitly, the provision of an aid, benefit, or service of the Academy on an individual’s participation in unwelcome sexual conduct.
2. Sexual harassment: Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the Academy's Education Program or Activity. Unwelcomeness, severity, pervasiveness, and objective offensiveness shall be determined as described in the U.S. Equal Employment Opportunity Commission's Policy Guidance on Current Issues of Sexual Harassment.
3. Sexual assault: Sexual assault shall mean forcible and non-forcible sex offenses as defined in the Clery Act, or dating violence, domestic violence, stalking as defined in the Violence Against Women Act (VAWA).

Acts of Title IX sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

### **Definitions of Force, Coercion, Consent, and Incapacitation**

As used in the definitions referenced for the offenses listed above, the following definitions and understandings apply:

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent to reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn in the middle of a sexual act, that sexual activity should stop immediately. If consent is withdrawn while the other party is not present, the activity shall cease as soon as is practicable. Consent to some sexual contact, such as kissing or fondling, does not imply there is consent for other sexual activity, such as intercourse. A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the Academy to determine whether policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. It is a violation of policy if a respondent engages in sexual activity with someone who is incapable of giving consent. It is a defense to an Academy policy violation that the respondent neither knew nor should have known the complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or

how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. Incapacitation also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

### **Retaliation**

Brabeion Academy and any member of the Academy community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Policy 3085 or its associated grievance processes.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated either as collateral misconduct under this process or, as determined by the Title IX Coordinator, through the applicable procedures outlined in Policy 3085. The Academy will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Filing a complaint under another Academy policy or procedure related to the incident could be considered retaliatory if those charges are made for the purpose of interfering with or circumventing any right or privilege provided under this process that is not provided under the other Academy policy/procedure that was used. Therefore, the Academy vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance process does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. Supportive measures are designed to restore or preserve access to the Academy’s Education Program or Activity, including measures designed to protect the safety of all parties or the Academy’s educational environment, and/or deter Title IX sexual harassment.

The Title IX Coordinator shall promptly make supportive measures available to the complainant upon receiving notice or a formal complaint alleging they were the victim of Title IX sexual harassment, and to the respondent upon receipt of a formal complaint alleging that they engaged in Title IX sexual harassment in violation of Policy 3085. At the time that supportive measures are offered, the Academy will inform the complainant, in writing, that they may file a formal complaint with the Academy either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the complainant and/or their parent/guardian to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The Academy shall maintain the privacy of the supportive measures so long as the privacy does not impair the Academy’s ability to provide the supportive measures. The Academy shall reduce the

academic or occupational impact on the parties as much as possible and shall implement measures in a way that does not unreasonably burden the other party.

Examples of supportive measures may include, but are not limited to:

1. Referral to counseling, medical, and/or other healthcare services;
2. Referral to the Employee Assistance Program;
3. Referral to community-based service providers;
4. Visa and immigration assistance;
5. Education of the school community or community subgroup(s);
6. Altering work arrangements for employees;
7. Safety planning;
8. Providing school safety escorts;
9. Providing transportation accommodations;
10. Implementing contact limitations, such as no contact orders, between the parties;
11. Academic support, extensions of deadlines, or other course or program-related adjustments;
12. Emergency warnings;
13. Class schedule modifications, withdrawals, or leaves of absence;
14. Increased security and monitoring of certain areas of the school; and
15. Any other actions deemed appropriate by the Title IX Coordinator

Allegations of violations of no contact orders will be investigated either as collateral misconduct under this process or through the applicable procedures outlined in Policy 3085, as determined by the Title IX Coordinator.

### **Emergency Removal**

The Academy can act to remove a student respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Academy threat assessment team. In cases when an emergency removal involves a student with a disability who is receiving services under an Individualized Education Program (IEP), this risk analysis will also be performed in conjunction with the student's IEP Team and may present the need for a manifestation determination.

In all cases in which an emergency removal is imposed, the student respondent and their parent/guardian will be given notice of the action and the option to request to meet with the Title IX Coordinator OR threat assessment team OR Administrator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A student respondent may be accompanied by an advisor of their choice during the meeting. The student respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. A complainant and their advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

When this meeting is not requested, objections to the emergency removal will be deemed waived, except as described below.

In cases when an emergency removal involves a student with a disability who is receiving services under

an IEP, this meeting can serve as the student's manifestation determination hearing and will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). The student will not have to request such a meeting as it will be scheduled and held within ten days of the decision to implement the emergency removal. If it is determined that an emergency removal is necessary for more than ten school days, the removal would constitute a change in placement and shall be addressed in accordance with the requirements of the IDEA. The results of the manifestation determination may be appealed in accordance with the requirements under the IDEA.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX sexual harassment. There is no appeal process for emergency removal decisions.

The Title IX Coordinator shall have sole discretion under this process to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal shall be grounds for discipline, which may include expulsion.

The Academy will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator OR threat assessment team OR Administration, these actions could include, but are not limited to:

1. Temporarily re-assigning an employee;
2. Restricting a student's or employee's access to or use of facilities or equipment;
3. Changing transportation arrangements;
4. Authorizing an administrative leave;
5. Suspending a student's participation in extracurricular activities, student organizational leadership, or athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties. Where the respondent is an employee, existing provisions for interim action are applicable.

### **Promptness**

All allegations of Title IX sexual harassment, whether by notice or formal complaint, shall be acted upon promptly. The Academy will avoid all undue delays within its control.

If the timeframes for resolution outlined in these procedures will be delayed, the Academy shall provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

### **Privacy**

The Academy shall make every effort to preserve the privacy of reports of Title IX sexual harassment.

"Privacy" means that information related to notice or a formal complaint will only be shared with the parties, their advisors, and a limited number of Academy employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. As required by law, law enforcement may be notified. All employees who are involved in the Academy's Title IX sexual harassment response under this process shall receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the Academy's policies and procedures on student records.

The privacy of employee records will be protected in accordance with Academy policies regarding personnel records. The Academy shall not share the identity of any individual who has made a report or

formal complaint of Title IX sexual harassment, any complainant, any respondent, or any witness, except as permitted by the 20 U.S.C. 1232g or 34 CFR part 99 or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these procedures.

The Academy reserves the right to determine which Academy officials have a legitimate educational interest in information about incidents that fall within this process, pursuant to FERPA.

### **Time Limits on Reporting**

There is no time limit on providing notice or formal complaints to the Title IX Coordinator. However, if the respondent is no longer subject to the Academy's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/formal complaints significantly impacted by the passage of time shall be at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

### **Online Harassment**

Policy 3085 and these procedures are written and interpreted to include online manifestations of any of the conduct prohibited above, when the conduct occurs in the Academy's Education Program and Activities or uses the Academy's networks, technology, or equipment.

### **When a Complainant Does Not Wish To Proceed**

If a complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who shall evaluate that request in light of the duty to ensure the safety of the Brabeion Academy community and to comply with state or federal law.

The Title IX Coordinator shall have ultimate discretion over whether the Academy proceeds when the complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate the applicable grievance process. Any decision to proceed should be due to a compelling risk to health and/or safety that requires the Academy to pursue formal action to protect the Academy community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The Academy may be compelled to act on alleged employee misconduct irrespective of a complainant's wishes.

The Title IX Coordinator shall also consider the effect that non-participation by the complainant may have on the availability of evidence and the Academy's ability to pursue a grievance process fairly and effectively.

When the Title IX Coordinator signs the formal complaint, they do not become the complainant. The complainant is the individual who is alleged to have experienced conduct that may constitute Title IX sexual harassment.

When the Academy proceeds, the complainant (or their advisor) may have as much or as little involvement in the process as they wish. The complainant retains all rights of a complainant under this process irrespective of their level of participation. Typically, when the complainant chooses not to participate, the advisor or the complainant's parent/guardian may be appointed as proxy for the complainant throughout the process, acting to ensure and protect the rights of the complainant, though

this does not extend to the provision of evidence or testimony except in situations where a complainant is unable to provide evidence or testimony without assistance (e.g. due to age, disability, etc.).

The Academy's ability to remedy and respond to notice of Title IX sexual harassment may be limited if the complainant does not want the Academy to proceed with an investigation and/or 3085P-10 grievance process. The goal is to provide the complainant with as much control over the process as possible, while balancing the Academy's obligation to protect its community.

In cases in which the complainant requests no formal action and the circumstances allow the Academy to honor that request, the Academy shall offer informal resolution options as described below, supportive measures, and remedies to the complainant, but will not otherwise pursue the formal grievance process.

If the complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a complainant has the right, and can expect, to have allegations taken seriously by the Academy, and to have the incident investigated and properly resolved through the applicable procedures, as determined by the Title IX Coordinator, as outlined in Policy 3085. The complainant may withdraw their complaint at any point during the process. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### **False Allegations and Evidence**

Deliberately false and/or malicious accusations are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Academy policy.

### **Resolution Processes for Qualifying Allegations of Title IX Sexual Harassment**

Upon receiving a formal complaint or notice pertaining to a qualifying allegation of Title IX sexual harassment, the Title IX Coordinator initiates a prompt initial assessment. The Title IX Coordinator will initiate at least one of the following responses:

1. Offering and/or implementing only supportive measures because the complainant does not want to file a formal complaint. References to the complainant, respondent, or to the parties collectively throughout these procedures may also include their parent(s)/guardian(s) when applicable.
2. An informal resolution process upon submission of a formal complaint; and/or
3. A formal grievance, upon submission of a formal complaint, including an investigation and a determination of whether Policy 3085 was violated.

The Title IX Coordinator will provide supportive measures throughout the investigation to both the complainant and the respondent. The Academy shall use the formal grievance process as detailed by the procedures below to determine whether or not a qualifying allegation of Title IX sexual harassment violates Policy 3085P-11 3085. If so, the Academy will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to Title IX sexual harassment, its potential recurrence, or its effects.

### **Initial Assessment**

The Title IX Coordinator's initial assessment typically occurs within one to three business days. The

steps in an initial assessment can include:

1. If notice is given, the Title IX Coordinator seeks to determine whether the complainant wishes to make a formal complaint and will assist them in doing so, if desired. If the complainant does not wish to make a formal complaint, the Title IX Coordinator determines whether to initiate a formal complaint due to a compelling threat to health and/or safety.
2. If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the complainant to make sure it is correctly completed.
3. The Title IX Coordinator reaches out to the complainant to offer supportive measures.
4. The Title IX Coordinator works with the complainant to ensure they are aware of the right to have an Advisor.
5. The Title IX Coordinator works with the complainant to determine whether the complainant prefers a supportive measures only response, an informal resolution process, or a formal grievance process.
  1. If a supportive measures only response is preferred, the Title IX Coordinator works with the complainant to identify their wishes, assesses the request, and implement the measures accordingly. No formal grievance process is initiated, though the complainant can elect to initiate one later, if desired.
  2. If an informal resolution process is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine whether the respondent is also willing to engage in informal resolution.
  3. If a formal grievance process is preferred, the Title IX Coordinator determines whether the conduct alleged constitutes a qualifying allegation of Title IX sexual harassment:
  4. If it does, the Title IX Coordinator will initiate the formal grievance process.
  5. If it does not, the Title IX Coordinator will “dismiss” the complaint under this process and may address the allegation(s) using the applicable grievance process as outlined in Policy 3085. Dismissing a complaint under this process is solely a procedural requirement under Title IX and 3085P-12 does not limit the Academy’s authority to address a formal complaint through a different applicable process.

### **Dismissal - Mandatory and Discretionary**

These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

The Academy must dismiss a formal complaint or any allegations therein if, at any time during the investigation or meeting with the Decision-maker, it is determined that the conduct alleged in the formal complaint would not constitute a qualifying allegation of Title IX sexual harassment as defined above, even if proved.

The Academy may dismiss a formal complaint or any allegations therein if, at any time during the investigation or meeting with the Decision-maker:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint in whole or in part; or
2. The respondent is no longer enrolled in or employed by the Academy; or
3. Specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the Academy will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the appeal procedures below.

### **Counterclaims**

The Academy shall ensure that the grievance process is not abused for retaliatory purposes. The

Academy permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims by a respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the applicable procedure, as determined by the Title IX Coordinator. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of Policy 3085.

### **Statement of the Rights of the Parties**

Any party, as defined in this procedure, has the following rights: 3085P-13

1. The right to an equitable investigation and resolution of all credible allegations of Title IX sexual harassment made in good faith to Academy officials.
2. The right to timely written notice of all alleged violations, including the identity of the parties involved, if known; the precise misconduct being alleged; the date and location of the alleged misconduct, if known; the implicated policies and procedures; and possible sanctions.
3. The right to timely written notice of any material adjustments to the allegations; such as additional incidents or allegations, additional complainants, or unsubstantiated allegations; and any attendant adjustments needed to clarify potentially implicated policy violations.
4. The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
5. The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
6. The right to be treated with respect by Academy officials.
7. The right to have Academy policies and procedures followed without material deviation.
8. The right not to be pressured to informally resolve or file a formal grievance regarding any reported misconduct involving violence, including sexual violence.
9. The right not to be discouraged by Academy officials from reporting Title IX sexual harassment to both Academy and local authorities.
10. The right to have allegations of violations of Policy 3085 responded to promptly and with sensitivity by Academy law enforcement and/or other Academy officials.
11. The right to be informed of available supportive measures, such as counseling; advocacy; health care; legal or student financial aid; visa and immigration assistance; or other services, both in the Academy and in the community.
12. The right to an Academy-implemented no contact order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
13. The right to be informed of available assistance in changing academic and/or working situations after an alleged incident of Title IX sexual harassment, if such changes are reasonably available. No formal complaint or investigation, either Academy or criminal, needs to occur before this option is available. Such actions may include, but are not limited to: 3085P-14
  1. Changing an employee's work environment, such as changing their reporting structure or office or workspace relocation;
  2. Transportation accommodations;
  3. Visa or immigration assistance;
  4. Exam, paper, and/or assignment rescheduling or adjustment;

5. Transferring classes;
  6. Temporary leave of absence;
  7. School safety escorts;
  8. Alternative course completion options.
14. The right to have the Academy maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the Academy's ability to provide the supportive measures.
  15. The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
  16. The right to ask the investigator(s) and decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
  17. The right to provide the investigator(s)/decision-maker(s) with a list of questions that, if deemed relevant by the investigator(s)/Chair, may be asked of any party or witness.
  18. The right not to have irrelevant prior sexual history or character admitted as evidence.
  19. The right to know the relevant and directly related evidence obtained and to respond to that evidence.
  20. The right to a fair opportunity to provide the investigator(s) with their account of the alleged misconduct.
  21. The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law and the right to have at least ten business days to review the report prior to any determination being made.
  22. The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report.
  23. The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
  24. The right to regular updates on the status of the investigation and/or resolution.
  25. The right to have reports of alleged policy violations addressed by investigators, Title IX Coordinators, and decision-maker(s) who have received relevant training.
  26. The right to preservation of privacy, to the extent possible and permitted by law.
  27. The right to meetings, interviews, and/or hearings that are closed to the public.
  28. The right to petition that any Academy representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
  29. The right to have an advisor of their choice to accompany and assist the party in all meetings, interviews, and/or hearings associated with the resolution process.
  30. The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
  31. The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
  32. The right to be promptly informed in a written notice of outcome letter of the finding(s) and sanction(s) of the formal grievance process and a detailed rationale of the decision, including an explanation of how credibility was assessed, delivered simultaneously— meaning without undue delay—to the parties.
  33. The right to be informed in writing of when a decision by the Academy is considered final and any changes to the sanction(s) that occur before the decision is finalized.
  34. The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the formal grievance process, and the procedures for doing so in accordance with the standards for appeal established by the Academy.
  35. The right to a fundamentally fair resolution as defined in these procedures.

### **Right to an Advisor**

The parties may each have an advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. This could include an attorney, advocate, or support person. The parties may select whoever they wish to serve as their advisor as long as the advisor is eligible and available. “Available” means the party cannot insist on an advisor who simply doesn’t have inclination, time, or availability. Also, the advisor cannot have conflicting roles, such as being a Title IX administrator, who has an active role in the matter, or a supervisor, who must monitor and implement sanctions.

For students, this advisor can be someone in addition to their parent/guardian who may also be present with them for all meetings, interviews, and hearings within the resolution process.

### **Who Can Serve as an Advisor**

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose advisors from inside or outside of the Brabeion Academy community. Parties also have the right to choose not to have an advisor during the resolution process.

### **Advisor’s Role in Meetings and Interviews**

The parties may be accompanied by their advisor in all meetings, interviews, and hearings at which the party is entitled to be present, including intake and investigation interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The Academy cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, the Academy is not obligated to provide an attorney.

### **Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews, meetings, or hearings in advance of these interviews or meetings. This pre-meeting allows advisors to clarify and understand their role and the Academy’s policies and procedures.

### **Advisor Violations of Academy Policy**

All advisors shall be subject to the same Academy policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings or meetings. Advisors shall not address Academy officials in a meeting or interview unless invited to. For example, they should not ask procedural questions unless invited to. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigator(s) or other decision-maker(s), unless so permitted by the provisions of state law or this policy. In situations where the conduct at issue may also be a violation of criminal law, a legal Advisor may direct their client to refrain from answering a question(s) due to 5th Amendment Constitutional Right associated with self-incrimination. In such circumstances, no inferences should be drawn from this action by an accused person.

The parties are expected to ask and respond to questions on their own behalf throughout the resolution process. In cases where a party requires assistance in asking and/or responding to questions on their own behalf, (for example, due to age or disability), the advisor shall be allowed to ask and/or respond to questions on behalf of their advisee, at the discretion of the investigator(s) or decision-maker(s). Although the advisor generally may not speak on behalf of their advisee, the advisor may consult with

their advisee, either privately as needed, or by 3085P-17 conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private consultation.

Any advisor who oversteps their role as defined by this process shall be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator shall determine how to address the advisor's non-compliance and future role.

### **Sharing Information with the Advisor**

The Academy expects that the parties may wish to have the Academy share documentation and evidence related to the allegations with their advisors. Parties may share this information directly with their advisor or other individuals, if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The Academy shall also provide a consent form which authorizes the Academy to share such information directly with the party's advisor. The parties must submit this completed form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the advisor before the Academy is able to share records with an advisor.

### **Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. Advisors may not share these records with third parties, disclose them publicly, or use them for purposes not explicitly authorized by the Academy. The Academy may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the Academy's privacy expectations.

Advisors who are also Academy staff members may also be subject to more stringent confidentiality law, administrative rules, and policies.

### **Expectations of an Advisor**

The Academy generally expects an advisor to adjust their schedule to ensure attendance at resolution process meetings when planned but may change scheduled meetings to accommodate an advisor's inability to attend, if doing so does not cause an unreasonable delay.

The Academy may also make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

### **Expectations of the Parties with Respect to Advisors**

A party may elect to change advisors during the resolution process and is not obligated to use the same advisor throughout. The parties are expected to inform the investigator(s) and decisionmaker(s) of the identity of their advisor at least two business days before the date of their first 3085P-18 meeting with investigators and decision-makers, or as soon as possible if a more expeditious meeting is necessary or desired.

If a party changes advisors, consent to share information with the previous advisor is terminated, and a release for the new advisor must be secured before documentation and evidence related to the investigation will be provided to them.

### **Resolution Process**

Resolution processes are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Academy policy. Although there is an expectation of privacy around what investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to an informal resolution, if applicable, and as discussed below. The Academy encourages parties to discuss any sharing of information with their advisors before doing so.

### **Informal Resolution Process**

An informal resolution process can include the following different approaches:

1. The Title IX Coordinator resolves the matter informally by providing supportive measures only to remedy the situation.
2. The parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, or other resolution methods, usually before a formal grievance process takes place.
3. The respondent accepts responsibility for violating Policy 3085 and desires to accept a sanction and end the resolution process. This usually occurs after the investigation phase of the formal grievance process.
4. The Title IX Coordinator negotiates a resolution that is satisfactory to the parties and the Academy.

To initiate the informal resolution process, a complainant must first submit a formal complaint. A respondent who wishes to initiate the informal resolution process should contact the Title IX Coordinator.

It is not necessary to pursue informal resolution first in order to engage in the formal grievance process. Any party participating in the informal resolution process can stop the process at any time and begin or resume the formal grievance process.

Prior to implementing the informal resolution process, the Academy shall provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the Academy.

The Academy shall obtain voluntary, written confirmation that all parties wish to resolve the matter through an informal resolution process before proceeding and shall not pressure the parties to participate in informal resolution.

Informal resolution shall not be used to resolve allegations or complaints where the complainant is a student and the respondent is an employee.

### **Alternate Resolution Mechanisms**

An alternate resolution is an informal mechanism, including mediation or restorative practices, or other resolution methods, by which the parties mutually agree to resolve an allegation. All parties must consent to the use of an alternate resolution mechanism.

The Title IX Coordinator may consider the following factors to assess whether alternate resolution is appropriate, or which form of alternate resolution may be most successful for the parties:

1. The parties' preference for alternate resolution;
2. The likelihood of a potential resolution, considering any power dynamics between the parties;
3. The parties' motivation to participate;

4. The civility of the parties;
5. The disciplinary history of the parties;
6. Whether an emergency removal is needed;
7. The skill of the alternate resolution facilitator with this type of allegation;
8. The complexity of the complaint;
9. The capacity of the parties to understand and fully participate in the process;
10. The goals of the parties; and
11. Adequate resources to invest in alternate resolution, such as time and staff.
12. The ultimate determination of whether an alternate resolution is available or successful shall be made by the Title IX Coordinator. The Title IX Coordinator shall maintain records of any resolution that is reached. Failure to abide by the resolution agreement may result in appropriate disciplinary actions. The results of complaints resolved by an alternate resolution are not appealable.

### **Respondent Accepts Responsibility for Alleged Violations**

The respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal grievance process will be paused, and the Title IX Coordinator will determine whether informal resolution can be used according to the criteria above. If so, the Title IX Coordinator shall determine whether all parties and the Academy are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator shall implement the accepted finding that the respondent is in violation of Policy 3085 and implement 3085P-20 agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written agreement to the terms of resolution. If the parties cannot agree on all terms of resolution, the formal grievance process shall resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanctions shall be promptly implemented in order to effectively stop the Title IX sexual harassment, prevent its recurrence, and remedy its effects.

### **Negotiated Resolution**

The Title IX Coordinator may, with the consent of the parties, negotiate and implement an agreement to resolve the allegations that satisfies all parties and the Academy. Negotiated resolutions are not appealable.

### **Formal Grievance Process**

The formal grievance process described below is the method of formal resolution used to determine whether a qualifying allegation of Title IX sexual harassment violates Policy 3085, as determined by an investigation and determination of responsibility made by a decisionmaker. The formal grievance process shall be used in a manner that complies with the requirements of 34 CFR §106.45.

### **Grievance Process Pool**

The formal grievance process relies on a pool of personnel (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of Policy 3085 to all students, parents/guardians of students, employees, prospective students, and prospective employees.

### **Pool Member Roles**

Members of the Pool are trained, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

1. To provide appropriate intake of and initial guidance pertaining to formal complaints;
2. To act as an advisor to the parties;
3. To serve in a facilitation role in alternate resolution if appropriately trained in appropriate resolution modalities;
4. To perform or assist with initial assessment;
5. To investigate complaints;
6. To serve as a meeting and/or hearing facilitator as a process administrator with no decision-making role;
7. To serve as a decision-maker regarding the formal complaint; and
8. To serve as an appeal decision-maker.

### **Pool Member Training**

The Pool members receive training based on their respective roles. This training includes, but is not limited to:

1. The scope of the Academy's Title IX sexual harassment policies and procedures;
2. How to conduct investigations, meetings, and hearings in a manner that protects the safety of complainants and respondents and promotes accountability;
3. Reporting, confidentiality, and privacy requirements;
4. How to implement appropriate and situation-specific remedies;
5. How to investigate in a thorough, reliable, and impartial manner;
6. How to uphold fairness, equity, and due process;
7. How to weigh evidence;
8. How to conduct questioning;
9. How to assess credibility;
10. Impartiality and objectivity;
11. How to render findings and generate clear, concise, evidence-based rationales;
12. The definitions of all offenses;
13. How to apply definitions used by the Academy with respect to consent or the absence of consent consistently, impartially, and in accordance with Academy policies and procedures;
14. How to conduct an investigation and grievance process including meetings, hearings, appeals, and informal resolution processes;
15. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
16. Any technology to be used during an interview, meeting, or hearing;
17. Issues of relevance of questions and evidence;
18. Issues of relevance to create an investigation report that fairly summarizes relevant evidence; and
19. How to determine appropriate sanctions in reference to Title IX sexual harassment.

The materials used to train all members of the Pool are publicly posted here: <https://www.nsd131.org>

### **Notice of Investigation and Allegations**

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (NOIA) to the respondent upon commencement of the formal grievance process. This facilitates the respondent's ability to prepare for the interview and to identify and choose an advisor to accompany them. A copy of the NOIA shall also be provided to the complainant, who shall be given advance notice of when the NOIA will be delivered to the respondent.

The NOIA will include:

1. A meaningful summary of all of allegations;
2. The identity of the involved parties, if known;
3. The precise misconduct being alleged;
4. The date and location of the alleged incident(s), if known;

5. The specific policies implicated;
6. A description of the applicable procedures;
7. A statement of the potential sanctions that could result;
8. A statement that the Academy presumes the respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
9. A statement that determinations of responsibility are made at the conclusion of the formal grievance process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
10. A statement about the Academy's policy on retaliation;
11. Information about the privacy of the process;
12. Information on the need for each party to have an advisor of their choosing;
13. A statement informing the parties that the Academy's policies and procedures prohibit knowingly making false statements, including knowingly submitting false information during the resolution process;
14. Detail on how the party may request disability accommodations during the resolution process;
15. The name(s) of the investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the investigator(s) may have, and
16. Instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of any allegations.

Notice shall be made in writing and may be delivered by one or more of the following methods:

1. In person;
2. Mailed to the local or permanent address(es) of the parties as indicated in official Academy records; or
3. Emailed to the parties' Academy-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

### **Formal Grievance Process Timeline**

The Academy will make a good faith effort to complete the formal grievance process within 30 to 60 business days, including appeal. This time frame can be extended as necessary by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **Appointment of Investigators**

Once the Title IX Coordinator decides to begin an investigation as part of the formal grievance process, the Title IX Coordinator shall appoint Pool members to conduct the investigation, usually within two business days of determining that an investigation should proceed.

### **Ensuring Impartiality**

Any individual materially involved in the administration of the formal grievance process including the Title IX Coordinator, investigator(s), decision-maker(s) and appeal decisionmaker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent.

The Title IX Coordinator shall vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the formal grievance process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator shall determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, shall be remedied. If the source of

the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Kimberly School Academy Superintendent.

The formal grievance process involves an objective evaluation of all relevant evidence obtained, including evidence that supports the conclusion the respondent engaged in a policy violation and evidence that supports the conclusion the respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness.

The Academy presumes that the respondent is not responsible for the reported misconduct unless and until a final determination is made, in accordance with this policy, that Policy 3085 has been violated.

### **Investigation Timeline**

Investigations are completed promptly, normally within 30 business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations; availability of witnesses; police involvement; and other factors.

The Academy shall make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### **Delays in the Investigation Process and Interactions with Law Enforcement**

The Academy may undertake a delay in its investigation, lasting from several days to a few weeks, if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence 3085P-24 of parties and/or witnesses, and/or a need for accommodations for disabilities or health conditions.

The Academy shall communicate in writing the anticipated duration of the delay and the reason for it to the parties and provide the parties with status updates if necessary. The Academy will promptly resume its investigation and formal grievance process as soon as feasible. During such a delay, the Academy will implement supportive measures as deemed appropriate.

Academy action(s) or processes may be delayed, but are not stopped by civil or criminal charges involving the underlying incident(s). Dismissal or reduction of those criminal charges may or may not impact on the Academy's action(s) or processes.

### **Steps in the Investigation Process**

All investigations shall be thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

The Title IX Coordinator may act as the investigator.

All parties shall have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The investigator(s) will typically take(s) the following steps, if not already completed. The steps will not necessarily be completed in this order:

1. Determine the identity and contact information of the complainant;
2. In coordination with school partners, initiate or assist with any necessary supportive measures;
3. Identify all policies implicated by the alleged misconduct and notify the complainant and

respondent of all of the specific policies implicated;

4. Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation;
5. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties;
6. Meet with the complainant to finalize their interview or statement, if necessary;
7. Meet with the respondent to finalize their interview or statement, if necessary;
8. Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations;
9. Provide each interviewed party and witness an opportunity to review and verify the investigator's summary notes or transcript of the relevant evidence/testimony from their respective interviews and meetings;
10. Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible;
11. When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose;
12. Interview all available, relevant witnesses and conduct follow-up interviews as necessary;
13. Allow each party the opportunity to suggest witnesses and questions they wish the investigator(s) to ask of the other party and witnesses, and document in the investigation report which questions were asked and the rationale for any changes or omissions;
14. Complete the investigation promptly and without unreasonable deviation from the intended timeline;
15. Provide regular status updates to the parties throughout the investigation;
16. Prior to the conclusion of the investigation, provide the parties and their respective advisors, if so desired by the parties, with a list of witnesses whose information will be used to render a finding;
17. Write a comprehensive investigation report fully summarizing the investigation and all witness interviews and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included;
18. The investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report;
19. Prior to the conclusion of the investigation, provide the parties and their respective advisors, when advisors are identified, a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Academy does not intend to rely in reaching a determination, for a ten business day review and comment period so that each party 3085P-26 may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
20. The investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses;
21. The investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report;
22. The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback;
23. The Investigator will incorporate any relevant feedback, and the final investigation report is then shared with all parties and their advisors through secure electronic transmission or hard copy at least ten business days prior to a meeting with the decision-maker. The parties are also provided with a file of any directly related evidence that was not included in the report

### **Role and Participation of Witnesses in the Investigation**

Witnesses, as distinguished from the parties, who are employees of the Academy are expected to cooperate with and participate in the Academy's investigation and formal grievance process. Failure of such witnesses to cooperate with and/or participate in the formal grievance process constitutes a violation of policy and may warrant discipline. Student witnesses and witnesses from outside the Academy community are encouraged to share what they know about the complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (such as summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The Academy will take appropriate steps to reasonably ensure the security and privacy of remote interviews.

Though not preferred, witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the investigator(s).

### **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If investigator(s) elect to make an audio and/or video record of interviews, all involved parties will be made aware of audio and/or video recording.

#### **Evidentiary Considerations in the Investigation**

The investigation shall not consider:

1. Incidents not directly related to the possible violation, unless they evidence a pattern;
2. The character of the parties; or
3. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, 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, 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.

### **Referral to a Decision-maker**

If the complaint is not resolved through informal resolution as described above, and after the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter to a Decision-maker to make a determination regarding responsibility.

The Decision-maker cannot make a determination regarding responsibility prior to ten business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the decision-maker—unless all parties and the decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate decision-maker or Decision-makers from the Pool depending on whether the respondent is an employee or a student.

### **Decision-Maker Designation**

The Academy shall designate a single Decision-maker, at the discretion of the Title IX Coordinator, and inform the parties and advisors.

The Decision-maker(s) shall not have had any previous involvement with the investigation. Those who have served as investigators in this investigation may not serve as decision-makers. Those who are serving as advisors for any party may not serve as decision-makers in that matter. The Title IX Coordinator may not serve as a decision-maker in the matter.

All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator no later than two business days after being notified of the identity of the Decision-maker. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial consideration of the evidence.

The Title IX Coordinator shall give the decision-maker(s) a list of the names of all parties, witnesses, and advisors. Any decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, 3085P-28 and advisors. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they shall raise the concern with the Title IX Coordinator as soon as possible.

### **Evidentiary Consideration by the Decision-Maker**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The decision-maker will not consider:

1. Incidents not directly related to the possible violation, unless they evidence a pattern;
2. The character of the parties; or
3. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, 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, 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.

Previous disciplinary action of any kind involving the respondent may be considered in determining an appropriate sanction upon a determination of a policy violation. This information is only considered at the sanction stage of the process and is not shared with the Decision-maker until then.

The parties may each submit a written impact statement for the consideration of the decisionmaker(s) at the sanction stage of the process when a determination of responsibility is reached. Exchange of Questions The decision-maker shall facilitate the exchange of written questions between the parties and direct any written questions to any witnesses before a final determination is made. The decision-maker shall invite each party to submit proposed written questions for other parties and witnesses. Upon receipt of the proposed questions, the decision-maker will review the proposed questions and determine which questions will be permitted, disallowed, or rephrased. The decision-maker shall limit or disallow questions on the basis that they are irrelevant, repetitive (and thus irrelevant), or abusive. The decision-maker shall have full authority to decide all issues related to questioning and determinations of relevance. The decision-maker may ask a party to explain why a question is or is not relevant from their perspective. The decision-maker shall explain any decision to exclude a question as not relevant or to reframe it for relevance. The decision-maker, after any necessary consultation with the parties, investigator(s) and/or Title IX Coordinator, shall provide the parties and witnesses with the relevant written questions to be answered and a deadline for the parties and witnesses to submit written responses to the questions and any appropriate follow-up questions or comments by the parties. The exchange of 3085P-29 questions and responses by the parties and witnesses shall be concluded within a three to ten business day period. Deliberation, Decision-Making, and Standard of Proof The decision-maker(s) will then deliberate to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. When determining whether respondent violated Policy 3085, the Decision-maker(s) use the preponderance of the evidence standard; whether it is more likely than not that the respondent violated Policy 3085 as alleged. When there is a finding of responsibility on one or more of the allegations, the decision-maker(s) may then consider the previously submitted party impact statements in determining

appropriate sanction(s). The decision-maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The decision-maker(s) may, at their discretion, consider the statements; but they are not binding. The decision-maker(s) shall review the statements and any pertinent conduct history provided by the appropriate administrator, such as the Title IX Coordinator and shall recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required. The decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator. This statement must be submitted to the Title IX Coordinator within two business days after the decision-maker held their final meeting with the parties and witnesses or concluded the paper evidence exchange and questioning process, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties. Notice of Outcome Using the deliberation statement, the decision-maker shall work in conjunction with the Title IX Coordinator as needed to prepare a notice of outcome. The Title IX Coordinator shall then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their advisors within three to seven business days of receiving the decision-maker(s)' deliberation statement. The notice of outcome shall be shared with the parties simultaneously. Notification shall be made in writing and may be delivered by one or more of the following methods: 1. In person; 2. Mailed to the local or permanent address of the parties as indicated in official Academy records; or 3085P-30 3. Emailed to the parties' Academy-issued email or otherwise approved account. Once mailed, emailed, or received in-person, notice will be presumptively delivered. The notice of outcome shall articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and shall contain a description of the procedural steps taken by the Academy from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held. The notice of outcome shall specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the Academy is permitted to share such information under state or federal law; any sanctions issued which the Academy is permitted to share such information according to state or federal law; and any remedies provided to the complainant designed to ensure access to the Academy's educational or employment program or activity, to the extent the Academy is permitted to share such information under state or federal law. Detail regarding the final item listed is not typically shared with the respondent unless the remedy directly relates to the respondent. The notice of outcome shall also include the relevant procedures and bases for any available appeal options. Sanctions Factors considered when determining sanctions may include, but are not limited to: 1. The nature, severity of, and circumstances surrounding the violation(s); 2. The respondent's disciplinary history; 3. Previous allegations or allegations involving similar conduct; 4. The need for sanctions to bring an end to the Title IX sexual harassment; 5. The need for sanctions to prevent the future recurrence of Title IX Sexual harassment; 6. The need to remedy the effects of the Title IX sexual harassment; 7. The impact on the parties; and 8. Any other information deemed relevant by the decision-maker(s) The sanctions shall be implemented as soon as is feasible, either upon the outcome of any appeal or upon the expiration of the window to appeal if no appeal is requested. The sanctions described in this process are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities. Student Sanctions The following are the usual sanctions that may be imposed upon students singly or in combination: 1. A warning; 3085P-31 2. Required counseling; 3. A required substance abuse treatment program; 4. Exclusion from participating in extracurricular activities or other Academy programs/activities; 5. Alternative placement; 6. Suspension, which may be in-school, out-of-school, long-term, short-term, extended, or other suspensions; 7. Expulsion; and 8. Other actions: In addition to or in place of the above sanctions, the Academy may assign any other sanctions deemed appropriate. Employee Sanctions Sanctions for an employee may include: 1. A verbal or written warning; 2. A performance improvement plan or management process; 3. Enhanced supervision, observation, or review; 4. Required counseling; 5. Required training or education; 6. Probation; 7.

Denial of pay increase or pay grade; 8. Loss of oversight or supervisory responsibility; 9. Demotion; 10. Transfer; 11. Reassignment; 12. Assignment to a new supervisor; 13. Restriction of professional development resources; 14. Suspension with pay; 15. Suspension without pay; 16. Termination; 17. Other actions: In addition to or in place of the above sanctions, the Academy may assign any other sanctions as deemed appropriate.

**Withdrawal or Resignation While Charges Pending** Should a student decide to not participate in the formal grievance process, the process proceeds absent their participation to a reasonable resolution. Should a student respondent permanently withdraw from the Academy, the formal grievance process shall end, as the Academy no longer has disciplinary jurisdiction over the withdrawn student. Should an employee respondent resign with unresolved allegations pending, the formal grievance process shall end, as the Academy no longer has disciplinary jurisdiction over the resigned employee. 3085P-32 Even if a respondent withdraws from the Academy or resigns, the Academy shall continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged Title IX sexual harassment. An employee who resigns with unresolved allegations pending shall not be eligible for rehire with the Academy or any school with the Academy, and the records retained by the Title IX Coordinator shall reflect that status. Any state mandates for reporting of this resignation with respect to licensure or certification shall be met. All Academy responses to future inquiries regarding employment references for that individual shall note that the former employee resigned during a pending disciplinary matter.

**Appeals** Any party Either the complainant or the respondent may file a request for appeal in writing with the Title IX Coordinator within three to seven business days of the delivery of the notice of outcome. A single appeal decision-maker shall chair the appeal. No appeal decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The request for appeal shall be forwarded to the appeal chair for consideration to determine whether the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is filed in the timeframe specified.

**Grounds for Appeal** Appeals shall be limited to the following grounds: 1. Procedural irregularity that affected the outcome of the matter; 2. 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; and 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter. If any of the grounds in the request for appeal do not meet the grounds in this procedure, that request will be denied by the appeal chair, and the parties and their advisors will be notified in writing of the denial and the rationale. 3085P-33 If any of the grounds in the request for appeal meet the grounds in this procedure, then the appeal chair will notify the other party(ies) and their advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original decision-maker(s). The other party(ies) and their advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original decision-maker(s) shall be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and will then have 10 business days then be [three to seven] [business OR school OR calendar] days to submit a response to the portion of the appeal that was approved and involves them. All responses shall be forwarded by the appeal chair to the Title IX coordinator who will forward all materials to all parties for review and comment. The party who did not bring the appeal, if there is such a party, may also choose to raise a new ground for appeal at this time. If so, the new ground will be reviewed by the appeal chair to determine if it meets the grounds in this procedure and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal and the identified Appeal Official, by the Title IX coordinator. the investigator(s) and/or original decision-maker(s), as necessary, who will submit their responses in three to seven business days, which will be circulated for review and comment by all parties. Neither party may submit any new requests for appeal after the afore mentioned 10 business days. The appeal chair Title IX officer shall collect any additional information needed and the Appeal Official will render a decision in no more than three to seven business days, barring unusual circumstances. All decisions

apply the preponderance of the evidence standard. A notice of appeal outcome shall be sent to all parties simultaneously including the decision on each approved ground and the rationale for each decision. The notice of appeal outcome shall specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the Academy is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the Academy is permitted to share these under state or federal law. Notification shall be made in writing and may be delivered by one or more of the following methods: 1. In person; 2. Mailed to the local or permanent address of the parties as indicated in official institutional records; or 3. Emailed to the parties' Academy-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. Sanctions Status During the Appeal 3085P-34 Any sanctions imposed by the decision-maker shall take effect following the appeal process. Supportive measures may remain in effect during an appeal process, subject to the same supportive measure procedures above.

**Appeal Considerations**

1. Appeal decisions shall defer to the original decision, making changes to the determination only when there is clear error and to the sanction(s) only if there is a compelling justification to do so.
2. Appeals shall not provide for a full reconsideration of the allegation(s) and evidence. In most cases, appeals will be confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
3. An appeal is not an opportunity for appeal decision-makers to substitute their judgment for that of the original decision-maker(s) merely because they disagree with the determination and/or sanction(s).
4. The appeal chair or decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation shall be maintained.
5. Appeals granted based on new evidence should normally be returned to the original investigator(s) and/or decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
6. When appeals result in no change to the determination or sanction, that decision is final. When an appeal results in a new determination or sanction, that determination or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
7. In rare cases where a procedural error cannot be cured by the original decision-maker(s), as in cases of bias, the appeal may order a new hearing with a new Decision-maker(s).
8. The results of a new hearing can be appealed once on any of the three grounds permitted by the Academy.
9. In cases in which the appeal results in reinstatement to the Academy or resumption of privileges, all reasonable attempts shall be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

**Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the school or the RISE Academy community that 3085P-35 are intended to stop the Title IX sexual harassment, remedy the effects, and prevent reoccurrence. These remedies/actions may include, but are not limited to:

1. Referral to counseling and health services;
2. Referral to the Employee Assistance Program
3. Education of the individual and/or the community;
4. Permanent alteration of work arrangements for employees
5. Provision of school safety escorts;
6. Climate surveys;
7. Policy or procedure modification and/or training;
8. Provision of transportation accommodations;
9. Implementation of long-term contact limitations between the parties;
10. Implementation of adjustments to academic deadlines, course schedules, or other, similar factors.

At the discretion of the Title IX Coordinator, certain long-term supports or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator shall address any remedies owed by the Academy to the respondent to ensure no effective denial of educational access. The Academy shall maintain the privacy of any long-term remedies, actions, and measures, provided privacy does not impair the Academy's ability to provide these services.

**Failure to Comply with Sanctions and/or Interim and Long-Term Remedies and/or Responsive Actions**

All respondents are expected to comply with the assigned sanctions and corrective actions within the timeframe specified by the final decision-maker(s). Failure to abide by the sanction(s) or action(s)

imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s) or action(s), including suspension, expulsion, and/or termination from the Academy. Record keeping The Academy will maintain for a period of at least seven years records of: 1. Each Title IX sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation; 2. Any disciplinary sanctions imposed on the respondent; 3085P-36 3. Any remedies provided to the complainant designed to restore or preserve equal access to the Academy's education program or activity; 4. Any appeal and the result therefrom; 5. Any informal resolution and the result therefrom; 6. All materials used to train Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and any person who facilitates an informal resolution process. The Academy shall make these training materials publicly available on the Academy's website. 7. Any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment, including: A. The basis for all conclusions that the response was not deliberately indifferent; B. Any measures designed to restore or preserve equal access to the Academy's education program or activity; and C. If no supportive measures were provided to the complainant or respondent, the reasons why such a response was not clearly unreasonable in light of the known circumstances. The Academy will also maintain any and all records in accordance with state and federal laws. Disabilities Accommodations in The Resolution process The Academy is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Academy's resolution process. Anyone needing such accommodations or support should contact the Human Resources Department, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process. Revision of These Procedures The Academy reserves the right to make changes to these procedures as necessary. If laws or regulations change – or court decisions alter – the requirements in a way that impacts these procedures, this document shall be construed to comply with the most recent government regulations or holdings.

#### Policy History

Adopted on: June 15, 2026  
Revised on:  
Reviewed on: June 15, 2026



*Brabeion Academy*  
*Policy 3000's : Students*

**BRABEION ACADEMY**

**3100**

**Progressive Discipline Policy**

<b>Infraction</b>	<b>Level I Intervention/Consequence</b>	<b>Level II Intervention/Consequence</b>	<b>Level III Intervention/Consequence</b>	<b>Level IV Intervention/Consequence</b>
<b>Absence from School/Truancy</b>	BRABEION ACADEMY notification in mail Administrative Conference 1 <sup>st</sup> Truancy Notice	BRABEION ACADEMY notification in mail Required Parent Conference (RPC) 2 <sup>nd</sup> Truancy Notice	BRABEION ACADEMY notification in mail RPC 3 <sup>rd</sup> Truancy Notice/Citation Law enforcement will be notified	<b>Refer to Habitual/Subsequent Truant</b> Grade Retention possible Additional Citation Law enforcement will be notified
<b>Alcohol or Substance Represented to be Alcohol (use/possession of)</b>	School Based Consequences Administrative Conference/RPC Suspension Expulsion Drug Intervention Program Law enforcement will be notified	-----	-----	-----
<b>Assault (Verbal-Including Threats-On BRABEION ACADEMY Employee)</b>	Administrative Conference/RPC Suspension	Administrative Conference/RPC Suspension Law enforcement will be notified	Administrative Conference/RPC Progressive Suspension Law enforcement will be notified	Administrative Conference/RPC Progressive Suspension and/or Expulsion Law enforcement will be notified
<b>Assault (Student)</b>	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension Law enforcement will be notified	Administrative Conference/RPC Progressive Suspension Law enforcement will be notified	Administrative Conference/RPC Progressive Suspension and/or Expulsion Law enforcement will be notified
<b>Arson</b>	Administrative Conference/RPC Suspension Expulsion Law enforcement will be notified	-----	-----	-----
<b>Battery (Physical - On BRABEION ACADEMY Employee)</b>	Administrative Conference/RPC Suspension possible Expulsion depending on severity of any injuries Law enforcement will be notified	-----	-----	-----
<b>Battery-Student</b>	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Progressive Suspension, possible expulsion if continuous discipline problem	-----
<b>Campus Disruption - Major (includes incitement)</b>	Administrative Conference/RPC Suspension	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Progressive Suspension, possible expulsion if continuous discipline problem
<b>Campus Disruption - Minor</b>	School Based Consequence Parent Notification RPC	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Progressive Suspension

<b>Continual Disregard of School Rules</b>	Administrative Conference/RPC School Based Consequence Counselor Referral	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Progressive Suspension
<b>Controlled Substance / Substance Abuse / Substance Represented to be a Controlled Substance: Use/ Possession/ Sale/ Distribution</b>	Administrative Conference/RPC Suspension Expulsion Law enforcement will be notified	-----	-----	-----
<b>Controlled Substance Paraphernalia</b>	Administrative Conference/RPC Suspension Expulsion Law enforcement will be notified	-----	-----	-----
<b>Defiance of School Personnel</b>	Administrative Conference/RPC School Based Consequence	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Progressive Suspension
<b>Dress Code Violation (SSA)</b>	School Based Consequence	School Based Consequence Parent Notification Detention	Parent Notification RPC	Administrative Conference/RPC Suspension
<b>Extortion/Robbery</b> *law enforcement will be notified	Administrative Conference/RPC Restitution Suspension Expulsion	-----	-----	-----
<b>False Statements</b>	Administrator Conference/RPC School Based Consequence	Administrative Conference/RPC Suspension	Administrative Conference/RPC Suspension Expulsion	
<b>Fighting</b>	Administrative Conference/RPC Suspension 1 <sup>st</sup> Fight Notice	Administrative Conference/RPC Suspension Second Fight possible expulsion if continuous discipline problem	-----	-----
<b>Fireworks/Dry Ice Bombs</b> *law enforcement may be notified	Administrative Conference/RPC School Based Consequence Possible Suspension Law enforcement may be notified	Administrative Conference/RPC Suspension Possible Expulsion Law enforcement may be notified	Administrative Conference/RPC Suspension Expulsion Law enforcement may be notified	-----
<b>Forgery</b> *law enforcement may be notified	School Based Consequence Administrative Conference/RPC	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Suspension
<b>Gambling</b>	School Based Consequence Administrative Conference/RPC Suspension	Administrative Conference/RPC Suspension	-----	-----
<b>Gang Activity</b> *law enforcement may be notified	Administrative Conference/RPC Suspension	Administrative Conference/RPC Suspension Expulsion	-----	-----

<b>Continuous Disruption of School Discipline per section 33-205, Idaho Code</b>	Administrative Conference/RPC Suspension Expulsion	-----	-----	-----
<b>Harassment</b>	Administrator Conference/RPC School Based Consequence	Administrative Conference/RPC Suspension	Administrative Conference/RPC Suspension Expulsion	Administrative Conference/RPC Suspension Expulsion

<b>Horseplay</b>	School Based Consequence	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Progressive Suspension
<b>Illegal Conduct</b> *law enforcement will be notified	Administrative Conference/RPC Suspension Possible Expulsion	Administrative Conference/RPC Suspension Possible Expulsion	-----	-----

<b>Immoral/Lewd Conduct-Sexual</b>	Administrative Conference/RPC Suspension Expulsion Law enforcement will be notified	-----	-----	-----
<b>Immoral/Lewd Conduct</b> *non Sexual	Administrative Conference/RPC School Based Consequence Possible Suspension Law enforcement may be notified	Administrative Conference/RPC Suspension Possible Expulsion Law enforcement may be notified	Administrative Conference/RPC Suspension Expulsion Law enforcement may be notified	-----
<b>Insubordination</b>	Parent Notification School Based Consequence	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Progressive Suspension
<b>Nuisance Items</b>	Confiscation Parent Notification	Confiscation Parent Notification Counselor Referral School Based Consequence	Confiscation Administrative Conference/RPC School Based Consequence	Confiscation Administrative Conference/RPC Suspension
<b>Profanity</b>	Parent Notification School Based Consequence	Administrative Conference RPC	Administrative Conference/RPC Suspension	Administrative Conference/RPC
<b>Racially Derogatory Remarks</b>	Parent Notification RPC	Administrative Conference Suspension	Administrative Conference Progressive Suspension	Administrative Conference Progressive Suspension Expulsion
<b>Scholastic Dishonesty</b> *Including Plagiarism	Parent Notification School Based Consequence	Administrative Conference/RPC School Based Consequence Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Progressive Suspension
<b>Tardiness</b>	Detention	Detention School Based Consequence	Detention School Based Consequence	Detention Administrative Conference/RPC Suspension
<b>Theft</b> (includes possession of stolen property)	Administrative Conference/RPC Restitution School Based Consequence Suspension Law enforcement may be notified	Administrative Conference/RPC Restitution Suspension Law enforcement will be notified	Administrative Conference/RPC Restitution Suspension Expulsion Law enforcement will be notified	-----
<b>Threats, Bullying, Cyberbullying, and Intimidation to Student (by an individual and/or group)</b>	Administrative Conference/RPC School Based Consequence Suspension Law enforcement may be notified	Administrative Conference/RPC Progressive Suspension Law enforcement will be notified	Administrative Conference/RPC Progressive Suspension Expulsion Law enforcement will be notified	-----

<b>Threat – Against the School</b>	RPC, Suspension, Possible Expulsion			
<b>Tobacco (use/possession)</b>	Confiscation Administrative Conference/RPC School Based Consequence Counselor Referral	Confiscation Administrative Conference/RPC Suspension	Confiscation Administrative Conference/RPC Suspension	-----
<b>Vandalism/Destruction or Defacement of Property</b> *less than 500 dollars	Administrative Conference/RPC Restitution Suspension Law enforcement will be notified	Administrative Conference/RPC Restitution Suspension	-----	-----
<b>Vandalism/Destruction or Defacement of Property</b> *more than 500 dollars	Administrative Conference/RPC Restitution Suspension Expulsion Permanent Record Law enforcement will be notified	-----	-----	-----
<b>Verbal Altercation</b>	Administrative Conference/RPC Suspension	Administrative Conference/RPC Progressive Suspension	Administrative Conference/RPC Suspension	-----
<b>Firearm, Weapons, Spray Propellants (use/possession of tear gas/pepper spray/mace)</b>	Administrative Conference/RPC Suspension Expulsion Law enforcement will be notified	-----	-----	-----

## **GENERAL INFORMATION**

1. Contact parent with student present whenever possible on all offenses.
2. Give student the opportunity to tell what happened. Take written statements.
3. Utilize search methods in accordance with district regulation.
4. Explain the offense to the student, the appropriate behavior, the consequences of the offense, and the future action, which may occur should the behavior not improve.
5. Check and discuss the student's attendance record regardless of the offense.
6. Do not make deals.
7. Complete the appropriate paperwork accurately and in a timely manner.
8. Contact the appropriate law enforcement agency when a violation of law is thought to have occurred.
9. Explain the expectations in detention, on RPC, or on suspension.
10. Read and initial the trespassing warning on the RPC and suspension notices.
11. Immediately communicate with the principal over unusual circumstances or crisis situations.
12. Severity of infraction will determine severity of consequence.

\*Continual disregard for school rules and regulations will result in being designated as a student that is a Continuous Disruption of School Discipline (Section 33-205, Idaho Code) and recommended for alternative placement.

## **SIGNIFICANT DISCLAIMERS FOR THE PROGRESSIVE DISCIPLINE PLAN:**

- Students are disciplined in a progressive manner. It is not individual disciplinary events that are consequential; students are disciplined after careful consideration of their disciplinary history. Continued disregard for school rules is a key factor for all disciplinary consequences. Disciplinary action is also commensurate to the severity of the offense.
- For referrals initiated by the classroom teacher, consequence levels are based upon the teacher having followed all classroom progressive discipline steps.
- In-school consequences/interventions are not documented on the progressive plan. School Administration reserves the discretionary right to administer in-school consequences and/or interventions at any level. Some of these interventions may include but are not limited to: after-school detention, in-school suspension, required parent conference, suspension, school beautification program, attendance notification, daily attendance checks, counselor referral, RPC with in-school suspension for special education students, behavior contract, attendance contract, no contact/harassment

contract, student intervention program, Drug Education Program, and Parenting Solutions.

- Administrator Conference/Required Parent Conference (RPC) means that a student/parent/administrator conference will take place. As part of an RPC a student may or may not be temporarily removed from school depending on the seriousness or habitual nature of the infraction. The administrator has the right to temporarily remove a student for a limited amount of time to adequately investigate the incident(s), for the safety of the student/school community, and/or to conduct a conference with parents prior to having the student return to school. An RPC is NOT a suspension or expulsion.
- Every attempt will be made to contact a parent/guardian for each significant offense. Parents will receive written notification of all in-school consequences, RPCs, suspensions, referrals, and expulsion referrals.
- Suspensions may be assigned starting at a minimum of three 3 days, then increasing to five, seven, and ten.
- If the infraction has broken the law, law enforcement will be notified.
- For special education students, IEP behavior plans and modifications will be followed. If current behavior intervention plan (BIP) is insufficient, IEP team will re-convene and review placement, interventions, etc.
- Students' disciplinary records will be reviewed regularly. Students who meet the designation of a pupil that is a Continuous Disruption of School Discipline (Section 33- 205, Idaho Code) will be dealt with as per regulation.

**CRIMINAL OFFENSES** (As defined in applicable statutes or ordinances)

Violations of local, state, or federal laws shall be enforced on school properties or at activities sponsored by charter schools. Examples of such laws are indicated below:

1. ALCOHOL: The possession of, sales, and furnishing alcoholic beverages.
2. ARSON: The intentional setting of fire.
3. ASSAULT: Physical or verbal threats with the intent and the ability to carry through with same.
4. BATTERY: An unconsented-to touching or application of force to another person.
5. BOMB THREAT/FALSE: Willfully conveying by mail, written notes, telephone, telegraph, radio or any other means of communication, any threat knowing it to be false.
6. BURGLARY: Illegal entry with the intent to commit a crime.
7. DESTRUCTION OF PROPERTY: Willfully and maliciously destroying or injuring real or personal property of another.

8. DISTURBING THE PEACE: Maliciously and willfully disturbing the peace of any person; maliciously and willfully interfering with or disturbing persons in the school.
9. EXPLOSIVE DEVICES: The possession of explosive or incendiary devices.
10. FALSE FIRE ALARMS: False reporting of, or transmission of, signal knowing same to be false.
11. FIREWORKS: The possession of, sales, furnishing, use or discharge of fireworks.
12. INDECENT EXPOSURE: An open indecent or obscene exposure of his person or the person of another.
13. LARCENY: Stealing, taking, carrying away property of another.
14. LIBEL: A malicious defamation expressed to impeach a person's honesty, integrity, virtue, or reputation.
15. MARIJUANA: The possession of, sales, or furnishing marijuana. Rev. 2021 04 15
16. NARCOTICS: The possession of, sales, or furnishing a controlled substance.
17. NARCOTICS PARAPHERNALIA: The possession of, sales, furnishing, or use of.
18. PROFANITY: Use of vile or indecent language.
19. RESISTING OFFICER: Willfully resisting, delaying or obstructing an officer in the performance of duty.
20. ROBBERY: The unlawful taking of personal property from the person of another or in his/her presence, against his/her will, by means of force or violence or fear of injury.
21. ROUT/RIOT: Two or more persons meeting to do an unlawful act/two or more persons actually doing an unlawful act with or without a common cause of quarrel.
22. STOLEN PROPERTY: Receiving or possessing property of another, knowing or under such circumstances as would cause a reasonable person to know they were so obtained.
23. TAMPERING WITH MOTOR VEHICLES: Willfully break, injure, tamper, remove parts, deface a vehicle; without consent of owner, climb into or upon a vehicle with intent to injure; to manipulate any levers while vehicle is at rest or unattended or to set vehicle in motion.
24. THROWING SUBSTANCE AT VEHICLE: To throw any stone, rock, missile or any substance at any motorbus, truck or other motor vehicle.

25. TRESPASS: To be upon the property of another without permission of the owner and to stay upon same after warning. To be on school property or at a school function while under suspension from school.

26. WEAPONS: Other than obvious weapons, such as knives or firearms, this includes any object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person. "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

a. Brandishing any dangerous weapon or firearm in a rude, angry or threatening manner or to use same in any fight or quarrel.

b. Concealed - it is unlawful for any person to carry any dangerous weapon or firearm.

c. Possession - it is unlawful for any person to possess any dangerous weapon or firearm.

27. Violation of other federal or state criminal laws or local ordinances at school, at school-sponsored activities or on school-sponsored transportation is prohibited.

#### **CHARTER SCHOOL OFFENSES**

The following activities may also lead to disciplinary action. Generally, these are acts that disrupt and interfere with the educational process or with the rights of other members of the educational community.

1. ALCOHOLIC BEVERAGES: Being on campus, on school-sponsored transportation or at a school-sponsored activity after having consumed an alcoholic beverage.

2. DISOBEDIENCE, INSOLENT AND INSUBORDINATION: Students must obey the instructions of school personnel.

3. DISRUPTIVE CONDUCT: Conduct that interferes with the educational process. Serious situations may be handled under criminal sanctions.

4. FIGHTING.

5. FORGING OR USING FORGED PASSES, EXCUSES OR OTHER SCHOOL DOCUMENTS.

6. GUM CHEWING AND EATING FOOD AT INAPPROPRIATE TIMES OR IN INAPPROPRIATE PLACES AS DETERMINED BY THE ADMINISTRATOR.

7. HAZING: Any act that forces another student to undergo a humiliating or abusive ordeal, as in initiations.

8. **ILLEGAL SUBSTANCE:** Being on campus, on school-sponsored transportation or at a school-sponsored activity after having used an illegal substance.
9. **INAPPROPRIATE DRESS AND APPEARANCE:** Dress and appearance must not present potential health or safety problems or cause disruptions.
10. **MISCONDUCT ON SCHOOL VEHICLES:** Any action that creates a safety hazard or distracts the attention of the driver.
11. **PLAGIARISM AND CHEATING.**
12. **POSSESSION AND USE OF TOBACCO, CIGARETTES, CHEW, ETC., ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED ACTIVITY.**
13. **CELLULAR PHONES:** Students may possess or use electronic signaling devices, including but not limited to pagers, beepers, and cellular/digital telephones, provided that the use of such devices is before and/or after school hours or during lunch break. Inside school buildings and during the school day, electronic signaling devices shall be in the “off/silent” position at all times.
14. **SEXUAL HARASSMENT:** A student should not be sexually harassed, discriminated against, denied a benefit, or excluded from participation in any charter school educational program or activity as guaranteed by Title IX of the Educational Amendments of 1972. Sexual harassment is defined as the verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of the school or by a student of the school. No student shall be denied or limited to the provision of aid, benefits, services or treatment protected under Title IX.
15. **SPREADING FALSE OR UNSUBSTANTIATED INFORMATION IN WRITING OR VERBALLY ABOUT A PERSON AND HARMING HIS/HER REPUTATION.**
16. **TRAFFIC VIOLATIONS ON SCHOOL GROUNDS.**
17. **TRUANCY:** Being absent from school without a valid excuse acceptable to the administrator.

<b>Minor Classroom Disruption</b>	<b>Major Classroom Disruptions</b>
Sample minor infractions may include but are not limited to:	Sample major infractions may include but are not limited to:

Annoying fellow students Being rude Chewing gum Disrespectful behavior Eating or drinking in class Horse playing Insubordination Making derogatory comments Not following teacher directions Not paying attention Not prepared for class Off task Out of seat Possession of a nuisance item Public display of affection Running/playing around Talking back Talking loudly Talking out of turn	Alcohol use or possession Arson Assault or battery Computer misconduct Controlled substance Defiance of school personnel Disorderly conduct Explosive devices Fighting Gambling Gang activity Harassment Immoral conduct Incitement Robbery or extortion Threats to Brabeion personnel or student(s) Theft Tobacco Vandalism/Destruction of property Verbal abuse Weapons
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## SUSPENSIONS

Suspension is the temporary removal of a student from school or from school- sponsored activities. Students may be suspended for the following reasons:

1. Violation of any state law or local ordinance in a school building, on school grounds, or at a school-sponsored activity.
2. Violation of rules, policies, and procedures established for charter schools as outlined in this manual.
3. Student actions or inactions at school or a school-sponsored activity that disrupt, interfere with, or pose a threat to the educational program, other students, staff, visitors, or the student personally.

The primary purpose of suspension is to give the student, his/her parent(s) or guardian(s), and the school the time needed to resolve a problem. The duration of suspension is related to a course of action designed to resolve the problem.

### TYPES OF SUSPENSION:

1. **Emergency Suspension:** The administrator, or his or her designee, may suspend any student whose conduct is determined to be a clear threat to the physical safety of others or to the property interests of others. or is so extremely disruptive as to make the student's temporary removal necessary to preserve the right of the other students to pursue an education.

2. Long-Term Suspension: A student may be suspended from school or from an interscholastic activity for more than ten (10) days by the school's governing body.
3. Short-Term Suspension: A student may be removed from school and/or from interscholastic activities for no less than three (3) and no more than ten (10) days by the administrator.
4. In-School Suspension: A student may be removed from his/her classes and all school activities for no more than ten (10) days and during the term of suspension the student will remain in a separate supervised area of the school.

The primary intention of this action is to gain cooperation with the student's parent(s) or guardian(s) and to isolate the student from all regular academic and social activities. If this action seems warranted after an investigation and after consultation with the parent(s) or guardian(s), the administrator, or his or her designee, shall take action.

#### **SPECIAL CONDITIONS OF SUSPENSION:**

1. A student may not participate in extracurricular activities during the term of his/her suspension.
2. Suspensions may be reflected in the student's class citizenship or school citizenship grade.
3. Notations of suspensions from school will be made in the student's cumulative folder.
4. Schoolwork missed as a result of suspensions that last 10 days or less may be made up through the completion of make-up work. Any work that cannot be made up, or is not made up, will result in the lowering of the academic grade for the grading period, and it may result in loss of credit.

A pupil may be removed from school immediately for any of the following:

1. Posing a continuing danger to persons or property,
2. Posing an ongoing threat of disrupting the academic process,
3. Selling or distributing any controlled substance, or
4. Being found in possession of a weapon as provided section 33-205, Idaho Code.

When a student is removed for any of these reasons the student shall be given an explanation of the reasons for his or her removal. The student shall also be given an explanation of pending proceedings, to be conducted as soon as practicable after removal for his or her suspension or expulsion. In all other cases involving suspension, the administrator shall:

1. Tell the student you are meeting with him/her to investigate allegations that the student has violated laws, rule(s), state charter school policies, or the school's policies.
2. Tell the student the specific laws, rule(s), or policies that are alleged to have been violated and that, if the evidence supports the allegations, there will be consequences up to and including suspension from school. Ask if he/she understands the allegation(s).
3. Explain to the student the evidence you have regarding the alleged violation(s).
4. Ask the student if he/she admits or denies the allegation(s). If the student admits to violation(s), assign appropriate consequences. If the student denies the allegation(s), give him/her the chance to explain and present his/her side of the story. The administrator will consider the student's explanation and, if the administrator deems it appropriate, may investigate the matter further.

(This does not mean that the student can secure counsel, confront, and cross-examine witnesses, or call witnesses on his/her behalf to present his/her case.)

5. After hearing the student's explanation and evidence, the administrator should determine if he/she needs more information and, if so, obtain it before a decision. If not, the administrator should determine what, if any, violations exist and assign appropriate consequences.
6. If the student has a behavior plan, the administrator should review the plan with the student. If the student does not have a behavior plan then a behavior plan may be written.
7. If suspension is appropriate, the administrator shall notify the student that he/she will be suspended for (number of days) and when it will be commencing (starting date).
8. The administrator shall notify the parents of the suspension as soon as possible by phone or in person and follow up that notification with a letter, which will be placed in the student's file

## **EXPULSION AND LONG TERM SUSPENSION**

When it is determined that a student's behavior seriously interferes with the educational program or the safety or welfare of school personnel or other students, the charter school's governing body may remove the student from further attendance in the charter school in accordance with Section 33-205, Idaho Code.

### **STATE-MANDATED EXPULSION:**

A student shall be suspended for at least a period equal to one (1) year from the school s/he attends if on the first occurrence, the student is found in possession of a dangerous weapon while on the premises of any public school, at any activity sponsored by a public school, or on any school bus.

Any student who commits the conduct described above, will be placed on emergency suspension pending investigation and determination of final action to be taken in the matter.

#### **EXPULSION AND LONG TERM SUSPENSION HEARINGS:**

If after an investigation it is determined by the administrator that a long term suspension or expulsion is appropriate, the student will be provided a hearing before the school's governing body. The governing body will decide in accordance with procedures in section 33-205 of Idaho Code whether or not the student shall be put on a long term suspension or be expelled as recommended by the school administrator.

The hearing shall be closed to the public. A tape recording of the hearing will be made by the governing body. Upon request the student may obtain a copy of the hearing recording. The student shall have the right to be represented by counsel or an advocate of his/her choosing.

Both the student and the administrator may call witnesses and present evidence. The board of directors shall not be required to observe the same rules of evidence observed by the courts. Hearsay testimony of students shall be admissible.

The standard of proof shall be that of a civil action: a preponderance of the evidence. The hearing officer's determination of the appropriate consequences shall be based on the seriousness of the conduct as well as the student's prior disciplinary record insofar as it affects the effectiveness, or ineffectiveness, of forms of discipline previously imposed.

Within five (5) days of the hearing, an authorized representative of the board will give notice to the pupil's parents and to the prosecuting attorney of the county of the pupil's residence under the purview of the juvenile corrections act.

#### Policy History

Adopted: June 15, 2026

Revised on: June 22, 2026

Reviewed on: June 15, 2026



## ***Brabeion Academy Policy 3000s: Students***

**BRABEION ACADEMY**

**3255**

### **Student Standard Attire**

Brabeion Academy will be following a policy of standard student attire. By wearing school uniforms, students will become part of a team. It is this team effort and sense of belonging that will help students experience a greater sense of identity and promote academic excellence. We are committed to keeping the cost of uniforms as low as possible for our families.

**Shirts:** Students must wear school-provided or school store purchased daily uniform t-shirts and sweatshirts.

**Pants, Skirts, Shorts, Capris, Jumpers:** Students must wear school-provided or school store purchased daily uniform shorts, pants or skirts.

**Shoes or Sneakers:** Shoes/sneakers must fit securely on the foot. Flip flops and Heelys are not allowed. Sandals may be worn provided that they don't interfere with the safety and welfare of the student. All shoes must have a back.

**Accessories:** No hats may be worn during the school day.

**Hair:** Hair color will be within natural color spectrum (brown, black, blonde, or auburn)\*

Accommodations for religious practices or disabilities may be granted on an individual basis.

*\*Administration reserves the right to deem hair color or hair style a distraction to instruction.*

Policy History

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Reviewed on: June 15, 2026



## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3270**

#### **Charter School-Provided Access to Electronic Information, Services and Networks**

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

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

#### **Curriculum**

In accordance with this policy and the Board's philosophy to ensure the safety of all students, the Charter School shall provide an appropriate planned instructional component for internet safety which shall be integrated into the School's regular instructional program. In compliance with the Children's Internet Protection Act this instruction will include information on the safe use of social networking sites and instant messaging, the characteristics of cyber-bullying, and recommended responses.

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

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

#### **Acceptable Uses**

Acceptable Use: Access to the School's electronic networks must be:

1. For the purpose of education or research and consistent with the educational objectives of the School; or
2. For legitimate business use.

### **Unacceptable Uses of Network**

The unacceptable uses described in 3270P are considered examples of unacceptable uses and constitute violations of this policy. Additional uses may also be unacceptable.

### **Internet Safety**

Each School computer with internet access shall have a filtering device that blocks access to visual depictions that are obscene, pornographic, harmful, or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Head of School and Sport or designee. The filter may also block other materials students are prohibited from accessing by School policy or procedure. The Head of School and Sport or designee shall enforce the use of such filtering devices.

The School shall require that any vendor, person, or entity providing digital or online library resources to the School for use by students verify they have policies and technology protection measures:

1. Prohibiting and preventing users from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined by section 18-1514, Idaho Code; and
2. Filtering or blocking access to obscene materials, materials harmful to minors, and materials that depict the sexual exploitation of a minor, as defined in chapter 15, title 18, Idaho Code.

The School will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or other material that is inappropriate or harmful to minors as defined in section 18-1514 Idaho Code or as defined in 47 USC Section 254.

Filtering should also be used in conjunction with:

1. Educating students on appropriate online behavior;
2. Requiring students review and sign Form 3270F Internet Access Conduct Agreement;
3. Using behavior management practices for which internet access privileges can be earned or lost; and
4. Appropriate supervision, either in person and/or electronically.

The building principal shall monitor student internet access:

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

### **Student Use of Social Media**

Students will be held accountable for the content of the communications that they post on social media websites and are responsible for complying with School policy. Students may not disrupt the learning atmosphere, educational programs, School activities, or the rights of others.

All requirements of this policy apply to use of social media through the School network or equipment or as part of a class assignment.

### **Internet Access Conduct Agreements**

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

### **Warranties/Indemnification**

The School makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the internet provided under this policy. The School is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the internet. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the internet is at the user's own risk. The School specifically denies any responsibility for the accuracy or quality of information obtained through its services. The School will not be responsible for any unauthorized charges or fees resulting from access to the internet, and any user is fully responsible to the School and shall indemnify and hold the School, its Board Directors, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user's access to its computer network and the internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user and attorney fees. The user or, if the user is a minor, the user's parent(s)/legal guardian(s) agrees to cooperate with the School in the event the School initiates an investigation of a user's use of his or her access to its computer network and the internet.

### **Violations**

If any user violates this policy, the student's access to the School's internet system and computers will be denied, if not already provided, or withdrawn and he or she may be subject to additional disciplinary action. The Head of School and Sport or designee will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with his or her decision being final. Actions which violate local, State, or federal law may be referred to the local law enforcement agency.

If the actions of the individual are also in violation of other School discipline policies, said student shall be subject to additional possible disciplinary action based upon these policies.

### **Internet Safety Coordinator**

The Head of School and Sport shall serve, or appoint someone to serve, as "Internet Safety Coordinator" with responsibility and authority for ensuring compliance with the requirements of federal law, State law, and this policy. The Internet Safety Coordinator shall develop and maintain administrative procedures to enforce the provisions of this policy and coordinate with the appropriate School personnel regarding the internet safety component of the School's curriculum. The Internet Safety Coordinator shall handle any complaints about the enforcement of this policy or refer them to other appropriate personnel depending on the nature of the complaint.

The Internet Safety Coordinator shall maintain documentation evidencing that instruction by School personnel on internet safety is occurring School wide.

### **Public Notification**

The Internet Safety Coordinator shall inform the public via the main School web page of the School's procedures regarding enforcement of this policy and make them available for review at the School office.

### **Submission to State Department of Education**

This policy shall be filed with the State Executive Director of Public Instruction every five years after initial submission and subsequent to any edit to this policy thereafter.

Cross References:

2335 Digital Citizenship and Safety Education

3330 Student Discipline

Legal References:

20 U.S.C. § 7131 Internet Safety

20 U.S.C. § 9134(f) State Plans - Internet Safety

I.C. § 33-132 Local School Boards — Internet Use Policy Required

I.C. § 18-1514(6) Children and Vulnerable Adults — Obscene Materials — Definitions — "Harmful to Minors" Defined

I.C. § 33-137 Digital and Online Library Resources for K-12 Students

Policy History

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3275**

#### **School Provided Mobile Computing Devices (Allowed to Take Home)**

Brabeion Academy is committed to providing a safe, rigorous, and engaging learning environment that prepares all students to be career and college ready. Accessing and using technological resources is one of the cornerstones of a 21st century education. This document describes the rules for acceptable use of School-issued mobile computing devices on and off School premises. Using these resources responsibly will promote educational excellence by facilitating resource sharing, fostering creativity, and promoting communication in a safe, secure environment for all users.

#### **Distributing Mobile Computing Devices**

Mobile Computing Devices can be loaned out on an as needed basis to students for use during reinforcement days. Before they are issued a mobile computing device, each student must submit an executed Student Agreement for Mobile Computing Device Use and a copy of the Internet Access Conduct Agreement. Each form must be signed by the student and by their parent/guardian if they are less than 18 years of age.

The School may provide parent orientations on the mobile computing device program. A student's parents/guardians are encouraged to attend an orientation before the student takes a device home with them.

Parents/guardians of students may use the School-issued device, and their involvement in student learning through technology is strongly encouraged. However, use of School-issued technology outside of this purpose, such as for personal gain or activities unrelated to student learning, is prohibited. Both parent and student use of the School's device, network, and software may be subject to a public records request depending upon the content of the document or communication, including email. Students may take the devices out of Idaho at the discretion of the building principal. The School directs the Chief Education Officer to establish procedures for students to request permission to take the device with them.

At the end of the school year, the School will collect all devices from students. At the School's discretion, students may be issued devices to support summer school programs.

The Chief Education Officer shall establish procedures for the maintenance of records regarding the devices, including tracking device inventory and which device is issued to which student.

## **Care and Safety**

Students are responsible for the general care of the device they have been issued by the Charter School and are expected to observe the following precautions:

1. No food or drink is allowed next to a device while it is in use;
2. Insert and remove cords, cables, and removable storage devices carefully;
3. Shut down the device when not in use to conserve battery life;
4. Stickers, drawings, or permanent markers may not be used on the device;
5. Do not vandalize the devices or any other School property;
6. Devices must never be left in any unsupervised area.
7. Students are responsible for keeping their device's battery charged for School each day;
8. Do not place anything near the device that could put pressure on the screen;
9. Clean the screen with an anti-static cloth or any other soft, dry cloth;
10. Devices should not be stored in a student's vehicle, or anyplace else subject to extreme temperatures;

The Chief Education Officer will designate an individual or office where the devices must be taken if they break or fail to work properly.

## **Use at School**

Devices are intended for use at the School each day. Students are responsible for bringing their device to all classes unless specifically advised not to do so by their teacher. Devices must be brought to school each day in a fully charged condition. Power cords must stay with the device at all times. Repeat failures to comply with these requirements will result in disciplinary action.

If students leave their device at home, they may phone their parent/guardian to bring it to the School. Students without a device will use a computer in the classroom or a device from the lending pool depending upon availability and at the administrator's discretion. This includes students whose devices are undergoing repair.

Sound must be muted or headsets must be used at all times unless the teacher directs otherwise.

Students may use printers in classrooms, the library, and computer labs with teachers' permission during class or breaks. All printing should be limited to educational purposes.

The use of cameras in any type of electronic device is strictly prohibited in locker rooms, restrooms, and classrooms unless a certified Charter School employee authorizes the student to do otherwise. Where students are allowed to use electronic devices, they are required to obtain permission before taking a photograph or video of any individual. Students must also obtain permission from any individual appearing in a photograph or video prior to posting on any social networking site or other internet site.

Students found to be using any type of school issued device in any way to send or receive personal messages, data, or information that would contribute to or constitute cheating on any student assessment, project, or assignment shall be subject to discipline.

Students violating the provisions of this policy are subject to disciplinary action, including detention, suspension, or expulsion. Where appropriate, police authorities may be contacted.

## **Personalizing Mobile Computing Devices**

While at no time does the device become the personal property of students or staff; students may place individualized items on the device, which are limited to music, pictures, and other items that do not hinder the network or device functionality.

Students may be permitted to select their own screen savers and backgrounds provided they are appropriate. Screensavers, backgrounds, or other pictures containing guns, weapons, pornographic materials, inappropriate language, alcohol, drugs, gang related symbols or pictures, the student's password or other items deemed inappropriate by the administration will result in disciplinary actions.

Students may not add options or upgrades to the device, change the operating system, or add unauthorized software or safety controls.

Should students or parents/guardians place personalized items on the device, such items may be accessed or viewed by School staff at any time, for any reason, including randomly selected device reviews. No content placed on School provided devices is privileged or confidential.

Should students or parents/guardians place personalized items on the device in violation of this policy such items may be accessed or viewed by School staff at any time, for any reason, including randomly selected device reviews. No content placed on School provided devices is privileged or confidential.

### **Managing Files**

Once details are known about the availability of file space that is shared or is backed up automatically, the Chief Education Officer will set a procedure for where students and teachers should save important documents.

Students should also back up their work frequently using removable file storage or by e-mailing important documents to themselves. It is the student's responsibility to ensure that work is not lost due to mechanical failure or accidental deletion. Device malfunctions are not an acceptable excuse for not submitting work.

### **Software**

The software originally installed by the School must remain on the device in usable condition and be easily accessible at all times.

From time to time the School may add or update software applications. The licenses for this software sometimes require that the software be deleted from devices at the completion of a course. Periodic reviews of devices will be made to ensure that students have deleted software that is no longer required in class and that the School has not exceeded its licenses. All devices will be equipped with anti-virus protection software which will be upgraded regularly. It is the responsibility of individual students to be aware of additional software programs and files loaded onto their device which are required for classes or School activities.

Students wishing to load additional software onto a device must first obtain the permission of the School's technology department. Any additional software must be appropriate for the School environment and comply with the Internet Access Conduct Agreement. Violent games and device images containing obscene or pornographic material are banned. The technology department shall determine whether a game is violent, and the student may appeal this decision to the Chief Academic Officer. Each student is responsible for ensuring that only licensed software is loaded onto his or her device.

### **Inspection and Filtering**

Filtering software will be used to prevent access to material considered inappropriate or harmful to minors.

Internet filtering software or other technology-based protection systems may be disabled by a supervising teacher or school administrator, as necessary, for purposes of bona fide research or other

educational projects being conducted by students age 18 and older.

Students may be selected at random or for cause to provide their device for inspection. If technical difficulties occur or unauthorized software or any other violation of School policy is discovered, all files and the hard drive may be reformatted. Only authorized software will be installed. The School does not accept responsibility for the loss of any software or other materials deleted due to a reformat and reimage.

Electronic mail, network usage, and all stored files shall not be considered confidential and may be monitored at any time by designated School staff to ensure appropriate use. The School will cooperate fully with local, state, or federal officials in any investigation concerning or relating to violations of law.

### **Remote Access of Devices**

Devices may be equipped with the ability to be accessed remotely in the case of technical problems requiring remote assistance, missing or stolen devices, or other for any other appropriate Charter School purpose. A student does not need to be asked for permission prior to remote software maintenance.

### **Acceptable Use**

Access to the devices is a privilege and not a right. Each employee, student, and parent will be required to follow the Internet Access Conduct Agreement and the Acceptable Use of Electronic Networks Policy. Violation of these policies, whether by the student or another party, while the device is in student custody may result in disciplinary action for the student, possible revocation of device privileges, and/or contacting law enforcement authorities.

### **Protecting and Storing Devices**

Students are expected to password-protect their devices and shall keep their passwords confidential.

When students are not using their devices, the devices should be stored in their lockers. Students are encouraged to take their devices home every day after school.

Under no circumstances should devices be left in unsupervised areas. Unsupervised areas include the School grounds, the cafeteria, computer lab, locker rooms, library, unlocked classrooms, dressing rooms, and hallways. Unsupervised devices will be confiscated by staff and taken to the building Chief Education Officer's office. Disciplinary action may be taken for leaving a device in an unsupervised location.

### **Repair of Devices**

Students are to report all device problems to the Executive Assistant, they will then submit a help ticket to the Tech Department.

The Chief Education Officer will issue a document clarifying student or parental responsibility for lost and damaged devices when the details of the School's insurance policy are known.

### **Cross References:**

3265A2 Student Owned Electronic Communication Devices (Devices Allowed)

3270F Internet Access Conduct Agreement

3270P Acceptable Use of Electronic Networks

### **Legal References:**

Pub. L. 106-554 CIPA Public Law Number

47 U.S.C. § 254(h) Telecommunications Services for Certain Providers

47 U.S.C. § 254(l) Internet Safety Policy Requirement for Schools and Libraries

Other References: Technology Task Force Final Task Force Recommendations

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3280**

#### **Equal Education, Nondiscrimination and Sex Equity**

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

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

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

In compliance with federal regulations, the School will notify annually all students, parents, staff, community members, and, if applicable, unions or professional organizations the School holds a collective bargaining agreement with this policy and the designated coordinator to receive inquiries. Notification should include the name and location of the coordinator, as well as a statement that the School will provide equal access to the Boy Scouts and other designated youth groups. The notification will be provided in all handbooks.

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

#### **Cross References:**

4175 Required Annual Notices

#### **Legal References:**

20 U.S.C. §§ 1681 - 82 Title IX of the Education Amendments of 1972

29 U.S.C. § 794 Section 504 of the Rehabilitation Act of 1973 - Nondiscrimination under Federal Grants and Programs

42 U.S.C. § 6101, et seq. Age Discrimination in Federally Assisted Programs

42 U.S.C. § 12134 Americans with Disabilities Act

I.C. § 67-5909 Commission on Human Rights – Acts Prohibited

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## ***Brabeion Academy*** ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3285**

### **Relationship Abuse and Sexual Assault Prevention and Response**

The Board endeavors to take steps to prevent and respond to known instances of relationship abuse and sexual assault. Such conduct by students or third parties is strictly prohibited and shall not be tolerated on School premises, or at any School sponsored activity, regardless of location including, but not be limited to buildings, facilities, and grounds on the School campus, School buses (if applicable), School parking areas, and the location of any School sponsored activity. This includes instances in which the conduct occurs off the school premises but impacts a school-related activity.

Relationship abuse includes the intentional use of physical, sexual, verbal, or emotional abuse or violence by a person to harm, threaten, intimidate, or control another person in a current or past dating relationship. Sexual assault includes sexual violence, sexual abuse, sexual stalking, and rape.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Head of School and Sport or Board.

Students or third parties may also be referred to law enforcement officials. Should the School or any of its employees have reason to believe that a child under 18 years of age has been abused, abandoned, or neglected or has been subjected to conditions which would reasonably result in abuse, abandonment, or neglect, the School shall follow appropriate reporting requirements pursuant to the Child Protective Act.

The Head of School and Sport is hereby directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, the definition of abuse pursuant to the Child Protective Act, reporting and investigative procedures, prevention and response procedures, and provisions to ensure notice of this policy is provided to students.

The Board shall review this policy annually.

#### **Addressing Sexual Assault**

Any person wishing to report an instance of sexual assault may submit a completed Complaint Form 3295F to the non-discrimination coordinator.

When the School becomes aware of a report of sexual violence against a student, the school shall direct

the nondiscrimination coordinator to investigate the incident in accordance with Policy 4120 Uniform Grievance Procedure and with Title IX of the Education Amendments of 1972. This shall apply to sexual assaults that occur on School grounds; in the context of a School education program or activity of the school, whether on School property or not; or which have continuing effects on campus on or in an off-grounds education program or activity. This shall occur regardless of whether the assault is brought to the school's attention by a student or other person making a report to a School employee, by the witnessing of an incident by a School employee, media reporting, or any other channel. The nondiscrimination coordinator shall assess whether a sexual assault has occurred based on a standard of whether it is more likely than not that the sexual assault occurred based on the preponderance of the evidence.

The school shall maintain the confidentiality of the student, as far as possible, and may notify the student of what information may need to be disclosed in the course of the investigation, to whom, and why. The school shall take steps to prevent retaliation against a student who files a complaint regarding sexual assault. The school shall immediately act to remediate the situation, without waiting for the completion of the investigation, and shall notify the student of any services available to assist him or her.

Such remediation during or following an investigation may include:

1. Providing an effective escort to ensure the complainant can move safely between classes and activities;
2. Ensuring that the complainant and the perpetrator or alleged perpetrator do not share classes or extracurricular activities;
3. Provision of victim services such as medical, counseling, and academic support services;
4. Arranging for the complainant to have extra time to complete or retake a class without academic penalty;
5. Disciplinary action against the perpetrator;
6. Counseling for the perpetrator;
7. Conducting training with a group of students if, for example, the sexual violence created a hostile environment within a particular grade level or on a sports team;
8. Ensuring the School has access to a counselor trained to assist victims of sexual violence;
9. Training employees on how to handle reports of sexual violence;
10. Informing students about the problem of sexual violence and how to seek assistance;
11. Conducting bystander intervention and sexual assault prevention programs with students;
12. Issuing official statements that the School will not tolerate and will respond to any incidents of sexual violence; and
13. Assessing the School climate to determine whether the campus is free of sexual violence and determining what steps should be taken to address any problems.

Following the investigation, to the extent possible and not in violation of any applicable law, the complainant shall be notified of the outcome of the complaint, including whether the investigation determined that the alleged conduct occurred, remedies being offered to the complainant, any sanctions imposed on the perpetrator that directly relate to the complainant, and any other steps taken to eliminate the hostile environment or prevent a recurrence.

Legal References:

I.C. § 16-1601, et seq. Child Protective Act  
IDAPA 08.02.03.160 Safe Environment and Discipline

Other Reference: US Department of Education: Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence (2014) (available at : <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>) (last accessed November 18, 2019).

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3290**

#### **Sexual Harassment/Intimidation of Students**

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

1. Denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
  - A. Substantially interfering with the student's educational environment;
  - B. Creating an intimidating, hostile, or offensive educational environment;
  - C. Depriving a student of educational aid, benefits, services, opportunities or treatment; or
  - D. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

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

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

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

The School will make every effort to ensure that employees or students accused of sexual harassment or

intimidation are given the appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

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

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

Cross Reference:

§ 4120 Uniform Grievance Procedure

Legal References:

20 U.S.C. §§ 1681 - 82 Title IX of the Education Amendments of 1972

34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (Implementing Title IX)

I.C. § 67-5909 Commission on Human Rights - Acts Prohibited

I.D.A.P.A. 08.02.03.160 Safe Environment and Discipline

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3295**

#### **Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying**

The Board of Directors is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, cyber bullying, or bullying by students or third parties is strictly prohibited and shall not be tolerated at Brabeion Academy. This includes actions on school grounds, school property, school buses, at school bus stops, at school sponsored events and activities, and through the use of electronic technology or electronic communication equipment on school computers, networks, forums, or mailing lists and actions at locations outside of those listed above that can be reasonably expected to materially and substantially interfere with or disrupt the educational environment of the school or impinge on the rights of other students at school.

The Board expects all students to treat each other with civility and respect and not to engage in behavior that is harmful to another student or the property of another student. The Board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, and for the educational purpose underlying all school activities.

#### **Discipline**

Students whose behavior is found to be in violation of this policy will be subject to discipline and graduated consequences, up to and including expulsion consistent with the Board's policy on student discipline. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Chief Education Officer or Board.

Students or third parties may also be referred to law enforcement officials.

#### **Notification**

Information on Brabeion Academy's bullying policy and relevant procedures shall be provided in writing at the beginning of each school year to school personnel, parents, and students at Brabeion Academy and included in student handbooks. Information provided to students shall be provided in a manner appropriate to the student's age, grade and level of academic achievement.

**Procedures**

The Chief Education Officer is directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, reporting and investigative procedures, rules for disciplining students who violate this policy, and provisions to ensure notice of this policy is provided to students, teachers, and third parties.

**Reporting**

Brabeion Academy shall annually report bullying incidents to, and in the manner and on the form provided by, the State Department of Education.

The Board shall review this policy annually.

Legal References:     I.C. § 18-917 Hazing  
                              I.C. § 18-917A Student Harassment – Intimidation – Bullying  
                              I.C. § 33-205 Denial of School Attendance  
                              I.C. § 33-512 Governance of Schools  
                              I.C. § 33-1630 Requirements for Harassment, Intimidation, and Bullying  
                              Information and Professional Development  
                              I.C. § 67-5909 Acts Prohibited  
                              20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments 34  
                              CFR Part 106 Nondiscrimination on the Basis of Sex in Education  
                              Programs or Activities Receiving Federal Financial Assistance  
                              IDAPA 08.02.03.160 Safe Environment and Discipline

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3300**

#### **Drug Free School Zone**

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire School community. As the educational institution of this community, the School should strive to prevent drug abuse and help drug abusers by educational, rather than punitive means.

For purposes of this policy, “Drugs” shall mean:

1. All dangerous controlled substances as so designated and prohibited by Idaho law;
2. All chemicals which release toxic vapors;
3. All alcoholic beverages;
4. Tobacco products;
5. Any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
6. “Look-alikes”;
7. Anabolic steroids;
8. Any other illegal substances so designated and prohibited by law.

In accordance with federal law, the Board hereby establishes a “Drug-Free School Zone” that extends 1000 feet from the boundary of any School property. The Board prohibits the use, possession, concealment, delivery, or distribution of any drug or any drug-related paraphernalia at any time on School property, within the Drug-Free School Zone, or at any School-related event. Furthermore, the Head of School and Sport or designee shall take the necessary steps to ensure that an individual 18 years of age or older who knowingly delivers or distributes controlled substances so designated and prohibited by Idaho law within the Drug-Free School Zone to another person is prosecuted to the fullest extent of the law.

The Head of School and Sport shall prepare guidelines for the identification and regulation of drug use in the School. Such guidelines shall emphasize the prevention of drug use and include a statement to students that use of illicit drugs and the unlawful possession of alcohol is harmful. The student handbook shall provide standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on School premises or as a part of any School activity.

Sanctions for violation of this or any other policy which addresses illegal drug and alcohol possession,

use, or distribution may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment.

The Board shall review this policy annually.

Cross Reference:

§ 3330 Student Discipline.

Legal References:

Pub. L. 101-226 The Anti-Drug Abuse Act of 1986, Title IV, Subtitle B: The Drug-Free Schools and Communities Act of 1986 (as amended)

I.D.A.P.A. 08.02.03.160 Safe Environment and Discipline

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## *Brabeion Academy*

### *Policy 3000s: Students*

**BRABEION ACADEMY**

**3330**

#### **Student Discipline**

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

- Habitual truancy.
- Incurability.
- Academic Dishonesty.
- Conduct continuously disruptive of school discipline or of the instructional effectiveness of Brabeion Academy.
- Conduct or presence of a student when the same is detrimental to the health and safety of other pupils.
- Using, possessing, distributing, purchasing, or selling tobacco products.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend school functions and are treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs and drug paraphernalia. Students who are under the influence are not permitted to attend school functions and are treated as though they had drugs in their possession.
- Assembly or public expression that advocates the use of substances that are illegal to minors or otherwise prohibited within this policy.
- Using, possessing, controlling, or transferring a weapon in violation of the "Possession of Weapons in a School Building" section of this policy.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- Disobeying directives from staff members or school officials and/or rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal,

- school property or another person's property.
- Engaging in any activity that constitutes disorderly conduct, an interference with school purposes or an educational function or disruptive to the educational environment.
- Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Hazing – For purposes of this policy, the term “hazing” shall have the meaning set forth in Idaho Code.
- Initiations
- The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the school.
- Harassment, intimidation, cyber bullying, or bullying as defined in Idaho Code and Charter School policy.

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

- On, or within sight of, school grounds before, during, or after school hours or at any other time when the school is being used by a school group;
- Off school grounds at a school-sponsored activity, or event, or any activity or event which bears a reasonable relationship to school;
- Traveling to and from school or a school activity, function or event; or
- Anywhere, including off-campus, if the conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member, or an interference with the education environment.

### **Traditional Disciplinary Measures**

Traditional disciplinary measures include, but are not limited to:

- expulsion
- suspension
- detention, including Saturdays
- clean-up duty
- loss of student privileges
- notification to juvenile authorities and/or police
- temporary removal from the classroom;
- meeting with the student and the student's parents; and
- restitution for damages to school property

No person who is employed or engaged by Brabeion Academy may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include, and Brabeion Academy of Idaho personnel are permitted to use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense.

### **Alternative Disciplinary Measure**

Alternative disciplinary action is discipline other than traditional suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to

relationships and persons from the student's misbehavior.

Alternative discipline includes, but is not limited to:

- Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- Mediation when there is mutual conflict between peers, rather than one-way negative behavior;
- Counseling;
- Anger management;
- Health counseling or intervention;
- Mental health counseling;
- Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution, and restorative conferencing;
- Diversion or use of juvenile specialty courts;
- Behavioral management plan;
- Corrective instruction or other relevant learning or service experience;
- Community service; and
- In- school detention or suspension, which may take place during lunchtime, after school or on weekends.

### **Consequences for Harassment, Intimidation, and Bullying**

Students engaging in harassment, intimidation, or bullying will be subject to graduated consequences appropriate to the severity of the violation as determined by the Board, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences for bullying may include any of the above listed traditional or alternative disciplinary measures or a combination thereof in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. However, depending upon the nature of the act, the Brabeion Academy reserves the right to deviate from the process of graduated consequences to appropriately address the conduct at issue and move directly to suspension or expulsion proceedings. Brabeion Academy personnel may also report the student's conduct to the appropriate law enforcement officials.

### **Threat of Violence**

Any student threatening violence against the school or against members of the student body is guilty of a misdemeanor crime and is subject to penalties up to and including expulsion.

If it is determined that a weapon was involved, or the threat of the use of a weapon in any threat against the school or against any member of the student body then the said perpetrator is guilty of a felony and will be subject to denial of school attendance.

### **Disciplining Students on Individual Education or Section 504 Plans**

The Brabeion Academy shall comply with the procedural safeguards enumerated in state and federal law and rule when disciplining students with individualized education plans or 504 plans.

### **Gun-Free Schools**

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered, or looks like, a firearm, shall be expelled for a definite period of time of at least one (1)

calendar year. The Board, however, may modify the expulsion period on a case-by-case basis. The building administrator shall notify the appropriate law enforcement agency of any student who brings a firearm to school.

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

Any student subject to an expulsion shall be entitled to a hearing before the Board, in accordance with Idaho Code and Policy 3340.

### **Possession of a Weapon on School Property – Misdemeanor**

No person shall possess a firearm or other deadly or dangerous weapon while on school property or in those portions of any building or other structure on school grounds which, at the time of the violation, are being used for an activity sponsored by or through a school in this state or while riding school provided transportation. This also applies to students of schools while attending or participating in any school sponsored activity, program or event regardless of location.

As used in this section of this Policy only:

- (a) "Deadly or dangerous weapon" means any weapon as defined in United States Code;
- (b) "Firearm" means any firearm as defined in United States Code;

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

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

This section of this policy does not apply to:

1. law enforcement personnel;
2. Any adult over eighteen (18) years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his vehicle in an unobtrusive, nonthreatening manner;
3. A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students or school employees to and from school or a school activity;
4. A person or an employee of the Brabeion Academy who is authorized to carry a firearm with the permission of the Head of School and Sport.

### **Delegation of Authority**

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

### **Nondiscrimination**

Brabeion Academy will ensure that student discipline is enforced in a nondiscriminatory manner to avoid subjecting similarly situated students to different treatment without a legitimate reason for doing so, or when such a reason is merely a pretext for discrimination. Such discrimination, which Brabeion Academy will endeavor to avoid, includes the following:

1. Adopting discipline rules which treat students differently based on age, race, religion, disability, or gender;
2. Adopting any rule with the intention of targeting students based on the personal characteristics listed above, rather than for a legitimate purpose, regardless of whether the phrasing of the rule appears neutral with regard to students' personal characteristics;
3. Enforcing an apparently neutral rule more harshly on the basis of a student's personal characteristics; or
4. Discipline of any student when it is motivated by intentional discrimination.

### **Notification**

A summarized version of this policy shall be provided in writing at the beginning of each school year to the school personnel, parents, and students in Brabeion Academy. Information provided to students shall be provided in a manner appropriate to the student's age, grade, and level of academic achievement.

The Board shall review this policy annually.

### **Cross Reference:** 3295

Hazing, Harassment, Intimidation, Bullying, and  
Cyber Bullying

### **Legal Reference:**

18 U.S.C. § 930  
Federal Facilities

Possession of Firearms and Dangerous Weapons in

18 U.S.C. § 921

Firearms - Definitions 20

U.S.C. § 7961

Gun-Free Requirements

29 U.S.C. § 701, *et seq.* Section 504 of the Rehabilitation Act of 1973

I.C. § 33-205

Denial of School Attendance

I.C. § 18-917

Assault and Battery – Hazing

I.C. § 18-917A

Student Harassment – Intimidation - Bullying

I.C. § 18-3302D

Possession Weapons or Firearms on School  
Property

I.C. § 18-3302I

Threatening Violence on School Grounds

I.C. § 33-1224

Powers and Duties of Teachers

I.C. § 33-1631 Requirements for Harassment, Intimidation, and  
Bullying Information and Professional Development

DAPA 08.02.03.109.05 Special Education

IDAPA 08.02.03.160 Safe Environment and Discipline

**Other Reference:** Office of Civil Rights Dear Colleague Letter on the Nondiscriminatory  
Administration of School Discipline

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## *Brabeion Academy*

### *Policy 3000s: Students*

**BRABEION ACADEMY**

**3331**

#### **Code of Respect**

A Code of Respect is set in place to ensure the safety of students and staff and create an environment conducive to learning.

General guidelines and expectations are as follows:

##### **A. Be safe**

Students should not throw objects at others, push others, or act in any other manner that may cause harm to another individual.

##### **B. Be respectful**

Students are to behave in a manner that enhances their and others' opportunities to learn. Students are to avoid using profanity or other inappropriate language.

Students are to behave in the cafeteria in a manner that allows others a pleasant atmosphere in which to eat.

##### **C. Be responsible**

Failure to abide by the school's Code of Respect will result in the student receiving the appropriate consequences and/or discipline referral. It is recognized that parents are the child's first and most important educators. Brabeion Academy emphasizes the importance of the family in the child's development and seeks to create a partnership with parents/guardians. Such a partnership is a two-way, interactive process. When dealing with more serious offenses, teachers may find it necessary to complete an Incident Report and send that student to the Chief Education Officer's office for immediate action.

Policy History

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3345**

#### **Use of Restraint, Seclusion and Aversive Techniques for Students**

##### **Conduct of Employees Directed Toward Students:**

The use by appropriately trained School personnel towards or directed at any student of any form of restraint or seclusion as defined in this policy, is prohibited except in circumstances where proportional restraint or seclusion of a student is necessary when a student's conduct creates a reasonable belief in the perspective of a School employee, that the conduct of the student has placed the student, the employee, or any other individual in imminent danger of serious bodily harm.

The employee or any employee who is a witness to this event should immediately seek out the assistance of the school's administration and if such administrator is not available a certificated or classified employee with special training in seclusion and restraint, if available. Upon the arrival of such an individual, the administrator or if no administrator is available, the most senior trained individual on seclusion or restraint should take control over the situation.

Seclusion and/or restraint of a student should immediately be terminated when it is decided that the student is no longer an immediate danger to him/herself or to any other third person (see gradual progression steps below) and/or if it is determined that the student is exhibiting extreme distress and/or at such time that appropriate administrative personnel have taken possession of the child and/or upon such time that the parent/legal guardian of the child has retaken possession of the child.

##### **PROHIBITED PRACTICES**

The following are prohibited (except as noted below) under all circumstances, including emergency situations:

- Mechanical restraints (e.g., handcuffs or plastic straps) to restrict a student's freedom of movement. This policy does not prohibit law enforcement from using physical or mechanical restraints in exercising their law enforcement duties.
- Chemical restraints (i.e., drugs or medication) to control behavior or restrict freedom of movement unless it is (1) prescribed by a qualified health professional, and (2) administered as prescribed by the qualified health professional.
- Physical restraint or seclusion techniques that restrict a student's breathing or harm the student and will be limited to using reasonable force when utilizing physical restraint or seclusion with a student. Specifically, the use of prone (i.e., lying face down) physical restraints will not be utilized.

- Using physical restraint or seclusion procedures when a known psychiatric, medical or physical condition of the student would make physical restraint or seclusion dangerous for that student. For example, seclusion is inappropriate for students who are severely self-injurious or suicidal.
- Any technique that is inconsistent with the student's rights to be treated with dignity and to be free from abuse. The use of any technique that is abusive should be reported to the appropriate authorities.
- Using physical restraint or seclusion (1) as a form of punishment or discipline; (2) as a means of coercion, retaliation, or as a convenience; (3) as a planned behavioral intervention in response to behavior that does not pose imminent danger of serious physical harm to self or others; or (4) in a manner that endangers the student.

Regardless of employee training status, no District personnel should use any form of aversive technique against any school student.

### **APPROPRIATE USE OF PHYSICAL RESTRAINT OR SECLUSION**

Restraint or seclusion should only be implemented in situations where a student's behavior poses imminent danger of serious physical harm to self or others, and not as a routine strategy to address instructional problems or inappropriate behavior.

Staff members are authorized to restrain a student or place a student in seclusion when an emergency, as defined above, exists; or when a student's individualized education program (IEP) or behavioral intervention plan (BIP) describes the specific behaviors and circumstances in which restraint and seclusion may be used.

The following guidelines apply to the use of physical restraint or seclusion:

- Staff members should take reasonable efforts to prevent the need for the use of physical restraint or seclusion by implementing positive behavioral interventions and supports.
- Staff members may only use physical restraint or seclusion in situations where (1) the student's behavior poses imminent danger of serious physical harm to self or others, (2) other interventions are ineffective, and (3) when a student's individualized education program (IEP) or behavioral intervention plan (BIP) describes the specific behaviors and circumstances in which restraint and seclusion may be used.
- Staff members should utilize the least restrictive technique necessary to end the threat of imminent danger of serious physical harm.
- Staff members should carefully and continuously visually monitor the student when physical restraint or seclusion is used to ensure the appropriateness of its use and the safety of the student and others.
- Staff members should terminate the use of physical restraint or seclusion as soon as it is determined the student is no longer in imminent danger of serious physical harm to self or others. A gradual progression of release should be followed as the student regains total rationality where staff members should attempt to talk to the student telling him he will not be harmed, providing time for fully calming down, deep breathing, informing individual of sequence of events to come, forming a verbal contract, and within safe judgement allowing the individual to make his own choices. Staff members should immediately terminate the use of physical restraint or seclusion if the student is observed to be in severe distress.
- Staff members should document in writing each incident requiring physical restraint or seclusion.
- Selected staff members should be trained on the appropriate use of effective alternatives to physical restraint and seclusion, and when appropriate, the safe use of physical restraint and seclusion.
- Staff members should review and revise behavioral strategies as appropriate to address the underlying cause of the dangerous behavior, and to prevent the repeated use of physical restraint or seclusion for managing the dangerous behavior.
- The Chief Education Officer or designee should verbally notify the parent/guardian of a student

requiring physical restraint or seclusion as soon as possible and no later than 24 hours following the incident. Verbal notice should include a brief summary of the incident and contact information for the staff member who may provide additional information. The delivery of the notice should be documented by the district. Verbal notice should be provided via telephone. In the event a staff member is unable to speak directly to the parent via telephone, a message should be left on the individual's voicemail, if available. If unable to reach the parent via telephone or leave a message on voicemail, the staff member should send an e-mail to the parent, if the e-mail address is known. Alternatively, a written message may be sent home with the student.

### **Notice to Administrator**

1. The employee should immediately report to the Chief Education Officer, in writing, the following information:
  - Information about the student (i.e., name, grade, etc.).
  - If the student has a disability (IDEA or Section 504), and the type of disability.
  - The date and start and end times of the restraint or seclusion.
  - The location of the incident.
  - A description of the incident.
  - Statement(s) from witnesses or participants to the event.
  - A description of the dangerous behavior that resulted in the implementation of physical restraint or seclusion.
  - If applicable, a note that physical restraint or seclusion were not employed due to a psychiatric, medical, or physical condition of the student that would make physical restraint or seclusion dangerous for that student.
  - Possible events that triggered the dangerous behavior that led to the restraint or seclusion.
  - Prevention, redirection, or pre-correction strategies that were used during the incident.
  - A description of the restraint or seclusion strategies that were used during the incident and a log of the student's behavior during physical restraint or seclusion.
  - A description of any injuries or physical damage that occurred during the incident.
  - How the student was monitored during and after the incident?
  - A description of behaviors displayed demonstrating the student's ability to return to the educational environment.
  - The staff member(s) who participated in the implementation, monitoring, and supervision of physical restraint or seclusion and whether the person(s) had training related to restraint or seclusion.
  - The follow-up that should occur to review or develop the student's positive behavioral interventions and supports in order to avoid the use of restraint or seclusion in the future.
  - The date and time the parent/guardian was notified.
2. The Chief Education Officer should notify the Head of School and Sport or designee of the event, providing the Head of School and Sport or designee with a copy of the report of events.
3. The Chief Education Officer should ascertain if any of the school's video equipment captured the event on a recording. If such event was captured on recording, the Chief Education Officer should take all best efforts to maintain a copy of the recording and provide such to the Head of School and Sport's Office if requested to do so within 30 days after the event.
4. The school's office should maintain documentation as to events of restraint and seclusion and in conjunction with the superintendent's office shall prepare any and all necessary reports to legal entities upon whom such reports are or may become due pursuant to state and federal regulations.

### **Training of School Personnel:**

Any teachers and other personnel who are likely to make a decision as to whether to restrain or confine a student should complete crisis intervention training on the appropriate use of effective alternatives to physical restraint and seclusion, and in cases involving imminent danger of serious physical harm, on

the safe use of physical restraint and seclusion. All administration at the building level should also complete crisis intervention training. Training in crisis intervention may include, but is not limited to:

1. Evidence-based skills training related to positive behavioral interventions and supports, safe physical escort, crisis prevention, understanding antecedents, de-escalation strategies, and conflict management.
2. Evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion, including techniques to identify events and environmental factors that may trigger emergency safety situations.
3. Evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion.
4. Techniques to identify dangerous behaviors, as well as methods for evaluating the risk of harm to determine whether the use of physical restraint or seclusion is warranted.
5. The risk of using physical restraint or seclusion in consideration of a student's known and unknown psychiatric, medical, and physical limitations.
6. First aid and cardiopulmonary resuscitation (CPR).
7. The requirements of this policy and the procedures to be followed in cases of physical restraint and seclusion.

Restraint and seclusion techniques should only be utilized by a person who has been trained in crisis intervention. Other school personnel may employ physical restraint and seclusion procedures only in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff should request assistance from trained staff as soon as possible.

#### **Designated Locations:**

Each school building for which students are present should have a building designated location for student seclusion.

It is the responsibility of the Chief Education Officer, or designee, to assure that the building's designated seclusion location is a safe and clean location and that such location has appropriate supervision when any student has been placed into seclusion pursuant to this policy.

Appropriate supervision should include an adult in the seclusion location which has continuous visual observation of the secluded student.

#### **Definitions:**

For the purposes of this policy, the following definitions shall apply:

Restraint – the immobilization or reduction of a student's freedom of movement for the purpose of preventing harm to students or others through chemical, manual method, physical or mechanical device, material or equipment.

Seclusion – involuntary confinement in a room or other space during which a student is prevented from leaving or reasonably believing that the he/she can leave or be prevented from leaving through: manually, mechanically or electronically locked doors that when closed cannot be opened from the inside; blocking or other physical interference by staff; or coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion.

Aversive Technique – physical, emotional or mental distress as a method of redirecting or controlling behavior.

#### **Annual Review:**

On an annual basis, the Head of School and Sport or designee should review this policy and make a determination as to whether or not any modifications or amendments to this policy are necessary and/or should be proposed to the Board.

In conducting this annual review, such individual should also review the reports of all events of seclusion and/or restraint that occurred with the district's students in the past school year. This review should include an analysis as to whether or not the district's personnel are following the terms of this policy, whether additional training activities are necessary or if there is any weakness in the implementation of this policy that can be strengthened.

Cross Reference:

[3310 Student Discipline Legal References:](#)

U.S. Dept. Of Ed., Restraint and Seclusion: Resource Document (2012),

<http://www.ed.gov/policy/restraintseclusion>.

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3500**

#### **Student Health/Physical Screenings/Examinations**

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

1. The development of procedures for the isolation and temporary care of students who become ill during the school day.
2. Consulting services of a qualified specialist for staff, students, and parents if necessary.
3. Vision and hearing screening at select grade levels.
4. Immunization as provided by the Department of Health and Human Services.

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

In general, Brabeion Academy will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening administered by the school is conducted which is:

1. Required as a condition of attendance.
2. Administered by the school and scheduled by the school in advance.
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above-described nonemergency, invasive physical examination or screening.

As used in this policy, the term “invasive physical examination” means any medical examination involving the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but this does not include a hearing, vision, or scoliosis screening.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity.

All parents will be notified of the requirements of Brabeion Academy’s policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy.

**Legal Reference:** 20 U.S.C. § 1232h(b) Protection of Pupil Rights - Limits on Survey, Analysis, or Evaluations  
IDAPA 08.02.03.160 Safe Environment and Discipline

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## ***Brabeion Academy*** ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3500F**

### **Student Health**

The Board may arrange each year for health services to be provided to all students. At the start of the school year, Brabeion Academy shall notify parent/guardians of health services offered or made available through the school or by private organizations partnering with Brabeion Academy that offer services on School property or as a part of a school program. Parents/guardians shall be notified of any new health services that become available after the annual notice is sent.

Such services may include, but are not limited to:

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

Parents/guardians will receive a written notice of any screening result which indicates a condition that might interfere or tend to interfere with a student's progress. Additionally, if a member of Brabeion Academy staff becomes aware of a change in the student's mental, emotional, or physical health or well-being, the staff member shall address the matter as described in Policy 2425.

In general, Brabeion Academy will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening administered by Brabeion Academy is conducted which is:

1. Required as a condition of attendance.
2. Administered by the School and scheduled by the School in advance.
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above- described non-emergency, invasive physical examination or screening.

As used in this policy, the term "invasive physical examination" means any medical examination involving the exposure of private body parts or any act during such examination that includes incision,

insertion, or injection into the body, but this does not include a hearing, vision, or scoliosis screening.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Idaho High School Activities Association will be required to follow the rules of that organization, as well as other applicable School policies, rules, and regulations.

### **Abortion-Related Counseling and Referrals Prohibited**

All staff are prohibited from providing the following services to any person during working hours or in the course of their work:

1. Providing or performing an abortion;
2. Counseling in favor of abortion;
3. Referring for abortion; or
4. Dispensing emergency contraception, except in the case of rape.

Cross References:

2425 Parental Rights

Legal References:

20 U.S.C. § 1232h(b) Protection of Pupil Rights- Limits on Survey, Analysis, or Evaluations

I.C. § 18-8701, et seq. No Public Funds for Abortion Act

I.C. § 33-6001 Parental Rights

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## ***Brabeion Academy*** ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3510**

### **Student Medicines**

#### **Assistance in Self Administration of Medicines to Students**

Any School employee authorized in writing by the School administrator or designee:

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

#### **Administering Medicines to Students**

No employee except a qualified health care professional may administer a drug or prescription drug to a pupil under this policy except in an emergency situation.

The Board will permit the administration of medication to students in the School in its jurisdiction. Pursuant to the written authorization of the student's licensed health care practitioner, as well as the written authorization of a parent/guardian, the School nurse (who has received direction as to the administration of medication by the student's licensed health care practitioner) may administer medication to any student in the School.

Where administration of medication is a routine activity for a particular student, the subject shall be addressed in a student's health care plan, Section 504 Plan or IEP, as applicable.

Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a School employee and should not be practiced by any School personnel.

The absence of a School nurse for the administration of medication shall be addressed on a case-by-case basis considering proper compliance with Idaho law and the medical needs of the student.

#### **Emergency Administration of Medicines**

In case of an anaphylactic reaction or the risk of such reaction, a School nurse or delegate may administer emergency oral and/or injectable medication to any student in need thereof on the School grounds, in the School building, or at a School function, according to the standing order of the chief medical advisor or the student's private physician. In the absence of a School nurse, the administrator or designated staff member exempt from the nurse licensure requirements who has completed training in

administration of medication, may give emergency medication to students orally or by injection. There must be on record a medically diagnosed allergic condition which would require prompt treatment to protect the student from serious harm or death.

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

### **Self-Monitoring and Treatment of Diabetes**

A student with diabetes, upon written request of the student's parent/guardian and written authorization from the student's treating physician, shall be permitted by the Board to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the student's diabetes in the classroom and in any area of the School or School grounds, and to possess on the student's person at all times all necessary supplies and equipment to perform these monitoring and treatment functions.

### **Self-Administration of Asthma Medication, Insulin/Diabetic Treatment, or Epinephrine Auto-Injectors**

Pursuant to Idaho Code covering the self-administration of asthma medication, the following shall apply to epinephrine auto-injectors, insulin, or blood glucose monitoring supplies if a parent/legal guardian chooses to have his or her child self-medicate:

1. The parents/guardians of the pupil shall provide to the Board or designee written authorization for the self-administration of medication.
2. The parents/guardians of the pupil shall provide to the Board or designee written certification from the physician of the pupil that the pupil has a severe allergic reaction (anaphylaxis), asthma, another potentially life-threatening respiratory illness, or diabetes and is capable of, and has been instructed in, the proper method of self-administration of medication. In cases where the pupil has severe or life-threatening allergies, Policy 3515 Food Allergy Management, and any related procedures shall be followed. For students with a severe allergic reaction, asthma, another potentially life-threatening respiratory illness, or diabetes the student's physician or health care provider-supplied information shall contain:
  - A. The name and purpose of the medicine;
  - B. The prescribed dosage;
  - C. The time(s) at which or the special circumstances under which medication should be administered;
  - D. The length of time for which medication is prescribed;
  - E. The possible side-effects of the medicine;
  - F. Actions to take in the event of an emergency, including if the medication does not improve the child's breathing or allergic reaction;
  - G. Contact information for the physician and parent/guardian; and
  - H. If applicable, a list of the child's asthma triggers or allergies.
3. The School's administration and appropriate teachers and School personnel are informed that the student is self-administering prescribed medication. Such notification shall be done in a manner so as to best preserve the privacy of the student and the student's medical condition to the extent appropriate.

For students with severe or life-threatening allergies, this information may be provided in the student's Emergency Care Plan.

### **Epilepsy and Seizure Disorder Plans**

Upon documented request of the parent/guardian of a student who has epilepsy or another seizure disorder, Brabeion Academy shall authorize implementation of a plan – whether a Section 504 plan, Health or Emergency Care Plan, or Seizure Disorder Plan, as deemed appropriate for each individual student.

The plan will include, but is not limited to, the following:

1. Providing notice of the student's condition to all employees who interact with the student;
2. The student's symptoms;
3. Written orders from the student's physician on providing care to the student;
4. Whether the student may fully participate in exercise and sports and, if applicable, any accommodations required;
5. Accommodations for school-related activities, such as school trips and after-school activities;
6. A description of how medical treatment of the condition may affect the student's education, if applicable;
7. The student's understanding of and ability to manage the epilepsy or seizure disorder;
8. How to maintain communication with the student, parents/guardians, the student's healthcare team, and the school nurse or employee responsible for administering emergency medication; and
9. A list of qualified staff who may administer emergency medication to the student for a seizure.

The plan may be updated annually and as necessary if there is a change in the health status of the student. The plan must also address the notification to the appropriate staff.

All employees who have received notification that a student they interact with has epilepsy or another seizure disorder will be provided with information about how to recognize indicators for epilepsy and seizure disorder, epilepsy, or seizure disorder first aid, when to call for assistance, and a parent/guardian and emergency contact information for that student. The training shall be provided by the school nurse. The training may be individualized to each student, if necessary.

#### **Additional Requirements for Self-Administration of Medicines**

The Board or Board designee will inform the parents/guardians of the pupil in writing that the School and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil, absent any negligence by the School, its employees, or its agents, or as a result of providing all relevant information provided pursuant to subdivisions of this subsection with the School nurse, absent any negligence by the School, its employees, or its agents, or in the absence of such nurse, to the School administrator.

The parents/guardians of the pupil shall sign a statement acknowledging that the School shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents/guardians shall indemnify and hold harmless the School and its employees or agents against any claims arising out of the self-administration of medication by the pupil.

Students who are authorized to carry their own epinephrine auto-injectors or supplies or equipment necessary for diabetes monitoring and/or treatment of diabetes may be retested periodically to ensure they are still capable of correctly self-administering the medication.

As used in this section:

1. "Medication" means an epinephrine auto-injector, a metered dose inhaler, or a dry powder inhaler or insulin, insulin delivery system and/or supplies or equipment necessary for diabetes monitoring and/or treatment prescribed by a physician and having an individual label;
2. "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician; and
3. A student who is permitted to self-administer medication pursuant to this section shall be permitted to possess and use the prescribed medication at all times.

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

1. Verbal suggestions, prompting, reminding, gesturing, or providing a written guide for

self-administering medications;

2. Handing a prefilled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy to the student;
3. Opening the lid of the above container for the student;
4. Guiding the hand of the student to self-administer the medication;
5. Holding a container of fluid and assisting the student in drinking fluid to assist in the swallowing of oral medications; and/or
6. Assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

### **Handling and Storage of Medicines**

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

1. Examine any new medication to ensure that it is properly labeled with dates, name of student, medication name, dosage, and physician's name;
2. If administration is necessary, the nurse must develop a medication administration plan for the student before any medication is given by School personnel;
3. Record on the Student's Individual Medication Record the date the medication is delivered and the amount of medication received;
4. Store medication requiring refrigeration at 36F - 46F; and
5. Store prescribed medicinal preparations in a securely locked storage compartment excluding those medications approved for self-administration. Controlled substances will be contained in a separate compartment, secured, and locked at all times. Students shall be permitted to possess and use a prescribed inhaler or epinephrine auto-injector at all times.

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

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

### **Disposal of Medication**

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

### **Legal References**

I.C. § 33-520 Policy Governing Medical Inhalers, Epinephrine Auto-Injectors, Insulin and Blood Glucose Monitoring Supplies

I.C. § 54-1401 Nurses — Purpose — License Required — Representation to the Public

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3530**

#### **Suicide**

Neither a charter school nor a teacher has a duty to warn of the suicidal tendencies of a student absent the teacher's or charter school's knowledge of direct evidence of such suicidal tendencies. The Board directs the Head of School and Sport or his or her designee to draft and implement procedures relating to:

1. Suicide prevention;
2. Suicide intervention; and
3. Suicide postvention.

"Postvention" shall mean counseling or other social care given to students after another student's suicide or attempted suicide.

These procedures may include, but are not limited to, the following measures:

1. Prevention:

- A. Offering and providing help and assistance, including early identification;
- B. Support and/or counseling by school support personnel for low-risk students;
- C. Referral to appropriate sources outside the school for high and moderate-risk students;
- D. The designation of a school-level suicide prevention coordinator(s) by the Head of School and Sport to be responsible for planning and coordinating the implementation of procedures addressing suicide.
- E. Encouraging staff to report to the coordinator students they believe may be at elevated risk of suicide.
- F. Education of students on suicide prevention through age-appropriate curriculum.
- G. Small group suicide prevention programming.
- H. Additional training on suicide prevention for all staff for whom such training is deemed necessary.
- I. Offering resources to parents/guardians on suicide prevention.

2. Intervention:

- A. Contacting the parents/guardians of students identified as at imminent risk of suicide.
- B. Contacting emergency services to assist a student who is at imminent risk of suicide.
- C. Providing first aid until emergency personnel arrive, as appropriate.
- D. Moving other students away from the immediate area of any suicide attempt on School property or at a School event.

3. Postvention:

- A. After care support by the school for faculty, staff, and students after a sudden death has occurred.
- B. The development of a plan for responding to a death by suicide that has a significant impact on the school community.
- C. Notification of the suicide prevention coordinator, if applicable.
- D. The creation of a crisis team to respond to deaths by suicide that have a significant impact on the school community.
- E. Contacting the State Department of Education to report any student deaths by suicide and to seek postvention assistance and/or resources.
- F. Offering mental health services to students likely to be strongly affected by a recent death.
- G. Appointing a spokesperson to handle inquiries related to issues involving suicide in the school.

School personnel shall attend to the rights of the student and his or her family.

The School shall comply with all requirements of State law and administrative rules for training by personnel on suicide prevention and awareness.

Legal References:

I.C. § 33-136 Suicide Prevention in Schools

I.C. § 33-512B District Trustees - Suicidal Tendencies — Duty to Warn

I.D.A.P.A. 08.02.03.160 Safe Environment and Discipline

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## ***Brabeion Academy*** ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3570**

### **Student Records**

Brabeion Academy student records are confidential, and information from them shall not be released other than as provided by law. State and federal laws grant students and parents certain rights, including the right to inspect, copy, and challenge school records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. Brabeion Academy may release directory information as permitted by law, but parents shall have the right to object to the release of information regarding their child. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all Rhetoric School students, unless the parent(s) notifies the school not to release this information.

The Chief Education Officer shall implement this policy consistent with state and federal law and may develop administrative procedures to assure compliance with state and federal law. The Chief Education Officer or a designee shall inform staff members of this policy, and shall inform students and their parents of it, as well as their rights regarding student school records.

**Legal Reference:** 20 U.S.C. § 1232g, *et seq.* Family Education Rights and Privacy Act (FERPA)

34 C.F.R. Part 99  
I.C. § 33-133

Implementing FERPA  
Idaho Student Data Accessibility,  
Transparency, and Accountability Act –  
Definitions - Student Data – Use and Limitations  
- Penalties

I.C. § 33-209

Attendance at Schools - Transfer of  
Student Records -- Duties

I.C. § 32-717A

Divorce Actions - Parents'

Policy History

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3570F1**

#### **Student Records/Notification of Parents' and Students' Rights**

##### **Notification of Parents' and Student's of Rights Concerning a Student's School Records**

*This notification will be distributed annually, and may be distributed by any means likely to reach the parent(s)/guardian(s). The Charter School shall effectively notify parents and eligible students who are disabled and those whose primary or home language is not English.*

The Charter School will maintain a file for each student that shall contain information, including but not limited to the following:

1. Unique student identifier;
2. Basic identifying information;
3. Education transcripts;
4. Attendance record;
5. Immunization records;
6. Intelligence and aptitude scores;
7. Psychological reports;
8. Achievement test results;
9. Participation in extracurricular activities;
10. Honors and awards;
11. Teacher anecdotal records;
12. Special education files;
13. Verified reports or information from non-educational persons;
14. Verified information of clear relevance to the student's education;
15. Information pertaining to release of this record; and
16. Disciplinary information.

##### **Family Educational Rights and Privacy Act (FERPA)**

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

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

Students less than 18 years of age have the right to inspect and copy their permanent record. Parents/guardians or students should submit to the Chief Education Officer (or appropriate School

official) a written request that identifies the record(s) they wish to inspect. The Chief Education Officer will make arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the time and place where the records may be inspected.

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

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

When the student reaches 18 years of age, or is attending an institution of post secondary education, all rights and privileges accorded to the parent become exclusively those of the student.

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

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

If the School decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the School will notify the parent(s)/guardian(s) or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Such notice shall be in writing and provided within a reasonable period of time after the hearing. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

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

Disclosure is permitted without consent to School officials with legitimate educational or administrative interests. A School official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another School official in performing his or her tasks.

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

Upon request, the School discloses education records without consent to officials of another charter school or district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge School student records does not apply to:

A. Education grades of their child; or

B. references to expulsions or out-of-School suspensions,

if the challenge is made at the time the student's School student records are forwarded to another school to which the student is transferring.

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

4. The right to a copy of any School student record proposed to be destroyed or deleted.

5. The right to prohibit the release of directory information concerning the parent's/guardian's child.

Throughout the school year, the School may release the following directory information regarding students, unless parents have provided a documented opt-out/non-disclosure request:

A. Name;

B. Address;

- C. Gender;
- D. Grade level;
- E. Birth date and place;
- F. Parents'/guardians' names and addresses;
- G. Education awards, degrees, and honors;
- H. Photographs and videos of the student used by the School for recognition of student achievement and community relations, including, but not limited to, publication in the School's newsletters or other publications, in the school setting, and on the School's website/social media.
- I. Information in relation to School-sponsored activities, organizations, and athletics;
- J. Major field of study; and
- K. Period of attendance in School.

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

6. The right to request that that information not be released to military recruiters and/or institutions of higher education.

Pursuant to federal law, the School is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

Parent(s)/guardian(s) or eligible students may request that the School not release this information, and the School will comply with the request.

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

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

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

#### Policy History

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3570P**

#### **Student Records/Maintenance of School Records**

##### **Maintenance of School Student Records**

Brabeion Academy shall maintain a record for each student that shall contain information, including but not limited to the following:

1. Birth certificate;
2. Proof of residency;
3. Unique student identifier issued and assigned by the State Department of Education;
4. Basic identifying information;
5. Academic transcripts;
6. Attendance records;
7. Intelligence and aptitude scores;
8. Psychological reports;
9. Achievement test results;
10. Participation in extracurricular activities;
11. Honors and awards;
12. Verified reports or information from non-educational persons;
13. Verified information of clear relevance to the student's education;
14. Log pertaining to release of student's record; and
15. Disciplinary records.

The School has determined that the following documentation shall be permanently maintained:

1. The unique student identifier;
2. Transcript;
3. Graduation date;

Other content of the student record shall be maintained for a period of seven years after a student graduates or permanently leaves Brabeion Academy, except for those records for which longer retention is required.

Records for a special education student with disabilities who graduates or permanently withdraws from the School, including eligibility documentation, IEPs, consents, and written notices will, for at least six years, be maintained until such time or when the School has been given written consent from the parent(s) and/or adult former student to destroy the records or transfer the records to the parent(s) or to

the student if the student has succeeded to the rights of the parents. Such written records of individual students are confidential and shall be shredded under supervision of the staff member responsible for the records if not released to the parent(s) and/or adult former student. The records manager should maintain a log that documents the date of destruction or release of records.

### **Personnel Responsible for Records Maintenance**

The Head of School and Sport's designee shall be responsible for the maintenance, retention, or destruction of a student's records, in accordance with Brabeion Academy's procedure established by the Head of School and Sport.

### **Access to Student Records**

The School shall grant access to student records as follows:

1. The School or any School employee shall not release, disclose, or grant access to information found in any student record except under the conditions set forth in this policy and consistent with the provisions of State and federal law. This includes the provision of IC 33-133.
2. The parents of a student under 18 years of age shall be entitled to inspect and copy information in the child's School records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within 15 days of Brabeion Academy's receipt of such a request.

Where the parents are divorced or separated, both shall be permitted to inspect and copy the student's School records unless a court order indicates otherwise. The School shall send copies of the following to both parents at either one's request, unless a court order indicates otherwise or parental rights have been terminated by court order or parental agreement:

- A. Academic progress reports or records;
- B. Health reports;
- C. Notices of parent-teacher conferences;
- D. School calendars distributed to parents/guardians; and
- E. Notices about open houses and other major School events, including pupil-parent interaction.

When the student reaches 18 years of age, or otherwise becomes emancipated, the rights detailed herein for the parent/legal guardian are transferred to the student, unless otherwise addressed by the student, permitted parental access to the student information system, or via court order/guardianship. Additionally, the parents of dependent students, as defined by the Internal Revenue Service (i.e. student termed dependent for income tax purposes) may have access to student educational records if the parents establish this right via either a copy of the applicable tax forms and/or a Parental Affidavit for Educational Records attesting to the student's dependent status.

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

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

4. For purposes of an audit or evaluation by a federal or State-supported education program, and to comply with federal requirements related to such a program. The receiving entity must be a State or educational authority or another entity allowed by the Family Educational Rights and Privacy Act (FERPA) or must be an authorized representative of such an entity. For each new audit, evaluation, or enforcement effort, Brabeion Academy shall enter into a written agreement when designating anyone other than its employee as its authorized representative. The School shall be responsible for using

reasonable methods to ensure, to the greatest extent practicable, that the authorized representative:

A. Uses the personal information only for the authorized purpose;

B. Protects the personal information from further unauthorized disclosures or other uses; and

C. Destroys the personal information when it is no longer needed for the authorized purpose. Such destruction shall be affected by any specified time period set forth in the written agreement.

5. The School may grant access to, or release information from, student records without parental consent or notification to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to School student records. Any such release in this regard shall be consistent with Idaho Code and Policy 3575 relating to the limitations on the release of student data.

6. Brabeion Academy shall grant access to, or release information from, a student's records pursuant to a court order or appropriate subpoena. In most instances, the parent/qualified student shall be given prompt written notice of such order/subpoena, a general statement of the documents which will be released, and the proposed date of release of the documentation requested. However, there are very limited circumstances under the USA Patriot Act where schools are required to disclose information without notice to the parent or student to the Attorney General of the United States upon an ex parte order in connection with the investigation or prosecution of terrorism crimes or other such specified situations when the court order prohibits disclosure (i.e. Federal Grand Jury Subpoena or Law Enforcement Subpoena wherein such order indicates disclosure is not permitted).

7. Brabeion Academy shall grant access to or release information from any student record as specifically required by federal or State statute.

8. The School shall grant access to, or release information from, student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release. One copy of the consent form will be kept in the records, and one copy shall be mailed to the parent or eligible student by the Head of School and Sport. Whenever the School requests the consent to release certain records, the records custodian shall inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

9. Brabeion Academy may release student records to the Head of School and Sport or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.

10. Prior to the release of any records or information under items 6, 7, 8, and 9 above, Brabeion Academy shall provide prompt written notice to the parents or eligible student of this intended action except as specified in item 6. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.

11. Brabeion Academy may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian shall make this decision taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. Any release that is made must be narrowly tailored considering the immediacy, magnitude, and specificity of the information concerning the emergency and the information should only be released to those persons whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals (i.e. law enforcement, public health officials, trained medical personnel). The length of the exception is limited to the period of the emergency and does not allow for a blanket release of personally identifiable information from a student's records. Brabeion Academy shall notify the parents or eligible student as soon as possible of the information released; the date of the release; the person, agency, or organization to which the release was made; and the purpose of the release and the same information shall be recorded in the student's record log.

12. Brabeion Academy will comply with an ex parte order requiring it to permit the U.S. Attorney

General or designee to have access to a student's School records without notice to or consent of the student's parent(s)/guardian(s).

13. Brabeion Academy may charge a fee for copying information in the student's records. No parent or student shall be precluded from copying information because of financial hardship. See Policy 4260 for information regarding Brabeion Academy copy fee schedule.

14. A log of all releases of information from student records, including all instances of access granted, whether or not records were copied, shall be kept and maintained as part of such records. This log shall be maintained for the life of the student record and shall be accessible only to the parent or eligible student, records custodian, or other such person. The log of release shall include:

- A. Information released or made accessible;
- B. The name and signature of the records custodian;
- C. The name and position of the person requesting the release or access;
- D. The legitimate interests the parties had in requesting or obtaining the information;
- E. The date of the release or grant of access;
- F. A copy of any consent to such release; and
- G. Any additional information required by State or federal law.

### **Directory Information**

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

1. Name;
2. Grade level;
3. Academic awards, degrees, and honors;
4. Information in relation to School-sponsored activities, organizations, and athletics;
5. Major field of study; and
6. Period of attendance in School.

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

### **Military Recruiters/Institutions of Higher Education**

Pursuant to federal law, the School is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning School records will inform them of their right to object to the release of this information.

### **Student Record Challenges**

The parents may challenge the accuracy, relevancy, or propriety of their student's records, except for challenges made to the following when a student's school records are being forwarded to another school:

1. Grades; and
2. References to expulsions or out-of-school suspensions.

Parents/guardians who wish to challenge a record should write to the school principal or records custodian clearly identifying the part of the record they want changed or removed and specifying the reason.

If Brabeion Academy decided not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the parent/guardian has the right to request a hearing at which each party has:

1. The right to present evidence and to call witnesses;
2. The right to cross-examine witnesses;
3. The right to counsel;
4. The right to a written statement of any decision and the reasons therefore; and

5. The right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

Brabeion Academy will notify the parent(s)/guardian(s) or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Such notice shall be in writing and provided within a reasonable period of time after the hearing. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

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

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## ***Brabeion Academy***

### ***Policy 3000s: Students***

**BRABEION ACADEMY**

**3570**

#### **Student Data Privacy and Security**

The efficient collection, analysis, and storage of student information is essential to improve the education of our students. As the use of student data has increased and technology has advanced, the need to exercise care in the handling of confidential student information has intensified. The privacy of students and the use of confidential student information is protected by federal and State laws, including the Family Educational Rights and Privacy Act (FERPA) and the Idaho Student Data Accessibility, Transparency, and Accountability Act of 2014 (Idaho Data Accountability Act).

Student information is compiled and used to evaluate and improve Idaho's educational system and improve transitions from high school to postsecondary education or the workforce. The Data Management Council (DMC) was established by the Idaho State Board of Education to make recommendations on the proper collection, protection, storage, and use of confidential student information stored within the Statewide Longitudinal Data System (SLDS). The DMC includes representatives from K-12, higher education institutions and the Department of Labor.

This model policy is required by the Idaho Data Accountability Act. In order to ensure the proper protection of confidential student information, the Charter School shall adopt, implement and electronically post this policy to its website. It is intended to provide guidance regarding the collection, access, security, and use of education data to protect student privacy. This policy is consistent with the DMC's policies regarding the access, security, and use of data maintained within the SLDS. Violation of the Idaho Data Accountability Act may result in civil penalties.

#### **Definitions**

Administrative Security consists of policies, procedures, and personnel controls including security policies, training, and audits, technical training, supervision, separation of duties, rotation of duties, recruiting and termination procedures, user access control, background checks, performance evaluations, and disaster recovery, contingency, and emergency plans. These measures ensure that authorized users know and understand how to properly use the system in order to maintain security of data.

Aggregate Data is collected or reported at a group, cohort, or institutional level and does not contain PII.

Data Breach is the unauthorized acquisition of PII.

Logical Security consists of software safeguards for an organization's systems, including user

identification and password access, authenticating, access rights, and authority levels. These measures ensure that only authorized users are able to perform actions or access information in a network or a workstation.

Personally Identifiable Information (PII) includes: a student's name; the name of a student's family; the student's address; the students' social security number; a student education unique identification number or biometric record; or other indirect identifiers such as a student's date of birth, place of birth or mother's maiden name; and other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the School community who does not have personal knowledge of the relevant circumstances, to identify the student.

Physical Security describes security measures designed to deny unauthorized access to facilities or equipment.

Student Data means data collected at the student level and included in a student's educational records.

Unauthorized Data Disclosure is the intentional or unintentional release of PII to an unauthorized person or untrusted environment.

### **Collection**

The School shall follow applicable State and federal laws related to student privacy in the collection of student data.

### **Access**

Unless prohibited by law or court order, the School shall provide parents, legal guardians, or eligible students, as applicable, the ability to review their child's educational records. The Head of School and Sport or designee, is responsible for granting, removing, and reviewing user access to student data. An annual review of existing access shall be performed.

Access to PII maintained by the School shall be restricted to:

1. The authorized staff of the School who require access to perform their assigned duties; and
2. Authorized employees of the State Board of Education and the State Department of Education who require access to perform their assigned duties; and
3. Vendors who require access to perform their assigned duties.

### **Security**

The School shall have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure. The School shall immediately notify the Executive Director of the Idaho State Board of Education and the State Superintendent of Public Instruction in the case of a confirmed Data Breach or confirmed Unauthorized Data Disclosure. The School shall also notify in a timely manner affected individuals, students, and families if there is a confirmed Data Breach or confirmed Unauthorized Data Disclosure.

### **Use**

Publicly released reports shall not include PII and shall use Aggregate Data in such a manner that re-identification of individual students is not possible.

School contracts with outside vendors involving student data, which govern databases, online services, assessments, special education or instructional supports, shall include the following provisions which are intended to safeguard student privacy and the security of the data:

1. Requirement that the vendor agree to comply with all applicable State and federal law;
2. Requirement that the vendor have in place Administrative Security, Physical Security, and Logical

Security controls to protect from a Data Breach or Unauthorized Data Disclosure;

3. Requirement that the vendor restrict access to PII to the authorized staff of the vendor who require such access to perform their assigned duties;
4. Prohibition against the vendor's secondary use of PII including sales, marketing, or advertising;
5. Requirement for data destruction and an associated timeframe; and
6. Penalties for non-compliance with the above provisions.

The School shall clearly define what data is determined to be directory information.

If the School chooses to publish directory information which includes PII, parents must be notified annually in writing and given an opportunity to opt out of the directory within a specified period of time. If a parent does not opt out, the release of the information as part of the directory is not a Data Breach or Unauthorized Data Disclosure.

Cross Reference:

§§ 3570 – 3570P Student Records

§ 4175 Required Annual Notices

Legal References:

20 U.S.C. § 1232g, et seq. Family Education Right to Privacy Act (FERPA)

34 C.F.R. Part 99 Implementing FERPA

I.C. § 33-133 Idaho Student Data Accessibility, Transparency, and Accountability Act - Definitions — Student Data — Use and Limitations — Penalties

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## *Brabeion Academy*

### *Policy 3000s: Students*

**BRABEION ACADEMY**

**3620**

#### **Transfer Student Records**

##### **Receiving School**

Within fourteen (14) days after enrolling a transfer student, the school shall request directly from the student's previous school a certified copy of his record and exercise due diligence in obtaining the copy of the record requested.

##### **Forwarding School**

A certified copy of the permanent, or cumulative, file of any student and the file containing special education records of any student shall be forwarded by mail, or electronically, to a local educational agency or accredited school in which the student seeks to or intends to enroll within ten (10) days after receipt of a written or electronic request. The files that are forwarded must include information concerning violent or disruptive behavior or disciplinary action, however, such information shall be contained in a sealed envelope, marked as "confidential" and addressed to the Chief Education Officer or other administrator of the receiving school.

**Cross Reference:** 3570

Student Records

**Legal Reference:** I.C. § 18-4511 School Duties—Records of Missing Child—  
Identification Upon Enrollment—Transfer of Student Records  
I.C. § 33-209 Attendance at Schools - Transfer of School  
Records - Duties

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