

RESIDENT STUDENTS

Children who are residents of the school district community will attend the school district without paying tuition.

The residence of a student means the place, abode, or dwelling of the student. Generally, the legal dwelling of minors is the same as their parents. A student may establish a dwelling with someone other than the parents and attend public school in the school district without paying tuition if the primary purpose for residing in the school district is not for the purpose of obtaining a free public education. Further, students who have reached the age of majority and who are still eligible to attend an Iowa secondary school may declare their residence independent of the residence of the parents.

Each case involving the bona fide residence of a student will be decided upon its individual merits by the superintendent.

NOTE: This policy reflects the current Iowa law regarding residency and payment of tuition.

Legal Reference:

Lakota Cons. Ind. School v. Buffalo Center-Rake Comm. School, 334 N.W.2d 704 (Iowa 1983).

Mt. Hope School Dist. v. Hendrickson, 197 N.W. 47 (Iowa 1924).

Oshel v. Creston Comm. School Dist., DPI Admin. Doc. 570 (1981).

33 D.P.I. Dec. Rule 80 (1984).

Iowa Code §§ 257.6; 282.2, .6, .7; 285.4

Cross Reference:

100 Legal Status of the School District

501 Student Attendance

NONRESIDENT STUDENTS

Students who are eligible to attend an Iowa public school but who are not legal residents of this district may be admitted to school at the discretion of the superintendent upon application and payment of tuition. The tuition rate ~~shall be~~ **is** the current per-pupil cost of the district as computed by the board secretary and as authorized by the State Department of Education.

Resident students whose families move from the school district after the start of ~~the year~~ **a semester** and who wish to complete the ~~year~~ **semester** in the school district may be permitted to attend without the payment of tuition at the discretion of the superintendent **and approval of the board**. ~~Students who plan to open enroll to the nonresident district may complete the school year without approval of the superintendent or board.~~ These students, other than students in grade eleven and twelve, must have the recommendation of the principal ~~as well as resident guardian identified for purposes of administration.~~

Students in grades eleven or twelve who are no longer residents of the school district ~~prior to October 1 may be allowed to attend~~ without payment of tuition. ~~, but were residents in the preceding school year, may continue to attend school until they graduate without the payment of tuition.~~ These students may be required to identify an adult, who resides in the school district, identified for purposes of administration.

Nonresident students who are eligible to attend an Iowa public school and who have evidence they will become legal residents of the school district prior to October 1 may be allowed to attend without the payment of tuition.

NOTE: This policy reflects current Iowa law. Iowa's open enrollment law has not eliminated the need for this policy. This policy affects nonresident students who do not qualify for open enrollment.

Legal Reference:

Lakota Cons. Ind. School v. Buffalo Center-Rake Comm. School, 334 N.W.2d 704 (Iowa 1983).

Mt. Hope School Dist. v. Hendrickson, 197 N.W. 47 (Iowa 1924).

Oshel v. Creston Comm. School Dist., DPI Admin. Doc. 570 (1981).

Iowa Code §§ 257.6; 282.1, .2, .6, .7, .24.

Iowa Code secs 282.1, .2, .6, .7, .24, 442.4 (1987 as amended by H. F. 499, 72 G. A. 1st Sess.

Cross Reference:

501 Student Attendance

COMPULSORY ATTENDANCE

Parents within the school district who have children over age six and under age sixteen by September 15, in proper physical and mental condition to attend school, will have the children attend the school district at the attendance center designated by the board. Students will attend school the number of days school is in session in accordance with the school calendar. Students of compulsory attendance age will attend school a minimum of 1080 hours. Students not attending the minimum days must be exempted by this policy as listed below or, referred to the county attorney. Exceptions to this policy include children who:

- Have completed the requirements for graduation in an accredited school or have obtained a high school equivalency diploma;
- Are attending religious services or receiving religious instruction;
- Are attending an approved or probationally approved private college preparatory school;
- Are attending an accredited nonpublic school; or,
- Are receiving independent private instruction; or,
- Are receiving competent private instruction.

It is the responsibility of the parent of a child to provide evidence of the child's mental and physical inability to attend school or of the child's qualifications for one of the exceptions listed above.

The **truancy officer principal** shall investigate the cause for a student's truancy. If the **truancy officer principal** is unable to secure the truant student's attendance, the **truancy officer principal** should discuss the next step with the **superintendent**. If the **superintendent** cannot secure the student's attendance through any additional efforts, the **superintendent** shall promptly report the truancy violation to the board secretary and the Board may elect to take action thereon. If after all school actions are exhausted, the student is still truant, the **truancy officer principal will shall** refer the matter over to the county attorney ~~for students in grades 7-12~~

The school will participate in mediation if requested by the county attorney. The **principal will** represent the school district in mediation. The school district will monitor the student's compliance with the mediation agreement and will report violations of the mediation agreement to the county attorney.

Note: This is a mandatory policy. The compulsory attendance law does not require school districts to have a truancy officer

Legal Reference:

Iowa Code §§ 259A; 279.10-.11; ch.299; 299A ~~(2013)~~.

~~441 I.A.C. 41.25(8).~~

~~1978 Op. Att'y. Gen. 379.~~

281 I.A.C. 12.3(6); 441 I.A.C. 41.25(8).

Cross Reference:

501 Student Attendance

601.1 School Calendar

604.1 Competent Private Instruction

ENTRANCE - ADMISSIONS

Children in the school district community will be allowed to enroll in the school district's regular education program beginning at age five. The child must be age five on or prior to September 15 to participate in the school district's kindergarten program. The child must be age six on or prior to September 15 to begin the first grade of the education program.

The board will require evidence of age and residency in the form of a birth certificate or other evidence before the student may enroll in the school district's education program. It is within the discretion of the superintendent to determine what is satisfactory evidence for proof of age.

Prior to enrollment, the child must provide the administration with their health and immunization certificate. Failure to provide this information within the time period set by the superintendent is reason for suspension, expulsion or denying admission to the student.

NOTE: This policy reflects current Iowa law.

Legal Reference:

Iowa Code §§ 139A.8; 282.1, .3, .6.

Cross Reference:

501 Student Attendance

507.1 Student Health and Immunization Certificates

STUDENT TRANSFERS IN

Students who transfer into the school district must meet the immunization and age requirements set out for students who initially enroll in the school district.

The school district will request the student's cumulative records from the previous school district. If the student cannot offer proof of grade level, the superintendent will make the grade level determination. The superintendent may require testing or other information to determine the grade level. Students expelled or suspended from their previous school district will only be enrolled after approval of the board.

The superintendent will determine the amount of credits to be transferred. If the student has not previously attended an accredited school, it is within the superintendent's discretion to accept or reject credits or grades.

The board may deny admission if the student is not willing to provide the board with the necessary information.

NOTE: School districts do not need parental permission to request student records from previous school districts. The school district sending the records must notify the parents that the student's records have been sent.

Legal Reference:

20 U.S.C. § 1232g.

Iowa Code §§ 139A.8; 282.1, .3, .4; 299A.

Cross Reference:

501 Student Attendance

505.3 Student Honors and Awards

507 Student Health and Well-Being

604.1 Competent Private Instruction

STUDENT TRANSFERS OUT OR WITHDRAWALS

If the student's parents wish to withdraw or transfer the student from school prior to completing and graduating from the education program, they should notify the superintendent in writing as soon as possible of the decision to withdraw or transfer the student from the education program. The student or parent should present this written notice at the office and receive instructions regarding the return of textbooks, library books, locker equipment, hot lunch tickets, etc.

The notice should state the student's final day of attendance. If the student is not enrolling in another school district, the school district will maintain the student's records in the same manner as the records of students who have graduated from the school district.

If the parents wish to have the student's cumulative record sent to the new school district, the parents must notify the superintendent in writing. This notice will include the name of the school district and the person at the new school district to whom the student's cumulative records should be sent, **if known**. If the new school district requests the student's cumulative records, the school district will forward the cumulative records and notify the parents the records have been sent. The notice will inform the parents of their right to review the records sent.

If the student is of compulsory education age and not transferring to another public school district or an accredited nonpublic school, the parents will notify the superintendent that the student is receiving competent private instruction and file the necessary competent private instruction reports.

NOTE: The third paragraph is a reflection of federal law regarding the forwarding of student records.

Legal Reference:
20 U.S.C. § 1232g.
Iowa Code §§ 274.1; 299.1-.1A.

Cross Reference:
501 Student Attendance
506 Student Records
604.1 Competent Private Instruction

STUDENT ABSENCES - EXCUSED

Regular attendance by students is essential for students to obtain the maximum opportunities from the education program. Parents and students **alike** are encouraged to ensure an absence from school is a necessary absence. Students will attend school unless excused by the principal of their attendance center.

Student absences approved by the principal are excused absences. Excused absences will count as days in attendance for purposes of the truancy law. These absences include, but are not limited to, *illness, family emergencies, recognized religious observances, appointments that cannot be scheduled outside the school day and school-sponsored or approved activities.*

Students whose absences are approved will make up the work missed and receive full credit for the missed school work. ~~It is the responsibility of the student to initiate a procedure with the student's teacher to complete the work missed.~~

~~Students who wish to participate in school-sponsored activities must attend school [the full day or one-half day the day of the activity unless permission has been given by the principal for the student to be absent.~~

It is the responsibility of the parent to notify the student's attendance center as soon as the parent knows the student will not be attending school on that day. The principal may request evidence or written verification of the student's reason for absence.

It is the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference:

Iowa Code §§ 294.4; 299 ~~(2003)~~.
281 I.A.C. 12.2 ~~3~~(4).

Cross Reference:

501 Student Attendance
503 Student Discipline
504 Student Activities
506 Student Records

Option I

STUDENT RELEASE DURING SCHOOL HOURS

Students will be allowed to leave the school district facilities during school hours only with prior authorization from their parents, unless the parent appears personally at the student's attendance center to arrange for the release of the student during school hours, or with the permission of the principal.

Students in grades 11 and 12 who have earned open campus privileges may be allowed to leave the school district facilities when they are not scheduled to be in class. Students who violate school rules may have this privilege suspended.

It is the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Approved reasons for release of a student during the school day will include, but not be limited to, *illness, family emergencies, medical appointments, religious instruction, classes outside the student's attendance center, employment for which the student has been issued a work permit* and other reasons determined appropriate by the principal.

It is the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

NOTE: This option should be used by school districts with closed campuses.

Legal Reference:
Iowa Code § 294.4
281 I.A.C. 12.3(4).

Cross Reference:
501 Student Attendance
503 Student Discipline
504 Student Activities
506 Student Records

Option II

~~Students in grades ____ to ____ may be allowed to leave the school district facilities when they are not scheduled to be in class. Students who violate school rules may have this privilege suspended.~~

~~It is the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.~~

NOTE: This option should be used by school districts with open campuses.

Legal Reference:

Iowa Code § 294.4

281 I.A.C. 12.2(4).

Cross Reference:

501 Student Attendance

503 Student Discipline

504 Student Activities

506 Student Records

STUDENTS OF LEGAL AGE

Students who have attained legal age may continue the education program without payment of tuition as long as they are eligible to attend an Iowa public school and are residents of the school district.

Parents will be allowed to access and view the student's records without written permission from the student if the student is still a dependent for tax purposes. In most cases, with the discretion of the principal or the superintendent, the student will be able to make decisions and sign documents rather than requiring parental permission or signature.

Legal Reference:

20 U.S.C. § 1232g

Iowa Code §§ 22; 282.2, .6, .7; 285.4; 599.1; 622.10.

281 I.A.C. 12.3(6).

Cross Reference:

501 Student Attendance

506 Student Records

OPEN ENROLLMENT TRANSFERS - PROCEDURES AS A SENDING DISTRICT

The school district will participate in open enrollment as a sending district. As a sending district, the board will allow resident students who meet the requirements to open enroll to another public school district.

Parents requesting open enrollment out of the school district for their student will notify the sending and receiving school district no later than March 1 in the school year preceding the first year desired for open enrollment. The notice is made on forms provided by the Department of Education. The forms are available at the central administration office.

Parents of children who will begin kindergarten in the school district are exempt from the open enrollment March 1 deadline. Parents of children who will begin kindergarten will file in the same manner set forth above by September 1. Parents who have good cause as defined by law for failing to meet the March 1 deadline may make an open enrollment request by September 1 unless another deadline applies.

The receiving district will approve open enrollment requests according to the timelines established by law. The parents may withdraw the open enrollment request prior to the start of the school year. The receiving district's superintendent will notify the parents and sending school district by mail within five days of the school district's action to approve or deny the open enrollment request.

The board may approve a student's request to allow the receiving district to enter the school district for the purposes of transportation.

OR

~~The board will not approve a student's request to allow the receiving district to enter the school district for the purposes of transportation.]_____~~

An open enrollment request out of the school district from parents of a special education student is reviewed on a case-by-case basis. The determining factor for approval of such an open enrollment request will be whether the special education program available in the receiving school district is appropriate for the student's needs. The area education agency director of special education serving the receiving district will determine whether the program is appropriate. The special education student will remain in the school district until the final determination is made.

It is the responsibility of the superintendent to maintain open enrollment request applications and notice forms. It will also be the responsibility of the superintendent to develop appropriate office procedures and administrative regulations necessary for open enrollment requests.

NOTE: This policy reflects Iowa's open enrollment law. The option addresses the issue of transportation of open enrolled students. The board needs to establish by policy whether it will or will not allow a receiving district to enter the district to pick up open enrolled students. This option is on the bottom of the first page of this policy. For more detailed discussion of this issue, see IASB's Policy Primer, June 24, 2005.

Legal Reference:

Iowa Code §§ 139A.8; 274.1; 279.11; 282.1, .3, .8, .18; 299.1 ~~(2013)~~.
281 I.A.C. 17.

~~1990 Op. Att'y Gen. 75.~~

Cross Reference:

501 Student Attendance

506 Student Records

OPEN ENROLLMENT TRANSFERS - PROCEDURES AS A RECEIVING DISTRICT

The school district will participate in open enrollment as a receiving district. As a receiving district, the board will allow nonresident students, who meet the legal requirements, to open enroll into the school district. The board will have complete discretion to determine the attendance center of the students attending the school district under open enrollment.

The ~~(board or)~~ superintendent will take action on the open enrollment request no later than June 1 in the year preceding the first year desired for open enrollment.

OR

~~The superintendent will approve (select those appropriate—all timely filed applications by June 1; incoming kindergarten applications; good cause application; or continuation of an educational program application filed by September 1).]~~

The superintendent will notify the sending school district and parents within five days of the school district's action to approve or deny the open enrollment request.

Open enrollment requests into the school district will not be approved if insufficient classroom space exists. Open enrollment requests into the school district will also not be approved for students who have been suspended or expelled by the administration or the board of the school district the student is or was attending until the student has been reinstated into the school district from which the student was suspended or expelled. Once the student is reinstated, the student's open enrollment request will be considered in the same manner as other open enrollment requests provided the required timelines are met.

Open enrollment requests into the school district that, if denied, would result in students from the same nuclear family being enrolled in different school districts, will be given highest priority. The board, in its discretion, may waive the insufficient classroom space reason for denial for students of the same nuclear family to prevent the division of a nuclear family between two school districts. Other open enrollment requests into the school district are considered in the order received by the school district with the first open enrollment request given a higher priority than the second open enrollment request and so forth.

Generally, students in grades nine through twelve open enrolling into the school district will not be eligible for participation in interscholastic athletics, at the varsity level, during the first ninety days of open enrollment into the school district.

Parents are responsible for providing transportation to and from the receiving school district without reimbursement unless the parents qualify for transportation assistance. Upon a parent's request, the board may approve transportation into the sending district. The transportation is limited to within two miles of the district boundary/current bus route. The board's approval is subject to the sending district's approval.

OR

~~Parents of students whose open enrollment requests are approved by the (board or superintendent) are responsible for providing transportation to and from the receiving school~~

~~district without reimbursement. The board will not approve transportation into the sending district.]~~

An open enrollment request into the school district from parents of a special education student is reviewed on a case-by-case basis. The determining factors for approval of such an open enrollment request will be whether the special education program available in the school district is appropriate for the student's needs and whether the enrollment of the special education student will cause the class size to exceed the maximum allowed. The area education agency director of special education serving the school district will determine whether the program is appropriate. The special education student will remain in the sending district until the final determination is made.

The policies of the school district will apply to students attending the school district under open enrollment.

It is the responsibility of the superintendent to develop appropriate office procedures and administrative regulations necessary for open enrollment requests.

NOTE: This policy reflects Iowa's open enrollment law. The board needs to determine whether it will delegate authority to the superintendent to approve timely filed open enrollment requests. This option is the first set of options on page one of the policy. There are three options available to the board:

- ***board retains all approval authority over timely filed requests.***
- ***board delegates all approval authority over timely filed requests.***
- ***board delegates only some approval authority over timely filed requests.***

After the board makes its decision, the policy needs to be edited to reflect the board's decision.

The second option on page two addresses the issue of transportation of the receiving district to pick up open enrolled students. The board needs to establish by policy whether it will go into the sending district to pick up open enrolled students. For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 18 #3 – June 24, 2005.

Legal Reference:

Iowa Code §§ 139A.8; 274.1; 279.11; 282.1, .3, .8, .18; 299.1 ~~(2013)~~.

281 I.A.C. 17.

~~1990 Op. Att'y Gen. 75.~~

Cross Reference:

501.6 Student Transfers In

501.7 Student Transfers Out or Withdrawals

501.14 Open Enrollment Transfers - Procedures as a Sending District

506 Student Records

507 Student Health and Well-Being

606.6 Insufficient Classroom Space

HOMELESS CHILDREN AND YOUTH

~~The board will make reasonable efforts to identify homeless children and youth within the district, encourage their enrollment and eliminate existing barriers to their receiving an education which may exist in district policies or practices. The designated coordinator for identification of homeless children and for tracking and monitoring programs and activities for these children is the interventionist at the high school.~~

Legal Reference:

~~No Child Left Behind, Title X, Sec. 722, P.L. 107-110 (2002).
42 U.S.C. §§ 11431 et seq. (1994).
281 I.A.C. 33.~~

~~The Harlan Community School District believes all students should have access to a free, appropriate public education. The district will ensure that homeless children and youth have equal access to the same free, appropriate public education as other children and youth.~~

~~The term "homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes:~~

- ~~· Children and youth who are:
 - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled up")
 - Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
 - Living in emergency or transitional shelters; or
 - Abandoned in hospitals.~~
- ~~· Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;~~
- ~~· Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and~~
- ~~· Migratory children who qualify as homeless because they are living in circumstances described above.~~

~~To help ensure that homeless children and youth have a full opportunity to enroll, attend, and succeed at school, the board shall:~~

- ~~· Designate the high school principal as the local homeless children and youth liaison;~~

- Provide training opportunities for staff so staff may help identify and meet the needs of homeless children and youth;
- Remove barriers, including those associated with fees, fines, and absences, to the identification, enrollment, retention, attendance and/or success in school for homeless children and youth;
- Ensure collaboration and coordination with other service providers;
- Ensure transportation is provided in accordance with legal requirements;
- Provide school stability in school assignment according to the child's best interests;
- Ensure the privacy of student records, as provided by applicable law, including information about a homeless child or youth's living situation;
- Engage in the dispute resolution process for decisions relating to the educational placement of homeless children and youth as provided by applicable law; and
- Prohibit the segregation of a homeless child or youth from other students enrolled in the district.

The superintendent may develop an administrative process or procedures to implement this policy.

NOTE: This is a mandatory policy.

NOTE: The United States Department of Education and the Iowa Department of Education have additional information about implementation of the policy. For additional information, please visit:

- ***The "Education Department Releases Guidance on Homeless Children and Youth" section of the United States Department of Education's website, located at: <http://www.ed.gov/news/press-releases/education-department-releases-guidance-homeless-children-and-youth>.***

The "Homeless Education" section of the Iowa Department of Education's website, located at: <https://www.educateiowa.gov/pk-12/title-programs/title-x-part-c-homeless-education>

Legal Reference:

20 U.S.C. § 6301.

42 U.S.C. § 11302.

42 U.S.C. §§ 11431 *et seq.*

281 I.A.C. 33.

Cross Reference:

501 Student Attendance

503.3 Fines - Fees - Charges

506 Student Records

- 507.1 Student Health and Immunization Certificates
- 603.3 Special Education
- 711.1 Student School Transportation Eligibility

CARE OF SCHOOL PROPERTY/VANDALISM

Students will treat school district property with the care and the respect they would treat their own property. Students found to have destroyed or otherwise harmed school district property may be required to pay a fine or reimburse the school district. They may be subject to discipline under board policy and the school district rules and regulations. They may also be referred to local law enforcement authorities.

It is the responsibility of the superintendent, in conjunction with the principal, to develop administrative rules regarding this policy.

Legal Reference:

Iowa Code §§ 279.8; 282.4, .5; 613.16.

Cross Reference:

502 Student Rights and Responsibilities
802.1 Maintenance Schedule

STUDENT COMPLAINTS AND GRIEVANCES

Student complaints and grievances regarding board policy or administrative regulations and other matters should be addressed to the student's teacher or another licensed employee, other than the administration, for resolution of the complaint. It is the goal of the board to resolve student complaints at the lowest organizational level.

If the complaint cannot be resolved by a licensed employee, the student may discuss the matter with the principal within 5 days of the employee's decision. If the matter cannot be resolved by the principal, the student may discuss it with the superintendent within 5 days after speaking with the principal.

If the matter is not satisfactorily resolved by the superintendent, the student may ask to have the matter placed on the board agenda of a regularly scheduled board meeting in compliance with board policy.

NOTE: There should be limits on the length of time an individual has to pursue complaints in order to bring the issue to closure. The board needs to determine the appropriate number of days, five for example, and place that in the blanks. There are limits similar to this in Policy 307, and the board may want to use the same number of days in that policy to ensure consistency.

Legal Reference:
Iowa Code § 279.8

Cross Reference:
210.8 Board Meeting Agenda
213 Public Participation in Board Meetings
307 Communication Channels
502 Student Rights and Responsibilities
504.3 Student Publications

SEARCH AND SEIZURE

~~All~~ School district property is held in public trust by the Board ~~of Education~~. School district authorities ~~officials~~ may, without a search warrant, search ~~a student, student lockers, desks, student backpacks (or any other container used by a student for holding or carrying personal belongings of any kind), work areas or automobiles to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, school personnel, and others on school premises or at school-sponsored activities.~~ School authorities may seize any illegal, unauthorized or contraband materials discovered in the search. students or protected student areas based on a reasonable and articulable suspicion that a school district policy, rule, regulation or law has been violated. The search is in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees and visitors to the school district facilities. The furnishing of a locker, desk or other facility or space owned by the school and provided as a courtesy to a student, even if the student provides the lock for it, will not create a protected student area and will not give rise to an expectation of privacy with respect to the locker, desk, or other facility.

School authorities may seize any illegal, unauthorized or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, explosives, poisons and stolen property. Such items are not to be possessed by a student while they are on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The board believes that illegal, unauthorized or contraband materials may cause material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees, or visitors on the school district premises or property within the jurisdiction of the school district.

~~The furnishing of a locker, desk or other facility or space owned by the school and provided as a courtesy to a student, even if the student provides the lock for it, shall not create a protected student area and shall not give rise to an expectation of privacy with respect to the locker, desk or other facility. School officials may conduct periodic inspections of all, or a randomly selected number of school lockers, desks and other facilities or spaces owned by the school and provided as a courtesy to a student. During periodic inspections, students may be required to place their backpacks (or any other container used by a student for holding or carrying personal belongings of any kind) in their locker or in the hallway outside of their locker. Periodic inspections of school lockers, desks and other facilities or spaces owned by the school and provided as a courtesy to a student may be conducted using a drug-sniffing animal. A drug-sniffing animal may not be used to search a student's body.~~

~~A search warrant must be obtained prior to searching a locker or other personal belongings of a student where the search is based upon a drug dog sniff conducted by law enforcement.~~

~~It is the finding of the Board of Education that illegal, unauthorized or contraband materials generally cause material and substantial disruption to the school environment or present a threat~~

~~to the health and safety of students, employees, or visitors on the school premises. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for the administration of controlled substances, drug look-alikes, alcoholic beverages, tobacco, weapons, explosives, poisons, dangerous objects or stolen property. Such items are not to be possessed by a student anywhere on school premises.~~

~~All searches of individual students and individual protected student areas must be based on a reasonable suspicion and be reasonable in scope.~~

It shall be the responsibility of the superintendent, ~~in conjunction with the principals,~~ to develop administrative regulations regarding this policy.

NOTE: This policy reflects the law regarding school district authority for searching students, their possessions and their lockers. Substantive changes were made to 502.8R1.

Legal Reference:

U.S. Const. amend. IV.

New Jersey v. T.L.O., 469 U.S. 325 (1985).

Cason v. Cook, 810 F.2d 188 (8th Cir. 1987), *cert. den.*, 482 U.S. 930 (1987).

Iowa Code ch. 808A

281 I.A.C. 12.3(6).

Cross Reference:

502 Student Rights and Responsibilities

503 Student Discipline

SEARCH AND SEIZURE REGULATION

I. Searches, in general.

A. Reasonable and Articulable Suspicion: A search of a student will be justified when there are reasonable grounds for the suspicion that the search will turn up evidence that the student has violated or is violating the law or school district policy, rules, or regulations affecting school order.

Reasonable suspicion may be formed by considering factors such as the following

- (1) eyewitness observations by employees;
- (2) information received from reliable sources;
- (3) suspicious behavior by the student; or,
- (4) the student's past history and school record although this factor alone is not sufficient to provide the basis for reasonable suspicion.

B. Reasonable Scope: A search will be permissible in its scope or intrusiveness when the measures adopted are reasonably related to the objectives of the search. Reasonableness of scope or intrusiveness may be determined based on factors such as the following:

- (1) the age of the student;
- (2) the sex of the student;
- (3) the nature of the infraction; and
- (4) the emergency requiring the search without delay.

II. Types of Searches

A. Personal Searches

1. A student's person and/or personal effects (e.g., purse, backpack, etc.) may be searched when a school official has reasonable suspicion to believe the student is in possession of illegal or contraband items or has violacircumstances to be considered reasonable.

(a) Pat-Down Search: If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is conducted, it will be conducted in private by a school official of the same sex as the student and with another adult witness of the same sex present, when feasible.

(b) A more intrusive search, short of a strip search, of the student's person, handbags, book bags, etc., is permissible in emergency situations when the health and safety of students, employees, or visitors are threatened. Such a search may only be conducted in private by a school official of the same sex as the student, with an adult of the same sex present unless the health or safety of students will be endangered by the delay which may be caused by following these procedures.

B. Locker and Desk Inspections

Although school lockers and desks are temporarily assigned to individual students, they remain the property of the school district at all times. The school district has a reasonable and valid interest in insuring the lockers and desks are properly maintained. For this reason, lockers and desks are subject to unannounced inspections and students have no legitimate expectations of privacy in the locker or desk. Periodic inspections of all or a random selection of lockers or desks may be conducted by school officials in the presence of the student or another individual. Any contraband discovered during such searches will be confiscated by school officials and may be turned over to law enforcement officials

The contents of a student's locker or desk (coat, backpack, purse, etc.) may be searched when a school official has reasonable and articulable suspicion that the contents contains illegal or contraband items or evidence of a violation of law or school policy or rule. Such searches should be conducted in the presence of another adult witness when feasible.

C. Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of the student parking lots. The interior of a student's automobile on the school premises may be searched if the school official has reasonable and articulable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

Generally, students may not be interviewed during the school day by persons other than parents and school district officials and employees.

Requests from law enforcement officers and from persons other than parents, school district officials, and employees to interview students are made through the principal's office. Upon receiving a request, it is the responsibility of the principal to determine whether the request will be granted. Generally, prior to granting a request, the principal will attempt to contact the parents to inform them of the request and to ask them to be present.

If a child abuse investigator wishes to interview a student, the principal will defer to the investigator's judgment as to whether the student should be interviewed independently from the student's parents, whether the school is the most appropriate setting for the interview, and who will be present during the interview.

Students will not be taken from school without the consent of the principal and without proper warrant.

NOTE: Iowa law does not address access to students by law enforcement authorities or other officials. This policy reflects the generally accepted practice of school districts.

Legal Reference:

Iowa Code §§ 232; 280.17.

281 I.A.C. 102.

441 I.A.C. 9.2; 155; 175.

Cross Reference:

402.2 Child Abuse Reporting

502.10 Search and Seizure

503 Student Discipline

902.2 News Conferences and Interviews

SYSTEMS MONITORING

The district unconditionally reserves the right to monitor and examine all files and activity on district computer and network systems and students will have no expectation of privacy regarding such areas. The district technology directors or their designee may monitor or examine all system activities as deemed appropriate to ensure proper use of the system. In addition, the directors or their designee may inspect the contents of electronic mail sent by a student to an identified address using the district's system and may disclose the contents to others when required to do so by law or policies of the district, or in connection with an investigation by the district. The building administrator will determine what is inappropriate use according to the guidelines listed and age and grade of the student. The determination may be appealed to the Superintendent or his/her designee. The directors or their designee may close an account at any time as required to protect district systems or as a proportional consequence of inappropriate activity.

STUDENT CONDUCT

The board believes inappropriate student conduct causes material and substantial disruption to the school environment, interferes with the rights of others, or presents a threat to the health and safety of students, employees, and visitors on school premises. Appropriate classroom behavior allows teachers to communicate more effectively with students.

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or on property within the jurisdiction of the school district; or while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances.

Students who fail to abide by this policy and the administrative regulations supporting it may be disciplined for conduct which disrupts or interferes with the education program; conduct which disrupts the orderly and efficient operation of the school district or school activity; conduct which disrupts the rights of other students to participate in or obtain their education ~~or participation~~; or conduct that is violent or destructive; or conduct which interrupts the maintenance of a disciplined atmosphere. Disciplinary measures include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion.

A student who commits an assault against an employee on school district property or on property within the jurisdiction of the school district; while on school-owned or school-operated chartered vehicles; while attending or engaged in school district activities will be suspended by the principal. Notice of the suspension is sent to the board president. The board will review the suspension **and decide whether to hold a disciplinary hearing** to determine whether to impose further sanctions against the student which may include expulsion. **In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and students from the student committing the assault.** Assault for purposes of this section of this policy is defined as, **when, without justification, a student does any of the following:**

- an act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act; or
- any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting or offensive, coupled with the apparent ability to execute the act; or
- intentionally points any firearm toward another or displays in a threatening manner any dangerous weapon toward another.

The act is not an assault when the person doing any of the above and the other person are voluntary participants in a sport, social or other activity, not in itself criminal, when the act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace.

Removal from the classroom means a student is sent to the building principal's office. It is within the discretion of the person in charge of the classroom to remove the student.

Detention means the student's presence is required during non-school hours for disciplinary purposes. The student can be required to appear prior to the beginning of the school day, after school has been dismissed for the day, or ~~on a non-school day on Saturdays~~. Whether a student will serve detention, and the length of the detention, is within the discretion of the ~~certified licensed~~ employee or the building principal, disciplining the student.

Suspension includes the following or combination thereof; either an in-school suspension or an out-of-school suspension, a restriction from activities, or loss of eligibility ~~or a Saturday suspension~~. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. ~~The student may not attend school activities or participate in a contest of extracurricular activities during a suspension. A suspension will not exceed ten days without Board approval.~~ An in-school suspension will not exceed ten consecutive school days. An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities. An out-of-school suspension will not exceed ten consecutive school days. ~~A Saturday suspension means a student is required to appear at school on Saturday and be under the supervision of school district personnel. A Saturday suspension shall not exceed ten Saturdays.~~ A restriction from school activities means a student will attend school and classes but participation in and attendance at practices and school activities will be at the principals discretion.

Probation means a student is given a conditional suspension of a penalty for a definite period of time, ~~not to exceed ten days, in addition to being warned and/or punished for misconduct. in addition to being reprimanded.~~ The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

Expulsion means an action by the board to remove a student from the school environment, which includes, but is not limited to, classes and activities for a period of time set by the board.

~~Following the suspension of a special education student, an informal evaluation of the student's placement will take place. The Individual Education Program (IEP) is evaluated to determine whether it needs to be changed or modified in response to the behavior that led to the suspension.~~

~~If a special education student's suspensions, either in or out of school, equal ten days on a cumulative basis, a staffing team will meet to determine whether the IEP is appropriate.~~

Discipline of special education students, including suspensions and expulsions, will comply with the provisions of applicable federal and state laws.

It is the responsibility of the superintendent, in conjunction with the building principals, to develop administrative regulations regarding this policy. ~~These regulations may be communicated via student handbooks.~~

NOTE: This is a mandatory policy and outlines the school district's basic student conduct. Details of how this policy will be implemented should be included in the student handbook. The paragraph regarding assault of school district employees is Iowa

law. For more detailed discussion of this issue, see IASB's Policy Primer, October 10, 2002.

Legal Reference:

~~No Child Left Behind, Title IV, Sec. 4115, P.L. 107-110 (2002).~~

Goss v. Lopez, 419 U.S. 565 (1975).

Brands v. Sheldon Community School District, 671 F. Supp. 627 (N.D. Iowa 1987).

Sims v. Colfax Comm. School Dist., 307 F. Supp. 485 (Iowa 1970).

Bunger v. Iowa High School Athletic Assn., 197 N.W.2d 555 (Iowa 1972).

Board of Directors of Ind. School Dist. of Waterloo v. Green, 259 Iowa 1260, 147 N.W.2d 854 (1967).

Iowa Code §§ 279.8; **282.3**; 282.4; **282.5**; 708.1 ~~(2013)~~.

281 I.A.C. 12.3(6)

Cross Reference:

501 Student Attendance

502 Student Rights and Responsibilities

504 Student Activities

603.3 Special Education

903.5 Distribution of Materials

STUDENT SUSPENSION

Administrative Action

A. Probation

1. Probation is conditional suspension of a penalty for a set period of time. Probation may be imposed by the principal for infractions of school rules which do not warrant the necessity of removal from school.

2. The principal will conduct an investigation of the allegations against the student prior to imposition of probation. The investigation will include, but not be limited to, written or oral notice to the student of the allegations against the student and an opportunity to respond. Written notice and reasons for the probation will be sent to the parents.

B. In-School Suspension

1. In-school suspension is the temporary isolation of a student from one or more classes while under administrative supervision. In-school suspensions may be imposed by the principal for infractions of school rules, which are serious but which do not warrant the necessity of removal from school.

2. The principal will conduct an investigation of the allegations against the student prior to imposition of an in-school suspension. The investigation will include, but not be limited to, written or oral notice to the student of the allegations against the student and an opportunity to respond. In-school suspension will not be imposed for more than ten school days. Written notice and reasons for the in-school suspension will be sent to the student's parents.

C. Out-of-School Suspension

1. Out-of-school suspension is the removal of a student from the school environment for periods of short duration. Out-of-school suspension is to be used when other available school resources are unable to constructively remedy student misconduct.

2. A student may be suspended out of school for up to ten school days by a principal for a commission of gross or repeated infractions of school rules, regulations, policy or the law, or when the presence of the student will cause interference with the maintenance of the educational environment or the operation of the school. The principal may suspend students after conducting an investigation of the charges against the student, giving the student:

- a. Oral or written notice of the allegations against the student, and
- b. The opportunity to respond to those charges.

At the principal's discretion, the student may be allowed to confront witnesses against the student or present witnesses on behalf of the student.

3. Notice of the out-of-school suspension will be communicated to the student's parents and superintendent. ~~mailed no later than the end of the school day following the suspension to the student's parents and the superintendent.~~ A reasonable effort is made to personally notify the student's parents and such effort is documented by the person making or

attempting to make the contact. Written notice to the parents will include the circumstances which led to the suspension. ~~and a copy of the board policy and rules pertaining to the suspension.~~

D. Suspensions and Special Education Students

1. Students who have been identified as special education students may be referred for a review of the student's Individual Education Program (IEP). The IEP may be revised to include a continuum of intervention strategies and programming to change the behavior.

2. Students who have not been identified as special education students may be referred for evaluation after the student's suspension to determine whether the student has a disability and is in need of special education.

STANDARD FEE WAIVER APPLICATION

Date _____
year _____

School _____

All information provided in connection with this application will be kept confidential.

Name of student: _____ Grade in school _____

Attendance Center/School:

Name of parent, guardian or legal or actual custodian:

Please check type of waiver desired:

_____ Full waiver _____ Partial waiver _____ Temporary waiver _____

Please check if the student or the student's family meets the financial eligibility criteria or is involved in one of the following programs:

Full waiver

_____ Free meals offered under the Children Nutrition Program

_____ The Family Investment Program (FIP)

_____ ~~Supplemental Security Income (SSI)~~

_____ Transportation assistance under open enrollment

_____ Foster care

Partial waiver

_____ Reduced priced meals offered under the Children Nutrition Program

Temporary waiver

If none of the above apply, but you wish to apply for a temporary waiver of school fees because of serious financial problems, please state the reason for the request:

Signature of parent, guardian: _____

or legal or actual custodian _____

~~Note: Your signature is required for the release of information regarding the student or the student's family financial eligibility for the programs checked above.~~

STUDENT FEE WAIVER AND REDUCTION PROCEDURES

The board recognizes that while certain fees charged students are appropriate and authorized, certain students and their families are not financially able to pay the fees. The school district will grant either full waivers, partial waivers or temporary waivers depending upon the circumstances and the student or student's parents' ability to meet the financial criteria.

A. Waivers -

1. Full Waivers - a student will be granted a full waiver of fees charged by the school district if the student or student's parents meet the financial eligibility criteria for free meals under the Child Nutrition program, Family Investment Program, ~~Supplemental Security Income guidelines~~, or transportation assistance under open enrollment. Students in foster care are also eligible for full waivers.

2. Partial Waivers - a student will be granted a partial waiver of fees charged by the school district if the student or the student's parents meet the financial eligibility criteria for reduced price meals offered under the Child Nutrition program. ~~A partial waiver is based on the same percentage as the reduced price meals.~~ ~~OR The reduction percentage will be fifty percent.~~

3. Temporary Waivers - a student may be eligible for a temporary waiver of fees charged by the district in the event the student's parents are facing financial difficulty. Temporary waivers may be applied for at any time throughout the school year and ~~will shall~~ not extend beyond the end of the school year.

B. Application - Parents or students eligible for a fee waiver ~~shall will~~ make an application on the form provided by the school district. Applications may be made at any time but must be renewed annually.

C. Confidentiality - The school district will treat the application and application process as any other student record and student confidentiality and access provisions will be followed.

D. Appeals - Denials of a waiver may be appealed to the Superintendent of Schools.

E. Fines or charges assessed for damage or loss to school property are not fees and will not be waived.

F. Notice - the school district will annually notify parents and students of the waiver. The following information will be included in registration materials ~~and/or printed in the student handbook:~~

Students whose families meet the income guidelines for free and reduced price lunch, the Family Investment Program (FIP), ~~Supplemental~~

~~Security Income (SSI)~~, transportation assistance under open enrollment, or who are in foster care are eligible to have their student fees waived or partially waived. Students whose families are experiencing a temporary financial difficulty may be eligible for a temporary waiver of student fees. Parents or students who believe they may qualify for temporary financial hardship should contact the principal for a waiver form. This waiver does not carry over from year to year and must be completed annually.

GOOD CONDUCT RULE

Participation in school activities is a privilege. School activities provide the benefits of promoting additional interests and abilities in the students during their school years and for their lifetimes.

Students who participate in extracurricular activities serve as ambassadors of the school district throughout the calendar year whether at or away from school. Students who wish to have the privilege of participating in ~~school~~ extracurricular activities ~~and other school-sponsored activities~~ must conduct themselves in accordance with the board policy and must refrain from activities which are illegal, immoral or unhealthy. ~~"Student Conduct" policy throughout the calendar year.~~

Students who fail to abide by this policy and the administrative regulations supporting it may be subject to disciplinary measures. The principal will keep records of violations of the good conduct rule

~~Students disciplined under the good conduct rule shall receive appropriate due process in concert with the nature of the misconduct. It shall be the responsibility of the principal or assistant principal to maintain a record of violations of the good conduct rule and supporting regulations.~~

~~It shall be~~ is the responsibility of the superintendent to develop rules and regulations for school activities. Students wanting to participate in school activities must meet the requirements set out by the school district for participation in the activity. ~~in conjunction with the principals, to develop specific information regarding conduct for each school activity. This information shall be communicated via student handbooks.~~

NOTE: This is a mandatory policy. The detail outlining specific conduct expected and penalties for violation should be in the student handbook, and students involved in extracurricular activities must be notified of its contents.

Legal Reference:

Bunger v. Iowa High School Athletic Assn., 197 N.W.2d 555 (Iowa 1972).

In re Jason Clark, 1 D.P.I. App. Dec. 167 (1978).

Iowa Code §§280.13, .13A (1995).

281 I.A.C. 12.3(6); 36.15(1).

Cross Reference:

502 Student Rights and Responsibilities

503 Student Discipline

504 Student Activities