

# Regular Board Meeting for LPOSD #84

Tuesday, October 11, 2022 5:00 PM

Ponderay Events Center, 401 Bonner Mall Way, Ponderay, ID 83852

## I. CALL MEETING TO ORDER

## II. OPEN SESSION

Pledge of Allegiance

## III. APPROVAL OF AGENDA (Action Item)

## IV. ADMINISTRATION

IV.A. Hope Elementary School Student

Presentation- Principal Sherri Hatley

IV.B. Superintendent Report from Superintendent

Dr. Becky Meyer

## V. PUBLIC COMMENT

Anyone wishing to speak may sign up on the roster prior to the beginning of the meeting.

## VI. ADMINISTRATION

VI.A. Book Trust- Principal Sherri Hatley

## VII. BOARD

VII.A. 1st Reading of Policy

VII.A.1. 2345 Race and the Curriculum (New)

VII.A.2. 2470 Self-Directed Learners (New)

VII.A.3. 2640 Mastery Based Education (New)

VII.A.4. 3085 Sexual Harassment, Discrimination and Retaliation (Revision)

## VIII. CONSENT AGENDA-ACTION ITEMS:

VIII.A. Minutes

VIII.A.1. August 9, 2022- Regular Meeting #758

VIII.B. Human Resources Report

VIII.C. Payment of Bills

VIII.D. Consolidated Board Report

## IX. BOARD-ACTION ITEMS:

IX.A. Alternate Authorization Teacher to New Content Specialist for Jacob Eveland- Sandpoint High School

IX.B. 2nd Reading of Board Policy

IX.B.1. 2340 Controversial Issues and Academic Freedom

IX.B.2. 3010 Open Enrollment

IX.B.3. 3345 Use of Restraint, Seclusion, and  
Aversive Techniques for Students

X. **ANNOUNCEMENTS**

XI. **EXECUTIVE SESSION (Action Item):**

**Executive Session as provided for in Idaho Code, Title 74, Section 206, Subsection 1 (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.**

XII. **RETURN TO OPEN SESSION**

XII.A. Legal Matter

XII.B. Student/Personnel Matters

XIII. **ADJOURN (Action Item)**

**Lake Pend Oreille School District #84  
Board of Trustees Regular Meeting #758  
Ponderay Events Center, Ponderay, ID  
Tuesday, August 9, 2022**

**CALL MEETING TO ORDER**

Chair Geraldine Lewis called the meeting to order at 5:00 PM. A quorum was established with Trustees Geraldine Lewis, Purley Decker, Jalon Peters, Tonya Sherman and Lonnie Williams present. Also present were Superintendent Dr. Becky Meyer, Clerk of the Board Kelly Fisher, Chief Financial and Operations Officer Lisa Hals, Facilities Director Matt Diel, Child Nutrition Director Bobbie Coleman, Transportation Director James Kohler, Principal TJ Clary, Assistant Principal Crosby Tajan, members of the District Safety Task Force (DSTF), parents, staff and constituents.

**OPEN SESSION**

The *Pledge of Allegiance* was led by Chair Geraldine Lewis.

**APPROVAL OF AGENDA (Action Item)**

*Trustee Williams made a motion to Approve the Agenda.* Trustee Peters seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

**INFORMATION ITEMS/REPORTS:**

**PUBLIC COMMENTS**

There was no one signed up for public comment.

**ADMINISTRATION**

Superintendent Report- Superintendent Dr. Becky Meyer updated the Board on three topics, the LPOSD Strategic Plan, the District Safety Task Force, and talking about communication with the public. Dr. Meyer shared that we will be hosting three Community Input Forums starting Monday, September 19, 2022, at Sandpoint Middle School, Tuesday, September 20, 2022, at Clark Fork Junior-Senior High School, and Wednesday, September 21, 2022, at Sagle Elementary School. Dr. Meyer would love to have Board member representation at these meetings. Dr. Meyer shared the details of how these meetings will run. Dr. Meyer expressed that her goal is to have the 5-Year Strategic Plan in place by April, and May at the latest.

Dr. Meyer introduced the District Safety Task Force (DSTF) to the Board, sharing that safety does not happen by accident. She was very intentional in starting this Task Force and intentional about who we have on the team. The Task Force was selected by the Superintendent by gathering professionals in the fields of law enforcement from both County and City, parents, referrals from Board members, district leadership, and it represents a diverse set of school safety and security expertise. Dr. Meyer shared that all of her presentations will be available on the website after the meetings. The “why” of the DSTF was read aloud; The Lake Pend Oreille School District Safety Task Force (DSTF), composed of first responders, parents, and district leadership, is committed to gathering stakeholder feedback, reviewing current district practices, and making recommendations to proactively improve school safety protocols to protect all students and staff. Team members present introduced themselves to the Board and gave a brief background of their expertise. Dr. Meyer shared that we did stakeholder feedback for staff and parents through a survey to receive feedback about their concerns for safety needs. Dr. Meyer shared the details of the survey with the Board. The survey and DSTF vetted out the priorities from immediate (recommended to be completed before school starts), short-term (recommended to be completed during the 2022-23 school year), midrange (recommended to be completed as funding becomes available), long-term and ongoing. The DSTF detailed what the immediate, short-term and mid-range priorities include with the Board. There was discussion by the Board for clarification about the prioritized items. Planning is critical to our success. They wanted to let the Board know that if there was a budget for these items, we would have adjusted the priorities. Dr. Meyer along with the Board thanked the

DSTF team for all of their time spent on what they have accomplished so far. We want our students in the LPOSD to feel safe and to protect them while learning. The Board thanked the DSTF again for coming to the Board meeting and presenting to them.

Dr. Meyer shared communication avenues in reaching out to parents and stakeholders in our community. She wants to be good community partners. She will be attending County and City meetings to be proactive with communications. She wants accessibility for all. Clerk of the Board Kelly Fisher is piloting BoardBook for future meetings. Our welcome back breakfast and program hosted by PAFE will be on September 1, 2022, and Dr. Meyer invited the Board to attend. Ending on a really exciting note, Dr. Joy Jansen was awarded with the Special Services Director of the Year Award.

## **FINANCE**

Financial Update - Chief Finance and Operational Officer Lisa Hals focused on our school district, and at the State level. Last week our external auditors were on site for four full days. This is the second field work done. All public entities are required to be externally audited. The formal audit will be presented to the Board on October 25, 2022. This year we will have three single audits. We have two additional audits this year than normal due to receiving ESSER dollars. There will be no surprises in our fiscal year 2022 audit. In March, building our budget for fiscal year 2023 our general fund would be about 32% and we have come in slightly higher at 34%. This is because our final state foundation payment, for the first 28 weeks of enrollment, was slightly higher than projected. This was about \$200,000.00 more than projected in March of 2022. We have added 13% to our fund balance as we are aggressively supplanting our ESSER dollars, primarily in staffing about 2.6 million dollars. Hals shared that she is backing out about 800 thousand dollars in 3 construction packages. One at our Child Nutrition site, the Sandpoint Middle School roofing project, and the Sandpoint High School project in our locker rooms. All ESSER dollars must be spent by September 30, 2024. Overall, our property tax collections were on par from the prior year. The default rate was between 5-6% and now in fiscal year 2022 it is 3.51%. The reason this is very important is because in any given fiscal cycle we are collecting on back taxes and that portion has decreased. Looking forward to fiscal year 2023 compared to what we have budgeted, we are potentially transferring \$300,000.00 into our Child Nutrition Program. With the increased revenues in the free universal past two years for breakfast and lunch where the reimbursement was higher when it is not free, we may not have to transfer any of that \$300,000.00, or probably less than that. On the flip side, although we did increase our fuel and utilities budgets quite substantially, they may be too lean.

Turning to the State, the fiscal year end is June 30, 2022, and K-12 is the largest appropriation for any agency budget on an annual basis. The State started with 1.6 billion dollars in reserves. A large portion of this was spent on roads and public education. In March of 2022, they ended their fiscal year with 1.3 billion dollars. The State is affected by the high inflation rate and there is a lot of discussion of a recession. The State also has benefited from the infusion of Federal COVID relief dollars. For fiscal year 2022 and now fiscal year 2023, House Bill 436 has passed substantial reductions in lowering the income tax brackets giving rebates. The state deposited into PSEF, which is the reserve fund balance designated for K12 in the state of Idaho, 18.6 million dollars bringing it to its maximum allowable percentage which is 8.3% under state statute of annual appropriation. They were able to do this as there were 2 supplemental appropriations in fiscal 2022. All state agencies are required to submit to the division of financial management by September 1st their draft budget requests for fiscal year 2024. What is unusual is that JFAC, which is a 20-member budget setting committee, has 11 members not returning. More than half of the JFAC members will be new, but they will also have a new Chair. Hals also mentioned that 45 officials will be new for the state legislative session in 2023. We will be paid on enrollment again, not Average Daily Attendance (ADA) which is the state statute. Hals hopes to start the budgeting process this Fall in the absence of having a good tenor of what drives 60% of our revenue. The Board thanked Hals for her presentation.

## BOARD

1<sup>st</sup> Reading of Policy -Dr. Meyer expressed that within the policy and procedure presented, the language needs to be changed from Secretary to Administrative Assistant. This dignifies their position and we do not have anyone that is not an Administrative Assistant. We have assured these are the only policies or procedures with that language. There was no further discussion or questions from the Board for policy 1200 Annual Organization Meeting and procedure 4210P Community Use of School Facilities.

## ACTION ITEMS:

### CONSENT AGENDA

#### A. Minutes

June 14, 2022- Regular Meeting #756

July 12, 2022- Regular Meeting #757

#### B. HR Report

#### C. Payment of Bills

#### D. Custodial Funds for School Fiduciary Activities

#### E. Award Dairy Proposal

#### F. Award Heating Fuel Bids

#### G. Award Snow Removal Bids

#### H. Award Bus and Support Vehicle Fuel Bids

#### I. Acquisition of New 71-Passenger Type C School Buses

*Trustee Willian made a motion to Approve the Consent Agenda as published. Trustee Decker seconded. Chair Lewis asked for comments or questions.*

*Trustee Peters made a motion to remove item I. Acquisition of New 71-Passenger Type C School Buses from the consent agenda to have a deeper discussion on it. Trustee Sherman seconded. Chair Lewis asked for comments and discussion. Chair Lewis expressed that she has no problem pulling this item out of the consent agenda. There being no further comments for discussion, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

*Trustee Decker made a motion that they approve the amended consent agenda without item I. Acquisition of New 71-Passenger Type C School Buses. Trustee Peters seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

### Acquisition of New 71-Passenger Type C School Buses

Trustee Peters is in favor of not having seatbelts on school buses. He expressed that there is equally supported data that not having seatbelts on buses is just as safe especially in an area as ours with a lot of water where students can get trapped and not removed. Trustee Sherman asked about seatbelts and if that should fall on the bus driver and if this is realistic. Transportation Director James Kohler shared that we have buses with seat belts. He is in favor of having policy and directive to students that if a seatbelt is present that you must wear it. If you give kids an option to wear it, they will not. The bus driver said how it made the environment safer in student behavior alone. Just driving down the road with students in seatbelts allowed him to focus on the road about 70% more than looking up into the mirror to have kids sit back down and so on. As far as the enforcement goes, he cannot expect the bus driver to enforce the seatbelts. He can have bus drivers run up and down the aisles to assure they are wearing their seatbelts while waiting for others at schools and before trips. Kohler shared that they reviewed video over a 5-week period, and the majority of all students were wearing their

seatbelts appropriately. Even if they are sitting correctly in their seat acting like they are wearing their seatbelt, they are behaving like they are wearing them. Kohler shared that they did a weight test on the seatbelts and they are very easy to release. The cost difference in having seatbelts is about 5 thousand dollars per bus. He shared that the state reimburses for buses about 85%, so the cost increase is very nominal. Trustee Decker shared that there needs to be an adult in the back of the school bus on field trips to have proper behavior on school buses. Trustee Peters shared the major win is the behavior which increases the safety. Trustee Peters asked if there has been parent feedback about seatbelts on buses.

*Trustee Sherman made a motion to Approve the Acquisition of New 71-Passenger Type C School Buses.* Trustee Decker seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker and Sherman voting aye. Trustee Peters abstained. Motion carried.

## **BOARD**

2022-2023 District Transportation Program and Handbook- Transportation Director James Koehler detailed the Transportation Program. The State Department of Education (SDE) requires the Board to approve the Transportation program every fiscal year. This year, unlike other years, we had very little change to the program. Koehler shared that we do not have any problematic routes that have not already been addressed. We now have seatbelt feedback from bus drivers. Adding into their training in December and March they do CPI training. This is nonviolent crisis intervention. This year there was an opportunity to become certified in autism spectrum disorder. This helps the drivers better understand autism. In the bus route summary, Koehler shared that we still have 35 routes, we will be fully staffed this year, and he will not have to drive. Their projected ridership for this year is 915 students on the morning route, but he is expecting that to go up this year. Safety bussing was evaluated this year. They are required to be evaluated every three years, and the safety zones are the same and the traffic was a little higher. For school bus turn around locations, they did not have any addition or changes. For payment in-leu, we had two additional, and are due to IEPs. There are the same stop locations for daycare facilities as last year.

*Trustee William made a motion to Approve the 2022-23 District Transportation Program.* Trustee Decker seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

Kohler shared that the Transportation handbook is adopted by the Board annually. There was no language about seatbelts in school busses. Kohler recommends that since students can use seatbelts on our school buses that we should have language in our Transportation handbook discussing seatbelts on school buses. He went over the seatbelt protocols and inspections.

*Trustee Decker made a motion to Approve the 2022-23 District Transportation Handbook as presented.* Trustee Sherman seconded. Chair Lewis asked for comments. Trustee Peters asked if there was a parent that didn't want to have their student wear a seatbelt if there was a waiver to let them not wear a seatbelt. Kohler shared that he would have to look into the liability of allowing parents to opt out of having their student wear a seatbelt. Dr. Meyer shared that riding a school bus is not a right but it is a service the district provides. If families do not want their students to wear a seatbelt, they can transport their own students. There are some school districts that do not offer transportation at all. Trustee Williams shared that whether we create a loophole or not for parents to have their kids not wear seatbelts should not prevent the approval of adopting the handbook. There being no further questions or discussion, the vote was taken with Trustees Lewis, Williams, Decker, and Sherman voting aye. Trustee Peters abstained. Motion carried.

Dr. Meyer wanted to publicly express her gratitude to Transportation Director James Kohler for caring about kids and allowing for all of the staff to get properly trained. The Board thanked Transportation Director for presenting to them.

2022/23 Meal Price Change Approval

*Trustee William made a motion to Approve the 2022-23 Meal Price Change.* Trustee Sherman seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

Impact Fees for New Subdivisions-Superintendent Dr. Becky Meyer expressed that we are not allowed to collect actual impact fees but they would be approving a letter that could be adapted to new subdivision.

*Trustee Sherman made a motion to Approve the Letter as Written for LPOSD to Send out to New Subdivisions as Needed.* Trustee Decker seconded. Chair Lewis asked for comments. Trustee Williams asked if this comes into effect if we are reached out to? Dr. Meyer shared that new developments are asked for opinion letters acknowledging that their development may impact our school district. There being no further questions, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

Emergency Provisional Alternate Authorization for Ryan Allen- Sagle and Southside Elementary

*Trustee Sherman made a motion to Approve the Emergency Provisional Alternate Authorization for Ryan Allen.* Trustee Peters seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

Emergency Provisional Alternate Authorization for Mason Jones-LPO Alternative High

*Trustee Peters made a motion to Approve the Emergency Provisional Alternate Authorization for Mason Jones.* Trustee Decker seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

Emergency Provisional Alternate Authorization for Hannah Meehan-Kootenai Elementary

*Trustee Decker made a motion to Approve the Emergency Provisional Alternate Authorization for Hannah Meehan.* Trustee Sherman seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

Alternate Authorization Content Specialist for Kendall Lang- Sandpoint Middle

*Trustee Peters made a motion to Approve the Alternate Authorization Content Specialist for Kendall Lang.* Trustee Sherman seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

Alternate Authorization Content Specialist for Nichole McIntosh-Southside Elementary

*Trustee Williams made a motion to Approve the Alternate Authorization Content Specialist for Nichole McIntosh.* Trustee Decker seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.

Alternate Authorization Content Specialist for Elizabeth Sims-Farmin Stidwell Elementary

*Trustee Peters made a motion to Approve the Alternate Authorization Content Specialist for Elizabeth Sims. Trustee Decker seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

Alternate Authorization Teacher to New Administrator for Jennifer Majors- Northside Elementary  
*Trustee Sherman made a motion to Approve the Alternate Authorization Teacher to New Administrator for Jennifer Majors. Trustee Decker seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

Alternate Authorization Teacher to New for Emily Norton- Kootenai Elementary  
*Trustee Williams made a motion to Approve the Alternate Authorization Teacher to New for Emily Norton. Trustee Sherman seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

Alternate Authorization Teacher to New for Mindy Roget- Sandpoint High School  
*Trustee Peters made a motion to Approve the Alternate Authorization Teacher to New for Mindy Roget. Trustee Williams seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

Alternate Authorization Teacher to New for Cody Spencer- Hope Elementary  
*Trustee Williams made a motion to Approve the Alternate Authorization Teacher to New for Cody Spencer. Trustee Peters seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

Alternate Authorization Teacher to New for Stephen Wimer- Sandpoint High School  
*Trustee Williams made a motion to Approve the Alternate Authorization Teacher to New for Stephen Wimer. Trustee Peters seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

#### 2nd Reading of Policy

Superintendent Dr. Becky Meyer shared survey results of the survey for policy 4330 Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events. We are hoping the adoption of the revisions of this policy help with spectator conduct at our events. Chair Lewis expressed that if the Board is not ready to adopt a policy at second reading it is perfectly acceptable to table it until the next board meeting. Dr. Meyer read aloud survey comments. Chair Lewis proposed to the Board that they table this policy by adding an introduction of this policy.

*Trustee Williams made a motion to table policy 4330 Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events. Trustee Decker seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

#### 5415 Other Types of Leave

*Trustee Decker made a motion to Approve the Amended Policy 5415 Other Types of Leave. Trustee Williams seconded. Chair Lewis asked for comments. There being none, the vote was taken with Trustees Lewis, Williams, Decker, Peters and Sherman voting aye. Motion carried.*

**Minutes of Regular Board Meeting #758**

**August 9, 2022**

**ANNOUNCEMENTS (No Action)**

No announcements were made.

**ADJOURN**

There being no further business before the Board, the meeting was adjourned at 6:40 PM.

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Attest: Kelly Fisher, Clerk

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Geraldine Lewis, Chair

### **Controversial Issues and Academic Freedom**

The District shall offer courses of study which will afford learning experiences appropriate to the level of student understanding. The instructional program shall respect the right of student to face issues, to have free access to information, to study under teachers in situations free from prejudice, and to form, hold, and express their own opinions without personal prejudice or discrimination.

The District affirms that the District, including its employees and students, are to respect the dignity of others and acknowledges the rights of others to express differing opinions and foster and defend intellectual honesty, freedom of inquiry, and instruction as well as speech and association rights appropriate for the educational setting.

The Board recognizes the need for teachers to have the freedom to discuss and teach subjects and issues which may be controversial. Such subjects and issues may include but not necessarily be limited to (1) politics, (2) science, (3) health and sex education and (4) values and ethics.

Teachers shall guide discussions and procedures with thoroughness and objectivity to acquaint students with the need to recognize opposing viewpoints, importance of fact, value of good judgment, and the virtue of respect for conflicting opinions.

The Board encourages and supports the concept of academic freedom, recognizing it as a necessary condition to aid in maintaining an environment conducive to learning and the free exchange of ideas and information.

The Board also believes that academic freedom carries with it a responsibility that is shaped by the basic ideals, goals and institutions of the local community. These standards are expressed via the goals and objectives of the adopted curriculum, by the adopted textbooks, by school board policy, and by the District's mission statement.

In the study or discussion of controversial issues or materials, however, the Board directs the teaching staff to take into account the following criteria:

1. Relative maturity of students;
2. District philosophy of education;
3. Community standards, morals and values;
4. The necessity for a balanced presentation; and
5. The necessity to seek prior administrative counsel and guidance in such matters.

As a consequence of its responsibility to guarantee academic freedom to both students and teachers, the Board expects that:

1. All classroom studies will be curriculum-related, objective, and impartial;
2. Teachers will create and maintain an atmosphere of open-mindedness and tolerance, and recognize that no one idea or viewpoint should necessarily prevail;



Policy History:

Adopted on: October 27, 2009

Revised on: ~~February 8, 2022~~

### **Open Enrollment by Students Who Reside Within and Outside the District**

The Board of Trustees recognizes that some of its patrons may want to enroll their children in a different school than the school that serves the attendance area in which they reside. ~~The Board also recognizes that some out-of-District parents/guardians may want to send their child to a District school.~~ Therefore, this policy is adopted to allow ~~all in-District and out-of-District patrons~~ families to submit an Out of Zone Open Enrollment application to attend one of the other ~~choose among this~~ District's schools under specified conditions. In making a decision on a student's open enrollment application, the Board of Trustees or designee 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 District may be eligible for open enrollment under this policy. A student currently under suspension or expulsion in another district is not eligible for open enrollment under this policy.~~ Out of District Open Enrollment applications may be submitted to the District Office for review and will be considered on a case-by-case basis, contingent upon the District's student enrollment.

Due process for all students remains 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.

#### Transportation

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

#### Sports

Eligibility rules for participating in extracurricular activities shall apply to students who request to attend a different school as described in this policy and any related procedures.

It is recommended that a student who is considering submitting an open enrollment application to this District, and who anticipates participating in a sport governed by the Idaho High School Activities Association (IHSAA) review IHSAA rules prior to submitting their open enrollment application. Certain school transfers could lead to a student being ineligible to play at the varsity level for one year.

#### Application/Approval Process

An open enrollment application must be submitted annually for admission to a specific school.

The Superintendent shall establish a procedure for:

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

Students who reside in the District and move out of their school attendance zone during the school year must initiate an Open Enrollment request to stay in their school.

The Superintendent may deny an open enrollment request when such enrollment would negatively impact the efficient use of the District resources.

#### Revocation of a Transfer

Transfer students are required to comply with all District policies. Unacceptable behaviors by a transfer student, ~~or~~ false or misleading information on their open enrollment application, **lack of academic progress, or poor attendance** are grounds for the District 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 Superintendent. The Board may review the Superintendent'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.

#### Preventing or Recruiting Potential Open Enrollment Students

Neither the District nor its employees will take action to prohibit or prevent application by a student to attend school in another school district or to attend another school within the District. In no event is the District, or an employee of the District 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 Superintendent shall report to the Board the effect of this policy. His or her 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.

STUDENTS

Legal Reference:	I.C. §33-512	Governance of Schools
	I.C. §33-1401	Transfer of Pupils - Definitions
	I.C. §33-1402	Enrollment Options
	I.C. §33-1404	Districts to Receive Pupils
	I.C. §33-2001	Education of Exceptional Children - Definitions

Policy History:

Adopted on: July 28, 2020

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

### Conduct of Employees Directed Toward Students

The use by appropriately trained District personnel towards or directed at 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 District 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 shall immediately seek out the assistance of the school's administration or, if such administrator is not available, a certified or classified employee with special training in seclusion and restraint, if available. Upon the arrival of such individual, the administrator or if no administrator is available, the most senior trained individual on seclusion or restraint shall take control over the situation.

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

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

If a situation occurs where a properly trained District employee must use acts of restraint or seclusion against a school student, the following shall occur:

1. The employee shall immediately report to their building principal, in writing, the following information:
  - A. The date the event occurred;
  - B. The circumstances leading to the event;
  - C. The student involved; and
  - D. Other witnesses or participants to the event.
2. The building principal shall notify the Superintendent's office or designee of the event, providing the Superintendent's office with a copy of the report of events.
3. The building principal shall ascertain if any of the school's video equipment captured the event on a recording. If such event was captured on recording, the principal shall take all best efforts to maintain a copy of the recording and provide such to the Superintendent's Office for the Superintendent's official records of the event.

4. The Superintendent or Designee shall ascertain the needs of the student involved in the seclusion or restraint and shall ascertain and maintain documentation as to whether or not such events were consistent with or contraindicated due to the student's psychiatric, medical, or physical condition(s).
5. The Superintendent or Designee of the Superintendent shall notify the parent or legal guardian of the subject student of the situation and the event of restraint or seclusion via telephone and provide the parent/legal guardian with the name and telephone contact information of the building principal where the parent may obtain additional information regarding the event.
6. The Superintendent or Designee of the Superintendent shall provide the parent/legal guardian of the student with notification of the event of restraint or seclusion of their student.
7. The Superintendent's office shall maintain documents as to events of restraint and seclusion and 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

As part of the training and preparation of each certificated administrator, certificated teacher, and in-building classified employee of the District, the following shall occur:

1. Training to personnel as to proper situations and events leading to student seclusion and intervention, including possible preventative alternatives to seclusion and restraint, safe physical escort, de-escalation of student crisis situations, and positive behavioral intervention techniques and supports;
2. Training of personnel in crisis/conflict management and emergency situations which may occur in the school setting, including examples and demonstrations of proper activities and techniques and trainers observing employee use of proper activities and techniques in the training setting;
3. Techniques to utilize to limit the possibility of injury to the student, the employees and any other third party in the area;
4. Information as to the school's student seclusion areas in each respective school building to which the employee is assigned;
5. Provision of the employee with a copy of this policy.

It is a goal that all new employees are trained in the area of student restraint and seclusion during their first quarter of employment. However, this may not be possible due to realities of the operation of a school district. If an employee has not yet undergone training and a situation necessitating student restraint or seclusion occurs, and another properly trained employee of the

District is present at the event, the properly trained employee shall take the lead in addressing the student crisis.

### Designated Locations

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

It is the responsibility of the building's principal, or designee of the principal, 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 shall include an adult in the seclusion location which has continuous visual observation of the secluded student.

### Definitions

For the purpose 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 believes that he or 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 interferences 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.

### Annual Review

On an annual basis, the Superintendent or designee shall review this policy and make a determination as to whether or not any modifications or amendments to this policy are necessary and should be proposed to the District's Board.

In conducting this annual review, such individual shall also review the reports of all events of seclusion or restraint that occurred with the District's students in the past school year. This review will 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.

### Policy History:

Adopted on:  
Revised on:



# Lake Pend Oreille School District #84

## Guidelines for Physical Restraint and Seclusion

### **Purpose**

The purpose of this document is to provide guidance for the use of physical restraint and seclusion in order to ensure uniformity across the Lake Pend Oreille School District and to preserve the rights and dignities of the students and staff. This document will present and describe the 15 essential principles for the district, school staff, parents, and other stakeholders to reference. At any time, staff, parents and/or stakeholders can request a meeting or documentation related to LPOSD guidelines to physical restraint and seclusion.

### **Background**

A study completed in 2009 found no Federal regulations governing the use of physical restraint and seclusion in public and private schools, and there was a wide variety of divergent State regulations. It was also determined that there were no reliable national data on when and how often restraint and seclusion were being used in schools, or on the extent of abuse resulting from the use of these practices in educational settings. As a result, in 2012 the Department of Education identified 15 principles that local school districts should consider as a framework in developing and implementing policies and procedures regarding the use of restraint and seclusion. From these 15 principles, LPOSD created district guidelines related to the use of physical restraint and seclusion.

**Physical restraint and seclusion should not occur in schools except when there is a threat of imminent danger of serious physical harm to the student or others, and occurs in a manner that protects the safety of all children and adults at school.**

### **Federal Definitions**

#### ***Physical Restraint:***

A personal restriction that immobilizes or reduces the ability of a student to move his or her own torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. **Physical escort** is defined as a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk on their own with assistance to a safe location.

#### ***Mechanical Restraint:***

A mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel, or



## Lake Pend Oreille School District #84 Guidelines for Physical Restraint and Seclusion

utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports for positioning, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

### **Seclusion:**

Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a *timeout*, which is a behavior management technique that involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming and reducing disruptive behaviors.

## **LPOSD Guiding Principles**

- 1. Every effort will be made to prevent the need for the use of physical restraint or seclusion.**
  - Teach replacement behaviors.
  - In cases where a student has a history of dangerous behavior for which restraint or seclusion was considered or used, a school should have a plan for:
    - Teaching and supporting more appropriate behavior; and
    - Determining positive methods to prevent behavioral escalations that have previously resulted in the use of restraint or seclusion.
  - General Education Student: MTSS building teams should:
    - Develop a Behavior Contract template for general education use;
    - Identify interventions
    - Take data (focused/defined/measurable) for an appropriate period of time (at least 4-6 weeks) before saying 'it doesn't work'.
    - A referral for SPED evaluation may be considered once adequate interventions and data have been collected.
  - Student receiving Special Education: The IEP Team will:
    - Complete a Functional Behavior Assessment (FBA).
    - Create a Behavior Intervention Plan based on the findings of the FBA.
    - Maintain progress monitoring regarding interventions and student progress.



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2. **Mechanical or chemical restraints will *never* be used to restrict a student’s freedom of movement or to control behavior.**
  
3. **Physical restraint or seclusion will only be used in the following situations:**
  - a. **The student’s behavior poses imminent danger of serious physical harm to self or others, and**
  - b. **Other interventions are ineffective**
    - **Imminent danger** is defined by statute as “any conditions which are such that a danger exists which could reasonably be expected to cause death or serious physical harm.
    - **Serious physical harm** is defined by statute as “physical injury that creates a substantial risk of death; extreme physical pain; or that causes protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, mental faculty or organ.”
    - Physical restraint or seclusions should not be used as a response to inappropriate behaviors such as:
      - Disrespect;
      - Noncompliance;
      - Swearing;
      - Insubordination;
      - Out of seat; or
      - Defiance.
  
4. **Policies restricting the use of restraint and seclusion will apply to all students, not just those with disabilities.**
  
5. **Any behavioral intervention must be consistent with the student’s rights to be treated with dignity and to be free from abuse.**
  
6. **Physical restraint or seclusion will never be used:**
  - as a form of punishment or discipline (e.g., for out-of-seat behavior);
  - as a means of coercion or retaliation, or as a convenience for staff;
  - as a planned behavioral intervention in response to behavior that does not pose an imminent danger of serious physical harm to self or others; or
  - in a manner that endangers the child



## Lake Pend Oreille School District #84 Guidelines for Physical Restraint and Seclusion

- 7. Physical restraint or seclusion will never restrict a student's breathing or harm the student.**
- 8. Behavioral strategies will be reviewed and revised to reduce/eliminate the need for the use of restraint and seclusion. If positive behavioral strategies are not in place, staff should develop them.**
  - Teach and support more appropriate behavior, and
  - Determine positive methods to prevent behavioral escalations.
- 9. Behavioral strategies to address patterns of dangerous behavior that results in the use of physical restraint or seclusion should address the underlying cause or purpose of the dangerous behavior through a Functional Behavioral Assessment and a Behavior Intervention Plan.**
  - Contact Director of Special Education to consider the process for an FBA/BIP for a student
- 10. Teachers and other personnel should be regularly trained:**
  - Staff who have direct interaction with students should be regularly trained on the use of positive behavioral interventions and supports.
  - Designated district staff will be trained on the safe use of physical restraint and seclusion in cases involving imminent danger of serious physical harm. Designated staff are trained in Crisis Prevention Intervention (CPI). District holds quarterly trainings for those who need to be initially trained or require recertification.
- 11. Students requiring the use of physical restraint or seclusion will be carefully and continuously visually monitored to ensure the appropriateness of its use and safety of the student and others.**
  - Only school personnel who have received the required training on the use of district- approved method of physical restraint and seclusion will be engaged in this process.
- 12. Staff will document that parent/guardian are notified on the same day following each instance in which physical restraint or seclusion is used with their student.**
- 13. Each physical restraint or seclusion incident will be documented through the completion of the "LPOSD Incident Report of Physical Restraint or Seclusion" Google form.**



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- 14. If an incident of physical restraint or seclusion occur, a debriefing with the school team should take place as soon as possible to consider the event, particularly if there was a possibility to avoid the physical restraint or seclusion.**
  
- 15. Policies regarding the use of physical restraint and seclusion will be reviewed and revised as necessary by the district administrators using appropriate data.**