

IDLA Board of Directors

October 13, 2026

Public Comment

GUIDELINES FOR ADDRESSING THE BOARD DURING OPEN FORUM

Open Forum is allowed during a regular scheduled Board meeting and will not be permitted during a special Board meeting or an Executive Session. The duration of time allowed per speaker will not exceed five minutes. Should a large number of speakers wish to speak on the same issue or topical area, the Chair of the Board may limit the time allocated to each speaker, ask representatives of the group to summarize their colleague's statements, or limit the number of speakers. The total time allotted for the Open Forum will not exceed fifteen minutes. Speakers may not air personnel matters, personal complaints, grievances, or partisan political issues.

The following priority will be given to speakers during the Open Forum:

- I. Presentations from individuals or groups on matters scheduled for Board action or discussion on the meeting agenda;
- II. Presentations from individuals or groups on matters not scheduled for Board action or consideration, and who have not made presentations at the Open Forum within the previous six (6) months; and
- III. Presentations from individuals or groups on matters not scheduled for Board action or consideration and who have made presentations at the Open Forum within the previous six (6) months.

Because of the diversity of issues, members of the Board do not respond to the speaker during the Open Forum. Instead, the speakers' concerns are recorded, and time is allotted in the future for the Board to follow up.

Consent Agenda

Action Items

Policy - First Reading

- 4120 - [Uniform Grievance Procedure](#)
 - Grievance policy for students, parents, and patrons
 - Covers the escalation process for handling a grievance
- 5250 - [Staff Grievances](#)
 - Grievance policy for employees
 - Follows the same escalation process as 4120
- 5260 - [Abused and Neglected Child Reporting](#)
 - Requires all employees to report suspected cases of child abuse or neglect
 - Supports the current reporting process in IDLA Handbooks
- 5290 - [Political Activity - Staff Participation](#)
 - Protects employees' First Amendment rights to participate in political activities
 - Identifies what activities should not occur during the workday

Policy - Second Reading

- 5240 - [Sexual Harassment/Intimidation in the Workplace](#)
 - Applies to employees in the workplace
 - Includes requirements for investigation and confidentiality in following up on complaints
- 3085 - [Sexual Harassment, Discrimination, and Retaliation](#)
 - Similar to 5240, but applicable to students, parents, and members of the community
 - Enforces Title IX rights and protections
 - Would be implemented in the case of a student-employee or student-student complaint
 - Refers to Policy 4120 (Grievance Procedure) which will be introduced for 1st reading in October
- 3085-P(1) - [Sexual Harassment, Discrimination, and Retaliation - Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions](#)
 - Process for investigating and resolving a Title IX complaint
 - K-12 is not required to provide live hearings
 - Brian Smith is established as the IDLA Title IX Coordinator
 - Both Brian and Jeff S are participating in Title IX Training this year

Education Freedom Tax Credit (incl. in Big Beautiful Bill)

Contributors

- Dollar-for-dollar credit based on donation to eligible SGO, up to \$1700 per taxpayer
- Idaho has opted-in
- Bluum, IASA, Idaho Community Foundation are establishing an SGO to facilitate donations and distribution of scholarships
- 28.96% of Idahoans owe >\$1700 on federal taxes annually (Source: Democrats for Education Reform)
- Any taxpayer can donate any amount
- Donations must be made for a specific purpose

Recipients

- Families under 300% of median area income qualify
 - 88.4% of Idaho students (Source: American Federation for Children)
- Families request scholarships for a published cost from a state approved SGO
 - IDLA course fees (\$40/\$100/\$445)
- Schools, Vendors, or Education Service Providers can be the recipient of student requested funds

Education Freedom Tax Credit

What does this mean for IDLA?

1. Show schools how to set up IDLA scholarship fee donations within an SGO
OR within their own SGO
2. Advertise course fee scholarships to all registering students

Offset course fees, creating barriers for some current students

- Offset course fee = reduction of barriers for current students, increase in enrollment and enrollment-based funding

Motion: I move to approve the Superintendent to create opportunities for course fees to be covered by utilizing Education Freedom Tax Credit funds.

FY27 Full-Time Employee Vacation Cash Out

Current: IDLA FT Employees may cash out up to 5 vacation days annually, occurring on the October 31st payroll

Proposed: IDLA FT Employees may cash out up to 6 vacation days for FY27 only

Purpose: Staff recognition and morale

Cost: \$22,000

Motion: I approve increasing the Full-Time IDLA Employee vacation cash option out to 6 vacation days for FY27.

Superintendent Update

FY28 Budget Update

Current-Year Budget and Enrollment Outlook

Original budget: 43,500 enrollments, using \$5.6 million in fund balance.

HB 940's planned reductions: Expected to lower enrollment to approximately 40,000.

Additional dual credit decline: Higher fees are driving a projected 45% reduction, from 9,100 to approximately 5,000 enrollments.

Updated outlook: Approximately 36,000 total enrollments, using \$4.4 million in fund balance and leaving just over \$5 million.

State funding: Supports approximately 31,000–32,000 enrollments, depending on the mix of courses.

FY28 Funding Gap and FY29 Fiscal Cliff

Flat funding: At 36,000 enrollments, FY28 would require \$4.3 million in fund balance, leaving less than \$1 million.

FY29 fiscal cliff: Remaining reserves cannot cover an ongoing annual funding gap exceeding \$4 million.

If the state funds 36,000 enrollments: FY28 fund balance use falls to approximately \$2.3 million, leaving approximately \$3 million in reserves.

Remaining challenge: Close the \$2.3 million annual gap through additional state funding, outside revenue, cost reductions, or a combination.

Staffing context: \$2.3 million equals approximately 20 full-time positions at \$114,000 per employee, including benefits. Cuts of that scale would jeopardize sustainable operations.

Course Development Cost Update

Course Development Cost:

OER & Base Content Summaries

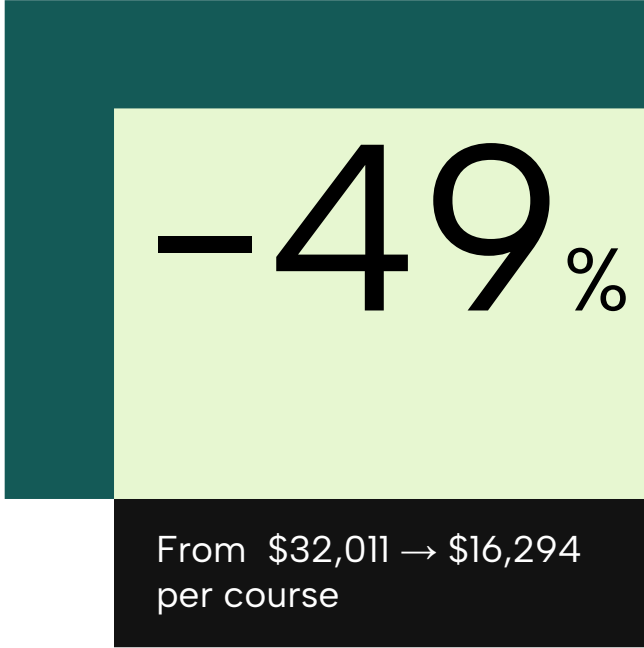
- AI rapidly combines existing course content and open resources into drafts, cutting down prewriting hours.

Automated Efficiency

- Accessibility and repeatable tasks are automated: image descriptions, video captions, vocabulary and reading-level adjustments.

Human Quality (no AI slop)

- SME and Instructional Designers spend more time on assignments, engagement, and predicting where students need support.



-49%

From \$32,011 → \$16,294
per course

Advocacy Toolkit

Advocacy Toolkit

6.3 Build trust with stakeholders through advocacy, transparency, and demonstrated impact.

IDLA Staff have created a toolkit to support team members who want to increase their level of advocacy for the organization

Resources include information on the differences between advocacy and lobbying, IDLA facts and data, and guidance about not using IDLA time, equipment, or systems to advocate

Fall Enrollment Update

Fall Enrollment Update

- 11,730 (~500 above our appropriation)
 - 8,404 unique students (avg 1.4 courses per student)
- Dual Credit
 - -1780 (43%) from Fall 2025
 - 70% of schools responding to our rural school survey indicate the course fee is making an impact on their dual credit enrollment
- Total decrease in Dual Credit for 26-27
 - -2,560 (46%)
 - Up to 7,680 college credits

District Services & District Programs

*Representing IDLA to schools
throughout the state*

Our Purpose

- Provide school personnel with the training & skills needed to
- Support their students, and their parents, taking online courses ...
- All while gathering feedback to improve the experience for them.

(wash, rinse, repeat)



Kristin Binder

District Services
Manager



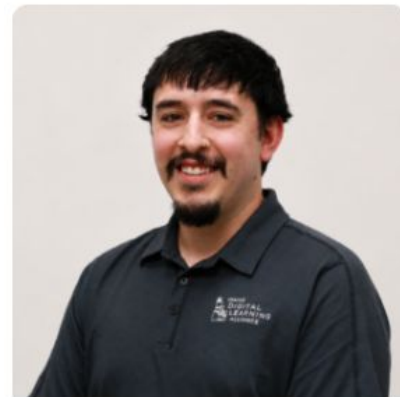
Angie Morrow

Student Services
Specialist



Mande Rice

District Programs
Specialist



Zaine Wilcox

Student Services
Specialist

- Academic Calendar and Course Offerings
- Registration and student onboarding
- Stakeholder Support
 - School Site Coordinators, Students, Parents, External Partners
 - IDLA Teachers and Principals
- ISEE Data
- Advanced Opportunities funding

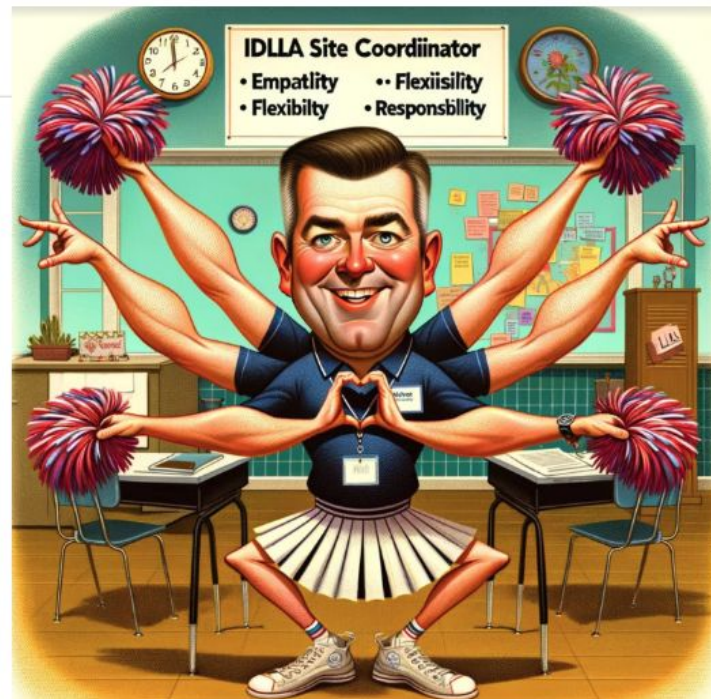


Parents

- New Student-Parent App



Site Coordinator AI Images:





Brad Patzer

District Programs Manager /
Regional Coordinator – Region 1 &
2



Monte Woolstenhulme

Director of District Programs



Erica Rogers

Regional Coordinator – Region 4



Luke Kelsey

Regional Coordinator – Region 5 &
6

Regional Support Staff around the State

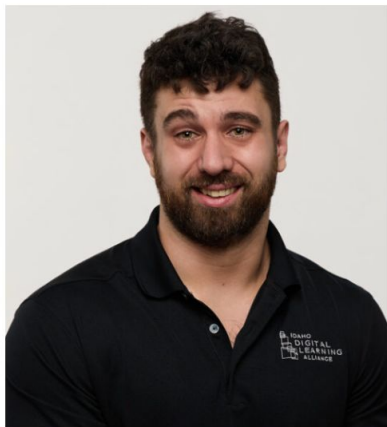
REGIONAL SUPPORT STAFF



Regions I and II



BRAD PATZER



PETER MILEY



NATALIE RIGGERS

Region III



**MONTE
WOOLSTENHULME**



MINDY WILKINS



REBECCA VANCE

Region IV



ERICA ROGERS



BROOKE CLARIDGE



ANGE HENNING

Region V and VI



LUKE KELSEY



BYRON HEATH

- Attend monthly Regional Superintendent meetings
- Consistent in-person school visits for training and support:
 - 1,704 for the 2025-2026 school year
 - 359 since July 1, 2026

Board Meeting Dates

Upcoming Board Meetings

- November 3, 2026, Face to Face, Boise, Noon MST
- January 12, 2027, Virtual 10:00 AM MST
- February 2, 2027, Face to Face, Boise, Noon MST
- April 13, 2027, Virtual 10:00 AM MST
- May 11, 2027, Virtual 10:00 AM MST
- June 8, 2027, Face to Face, Boise, Noon MST

Thank you!

Idaho Digital Learning Alliance

Virtual Meeting of the Board of Directors
9199 W. Black Eagle Drive, Boise ID 83709

Zoom: <https://idla.zoom.us/j/2083420207>

Meeting ID: 208 342 0207

October 13, 2026

Tuesday, October 13, 2026

10:00 AM

Board Members Present

-

Board Members Absent

-

Staff Members Present

-

Others Present

-

Call to Order, Introductions, and Welcome @ 10:00 AM

I. Agenda

II. Public Comment

Open Forum is held only during regularly scheduled Board meetings—not during special meetings or Executive Sessions—and is limited to a total of fifteen minutes, with individual speakers allowed up to five minutes each. The Board Chair may adjust speaking time, limit the number of speakers, or request group representatives to summarize shared viewpoints. Priority is given to individuals addressing agenda items or those who have not recently spoken at Open Forum. Public testimony must not include comments about employees, personnel matters, disciplinary issues, personal grievances, or partisan political topics. Board members do not respond during the forum, but concerns raised will be recorded and may be addressed at a future time.

III. Consent Agenda

1. Approval of the Minutes
2. Expenditures
3. Personnel

IV. Action Items

1. Policies, 1st Reading
 - a. #4120 - Uniform Grievance Procedure
 - b. #5250 - Staff Grievances
 - c. #5260 - Abused and Neglected Child Reporting
 - d. #5290 - Political Activity - Staff Participation
2. Policies, 2nd Reading
 - a. #5240 - Sexual Harassment/Intimidation in the Workplace
 - b. #3085 - Sexual Harassment, Discrimination, and Retaliation
 - c. #3085-P(1) - Sexual Harassment, Discrimination, and Retaliation - Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions
3. Federal Tax Credit
4. FY 27 Vacation Cash Out

V. Updates

1. Superintendent Update - Mr. Jeff Simmons
 - a. FY 28 Budget Update
 - b. Course Development Costs
 - c. Advocacy Tool Kit
 - d. Fall Enrollment Update
 - e. District Programs Overview - Mr. Monte Woolstenhulme

2026 - 2027 Board Meeting Dates

- November 3, 2026, Face to Face, Boise, Noon MST
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Idaho Digital Learning Alliance

Virtual Meeting of the Board of Directors
9199 W. Black Eagle Drive, Boise ID 83709

Zoom: <https://idla.zoom.us/j/2083420207>

Meeting ID: 208 342 0207

September 8, 2026

Tuesday, September 8, 2026

10:00 AM

Board Members Present

- Mr. Norm Stewart , Mr. Thane Price, Mrs. Karla LaOrange, Mrs. Megan Sindt , Mr. Matt Valadao , Mr. John Stiffler, Mr. Brian Lee, Mrs. Alica Holthaus

Board Members Absent

-

Staff Members Present

- Mr. Brian Smith, Dr. Jeff Simmons, Mr. Jeff Farden, Mr. Monte Woolstenhulme, Ms. Julie Patterson, Ms. Kim Caldroney

Others Present

-

Call to Order, Introductions, and Welcome @ 10:00 AM

I. Agenda

The meeting began at 10:01 a.m. A motion to approve the agenda was made by Mr. John Stiffler and seconded by Mr. Brian Lee. The motion is unanimously approved.

II. Public Comment

Open Forum is held only during regularly scheduled Board meetings—not during special meetings or Executive Sessions—and is limited to a total of fifteen minutes, with individual speakers allowed up to five minutes each. The Board Chair may adjust speaking time, limit the number of speakers, or request group representatives to summarize shared viewpoints. Priority is given to individuals addressing agenda items or those who have not recently spoken at Open Forum. Public testimony must not include comments about employees, personnel matters, disciplinary issues, personal grievances, or partisan political topics. Board members do not respond during the forum, but concerns raised will be recorded and may be addressed at a future time.

III. Consent Agenda

1. Approval of the Minutes
2. Expenditures
3. Personnel

A motion to approve the consent agenda was made by Mr. Brian Lee and seconded by Mr. Matt Valadao. The motion is unanimously approved.

IV. Action Items

1. Policies, 1st Reading

- a. #5240 - Sexual Harassment/Intimidation in the Workplace
- b. #3085 - Sexual Harassment, Discrimination, and Retaliation
- c. #3085-P(1) - Sexual Harassment, Discrimination, and Retaliation - Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions

A motion to approve the first reading of policy #'s 5240, #3085, and #3085-P(1) was made by Mrs. Alica Holthaus and seconded by Mr. Matt Valadao. The motion is unanimously approved.

2. Policies, 2nd Reading

- a. #5205 - Job Descriptions
- b. #5210 - Work Day
- c. #5230 - Accommodating Individuals with Disabilities
- d. #5235 - Health Examinations

A motion to approve and adopt as board policy on this reading for policy #'s 5205, #5210, #5230, and #5235 was made by Mr. Brian Lee and seconded by Mr. John Stiffler. The motion is unanimously approved.

3. Policies, Final Reading

- a. #5120 - Equal Employment Opportunity and Non-Discrimination
- b. #5125 - Reporting New Employees
- c. #5130 - Administrative Leave
- d. #5200 - Applicability of Personnel Policies

A motion to approve and adopt as board policy #'s 5120, #5125, #5130, and #5200 was made by Mr. Matt Valadao and seconded by Mrs. Alica Holthaus. The motion is unanimously approved.

V. Updates

1. Superintendent Update - Mr. Jeff Simmons

a. FY 28 Budget Request

Dr. Simmons reported that the IDLA budget is part of the SDE budget and the request needs to be made by September 8th for fiscal year 2028. We have already seen enrollments exceed the funding we have been allocated. A request has been submitted to increase funding.

b. On Ramp Grant

Dr. Simmons reported that this was an Apple community education initiative. They have informed us that they will not approve any CEI grants this year. Fall courses are still being offered; spring courses will not.

c. Enrollment Update

Dr. Simmons reported that enrollment #'s are at 8608 for the summer and above what we have been appropriated for. Fall enrollment is at 10,873, and not all districts have started yet. We are already very close to the 11,250 enrollment funding.

d. Admin Alt Auth

- i. Kim Wray
- ii. Katie Mosman

Mr. Jeff Farden reported that two additional staff members will seek Administrative alternate authorization, which will help with capacity overall.

e. IDLA Portal - Ms. Julie Patterson

Ms. Julie Patterson gave a presentation and overview of the IDLA portal, explaining that it is the front door for all users and brings together the various locations our audiences need to visit.

The meeting was adjourned at 10:56 am, with a motion made by Mr. Matt Valadao , and seconded by Mr. Brian Lee. The motion is unanimously approved.

2026 - 2027 Board Meeting Dates

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- June 8, 2027, Face to Face, Boise, Noon MST

FY2627 EXPENDITURES FOR BOARD APPROVAL

[IDLA Proposed Budget 6/16/2026](#)

[On Demand Report 8/1/2026 9/30/2026](#)

[JIT 7/1/2026 9/30/2026](#)

		Opening Bal 7/31/2026	8/1/2026 thru 9/30/2026	FY2627	FY2627 Approved Budget (June 2026)	FY2627 Remaining
SUPERVISION & INSTRUCTION						
100.500.313.100.000	INSTRUCTION - FACULTY TRAINING	\$0.00	\$244.87	\$244.87	\$30,000.00	\$29,755.13
100.500.381.000.000	INSTRUCTION - TRAINING / TRAVEL	\$2,733.39	\$924.94	\$3,658.33	\$16,000.00	\$12,341.67
100.500.440.000.000	INSTRUCTION - TEXTBOOKS	\$0.00	\$0.00	\$0.00	\$1,000.00	\$1,000.00
100.500.410.000.000	INSTRUCTION - SUPPLIES	\$81.46	\$0.00	\$81.46	\$1,600.00	\$1,518.54
100.640.312.000.000	SUPERVISION - CONTRACTED SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
100.640.381.000.000	SUPERVISION - TRAINING / TRAVEL	\$899.41	\$1,357.75	\$2,257.16	\$4,000.00	\$1,742.84
100.640.410.000.000	SUPERVISION - SUPPLIES	\$0.00	\$0.00	\$0.00	\$400.00	\$400.00
TOTAL:		\$3,714.26	\$2,527.56	\$6,241.82	\$53,000.00	\$46,758.18
CURRICULUM PROGRAMS						
100.510.312.000.000	CURRICULUM - CONTENT DEV SERVICES	\$8,740.00	\$4,065.00	\$12,805.00	\$108,000.00	\$95,195.00
100.510.381.000.000	CURRICULUM - TRAINING / TRAVEL	\$7,073.20	\$1,501.40	\$8,574.60	\$25,000.00	\$16,425.40
100.510.410.000.000	CURRICULUM - SUPPLIES	\$0.00	\$280.65	\$280.65	\$3,000.00	\$2,719.35
100.510.440.000.000	CURRICULUM - EDUCATIONAL CONTENT LIC	\$66,942.25	\$5,620.00	\$72,562.25	\$160,000.00	\$87,437.75
TOTAL:		\$82,755.45	\$11,467.05	\$94,222.50	\$296,000.00	\$201,777.50
ELEMENTARY PROGRAMS						
100.512.381.000.000	ELEMENTARY - TRAINING / TRAVEL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
100.512.410.000.000	ELEMENTARY - SUPPLIES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
100.512.440.000.000	ELEMENTARY - CONTENT LIC & SUPPORT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
100.512.555.000.000	ELEMENTARY - TECHNOLOGY HARDWARE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL:		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DISTRICT PROGRAMS						
100.600.312.000.000	DISTRICT PROGRAMS - COORDINATION / IMPLEMENTATION	\$0.00	\$0.00	\$0.00	\$18,000.00	\$18,000.00
100.600.381.000.000	DISTRICT PROGRAMS - TRAINING / TRAVEL	\$4,802.81	\$10,496.28	\$15,299.09	\$45,000.00	\$29,700.91
100.600.410.000.000	DISTRICT PROGRAMS - SUPPLIES	\$196.58	\$318.04	\$514.62	\$3,000.00	\$2,485.38
TOTAL:		\$4,999.39	\$10,814.32	\$15,813.71	\$66,000.00	\$50,186.29
INFORMATION AND TECHNOLOGY						
100.623.312.100.000	TECHNOLOGY - CONTRACTED SRVCS PROGRAMMING	\$16,502.64	\$43,055.79	\$59,558.43	\$230,000.00	\$170,441.57
100.623.312.200.000	TECHNOLOGY - CONTRACTED SRVCS - GENERAL	\$8,424.00	\$39,649.72	\$48,073.72	\$290,000.00	\$241,926.28
100.623.350.000.000	TECHNOLOGY - ORGANIZATIONAL COMMUNICATION	\$4,514.50	\$24,967.12	\$29,481.62	\$100,000.00	\$70,518.38
100.623.381.000.000	TECHNOLOGY - TRAINING / TRAVEL	\$1,230.00	\$1,408.80	\$2,638.80	\$18,000.00	\$15,361.20
100.623.410.000.000	TECHNOLOGY - SUPPLIES	\$204.95	\$406.41	\$611.36	\$5,000.00	\$4,388.64
100.623.460.100.000	TECHNOLOGY - SOFTWARE	\$185,013.10	\$13,265.94	\$198,279.04	\$200,000.00	\$1,720.96
100.623.460.200.000	TECHNOLOGY - LMS & SUPPORT	\$38,641.22	\$0.00	\$38,641.22	\$210,000.00	\$171,358.78
100.623.460.300.000	TECHNOLOGY - AI SOFTWARE	\$29,411.72	\$1,245.94	\$30,657.66	\$50,000.00	\$19,342.34
100.623.555.000.000	TECHNOLOGY - HARDWARE	\$11,408.73	\$1,810.87	\$13,219.60	\$150,000.00	\$136,780.40
100.623.556.000.000	TECHNOLOGY - SECURITY	\$35,389.77	\$0.00	\$35,389.77	\$50,000.00	\$14,610.23
100.623.557.000.000	TECHNOLOGY - INFRASTRUCTURE	\$4,373.26	\$35,090.16	\$39,463.42	\$400,000.00	\$360,536.58
TOTAL:		\$335,113.89	\$160,900.75	\$496,014.64	\$1,703,000.00	\$1,206,985.36
BUSINESS OPERATIONS						
100.651.312.000.000	OPERATIONS - CONTRACTED PROFESSIONAL SRVCS	\$6,580.00	\$9,845.00	\$16,425.00	\$50,000.00	\$33,575.00
100.651.315.000.000	OPERATIONS - STAFF EDUCATIONAL PROGRAM	\$0.00	\$3,808.78	\$3,808.78	\$30,000.00	\$26,191.22
100.651.321.000.000	OPERATIONS - FACILITY / OCCUPANCY	\$127,632.93	\$0.00	\$127,632.93	\$130,000.00	\$2,367.07
100.651.335.000.000	OPERATIONS - LIABILITY INSURANCE	\$0.00	\$8,494.46	\$8,494.46	\$15,000.00	\$6,505.54
100.651.350.000.000	OPERATIONS - DISTRICT SRVCS / COMMUNICATION	\$16,513.34	\$4,248.88	\$20,762.22	\$40,000.00	\$19,237.78
100.651.355.000.000	OPERATIONS - STAFFING EXPENDITURES	\$19,103.91	\$1,982.50	\$21,086.41	\$30,000.00	\$8,913.59
100.651.381.000.000	OPERATIONS - TRAINING / TRAVEL	\$4,890.68	\$4,646.87	\$9,537.55	\$20,000.00	\$10,462.45
100.651.382.000.000	OPERATIONS - BOARD EXPENSES	\$0.00	\$0.00	\$0.00	\$5,000.00	\$5,000.00
100.651.410.000.000	OPERATIONS - SUPPLIES	-\$122.43	\$1,697.55	\$1,575.12	\$30,000.00	\$28,424.88
TOTAL:		\$174,598.43	\$34,724.04	\$209,322.47	\$350,000.00	\$140,677.53



Idaho Digital Learning Alliance
P. O. Box 10017
Boise, ID 83707
208.342.0207
www.IDLA.org

Board of Directors
October 13, 2025

Resignations/Terminations/Non-Contract Renewals:

Name	Full-Time /Part-Time	Position	Years of Service	Last Day
Angelie Bauer	PT	Online Instructor	6	September 1, 2026
Hayley Remington	PT	Online Instructor	7.25	September 1, 2026
Austin Smith	FT	Programmer	11.25	September 11, 2026
Allie Howell	PT	Online Instructor	1.25	October 1, 2026
Julie Griggs	PT	Online Instructor	11.25	October 1, 2026
Alison Foudy	PT	Online Instructor	.75	October 1, 2026
Mark Worley	PT	Online Instructor	1.25	October 1, 2026



Idaho Digital Learning Alliance
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Policy 4120: Uniform Grievance Procedure
Original Adopted Date: _____
Last Reviewed Date: _____

Status: PROPOSED

The Board desires that administrative procedures for settling complaints and grievances of all students, parents/guardians, and patrons (hereinafter “Grievant”) be an orderly process within which solutions may be pursued. This policy shall apply to IDLA employees only if their grievance arises in their capacity as a parent/guardian or as a patron. Any other employee complaints shall be resolved as specified below.

The Board intends that this policy will provide prompt and equitable resolution at the lowest possible administrative level. Additionally, the Board desires that each grievant be assured an opportunity for orderly presentation and review of complaints without fear of reprisal.

Grievance Procedure

This grievance procedure should be followed if a grievant believes that the Board, its employees, or agents have violated the grievant’s rights guaranteed by state or federal law, or Board policy, except that any allegation of sexual misconduct or sexual harassment shall be addressed in accordance with Policy 3085. As referenced above, staff grievances related to their employment positions are governed solely by Policy 5250.

IDLA will endeavor to respond to and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person’s pursuit of other remedies recognized under state or federal law. Use of this grievance procedure is not a prerequisite to pursuing other such remedies, and using this grievance procedure does not extend any filing deadline for pursuing other such remedies.

Grievances will be processed according to the step-by-step process outlined below. However, if a person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step, and the process shall be modified as needed to meet the objectives of the Grievance Procedure. If a grievance is based directly on official Board action, it shall be directed to the Clerk of the Board. The Board may hear the grievance at the Board’s sole discretion.

Level 1: Informal: A grievant with a complaint is encouraged to first discuss it with the employee (teacher, counselor, principal, etc.) involved, to resolve the matter promptly and informally. An exception is that complaints of sexual misconduct against a student should be addressed in accordance with Policy 3085.

Level 2: Director of Supervision and Instruction: If the complaint is not resolved at Level 1, the grievant may file a written grievance stating:

1. The nature of the grievance, including identification of the state or federal constitutional provision, state or federal statute, and/or Board policy the grievant alleges has been violated, and the date the grievant attempted to address the matter informally with the employee in Level 1; and
2. The remedy requested.

It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Director of Supervision and Instruction or designee within 60 days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the Director of Supervision and Instruction or designee shall investigate and attempt to resolve the complaint within 30 school business days. If either party is not satisfied with the decision, the grievance may be escalated to Level 3 by submitting a written request that the Superintendent review the decision. This request must be submitted to the Superintendent within 15 days of the decision.

If the complaint alleges a violation of Title II, Section 504 of the Rehabilitation Act, or a Title IX violation other than sexual misconduct, the Director of Supervision and Instruction or designee shall refer the complaint to the Nondiscrimination Coordinator, who shall investigate it. The following will apply unless and as otherwise directed in a specifically-applicable IDLA policy, state, or federal law:

1. The Coordinator will complete the investigation and file the report with the Superintendent within 30 school days after receipt of the written grievance.
 - a. The Coordinator may hire an outside investigator if necessary.
2. The Coordinator's report will include recommendation(s) to resolve the grievance.
3. If the Superintendent agrees with the Coordinator's recommendation, it will be implemented. If the Superintendent rejects the Coordinator's recommendation, and/or either party is not satisfied with the recommendations from Level 2, either party may

submit a written appeal to the Board for a hearing within 15 days of receiving the Coordinator's report.

Level 3: Superintendent: Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the Director of Supervision and Instruction or designee. The parties shall be allowed to either dispute or concur with the report. The Superintendent shall decide the matter within 10 days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation, it will be implemented. If the Superintendent rejects the recommendation, the matter may be referred to an outside investigator for further review or resolved by the Superintendent.

If either party is not satisfied with the Superintendent's decision, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within 15 days of receiving the Superintendent's decision. The Board is the policy-making body of IDLA; however, appeals to that level must be based solely on whether the policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving that the Superintendent failed to follow Board policy.

Level 4: The Board: When the Board receives a written appeal of the decision of the Superintendent in which the grievant alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration at the earliest time convenient to the Board.

The Board has sole discretion to determine how to handle the grievance review, including, but not limited to, reviewing the written record and deciding, or seeking to speak with both sides of a grievance during a properly noticed meeting of the Board.

A decision by the Board shall be made and reported in writing to all parties within 30 days of the Board's review, whether by written record or via a meeting with the parties. The Board's decision will be final.

Legal References

NA

Description

NA

Cross References**Code****Description**

2410

Section 504 of the Rehabilitation Act of 1973

2410-P(1)

Section 504 of the Rehabilitation Act of 1973 - "Section 504"

2425	Parental Rights
2425-P(1)	Parental Rights - Parent/Guardian Notification of Changes in Health and Well-being
3060	Education of Homeless Children
3085	Sexual Harassment, Discrimination, and Retaliation Policy
3085-P(1)	Sexual Harassment, Discrimination, and Retaliation Policy - Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions
3290	Sexual Harassment/Intimidation of Students
3296	Bullying Awareness Week
4105	Public Participation in Board Meeting
4110	Public Complaints
4135	Website Accessibility and Nondiscrimination
4150	Accommodating Individuals with Disabilities
5240	Sexual Harassment/Intimidation in the Workplace



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Policy 5250: Staff Grievances**Status: PROPOSED****Original Adopted Date: _____****Last Reviewed Date: _____**

The Board desires that procedures for settling staff grievances be orderly processes through which solutions may be pursued. Further, the procedures provide prompt and equitable resolution at the lowest possible administrative level. Additionally, the Board desires that each employee be assured an opportunity for orderly presentation and review of grievances without fear of reprisal.

Grievance Definition

A grievance pursuant to this policy shall be a written allegation of a violation of Board-approved policies.

Grievance Procedure

A staff member with a grievance is encouraged first to discuss it with their immediate supervisor to resolve the matter promptly and informally. An exception is that complaints of sexual harassment should be addressed in accordance with Policy 3085 and Procedure 3085P, and violations of any other protected status should be discussed with the first-line administrator who is not involved in the alleged grievance. This attempt at informal resolution is not a required component of the grievance policy, but is suggested to resolve disputes informally.

If the grievance is not resolved informally, and the grievant wishes to continue to seek to address the grievance, the grievant shall file the written grievance with the Director of Operations or designee. The written grievance shall state:

1. The policy that the employee believes was violated;
2. The alleged date of violation;
3. The actor involved in the alleged violation; and
4. The remedy requested by the employee.

The written grievance must be filed with the Director of Operations or designee within 10 working days of the date of the initial event that allegedly gave rise to the grievance.

The Director of Operations or designee shall meet with the grievant and conduct any additional meetings or investigative activities they deem necessary to address the grievance.

Subsequent to these activities and within a period of ten working days, the Director of Operations or designee shall provide the grievant with a written response to the grievance of the employee.

If the grievant is not satisfied with the decision of the Director of Operations or designee, the individual shall have a period of five working days to advance the grievance to the Superintendent by submitting a written objection to the decision to the Superintendent.

If the Director of Operations or designee does not provide a written response to the grievance at the conclusion of ten working days and no extension of this time period has been agreed to between the grievant and the Director of Operations or designee, the grievance shall be advanced to the Superintendent without a written response from the Director of Operations or designee.

Upon receipt, the Superintendent or designee shall schedule a meeting between the parties and the Director of Operations or designee. The parties shall be allowed to provide a written response, either disputing or concurring with the report. The Superintendent or designee shall, within 15 working days, decide the matter and notify all parties in writing of the decision. The decision of the Superintendent or designee shall be controlling, regardless of whether it agrees or disagrees with the decision of the Director of Operations or designee.

If either party is not satisfied with the Superintendent's decision, an appeal may be made to the Board. A written appeal must be submitted to the Board within five days of receiving the Superintendent's decision. The Board is the policy-making body for IDLA; however, appeals to that level must be based solely on whether the policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving that the Superintendent failed to follow Board policy.

Upon receipt of a written appeal of the Superintendent's decision, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the Board's agenda for consideration no later than its next regularly scheduled meeting in accordance with any applicable confidentiality and open-meeting law requirements. A decision shall be made and reported in writing to all parties within 30 days of that meeting. The decision of the Board will be final.

Grievances will be processed according to the step-by-step process outlined in the Uniform Grievance Procedure 4120; however, in the case where a person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step, and the

process shall be modified as needed to meet the objectives of the Grievance Procedure. If a grievance is directly based on official Board action, the grievance shall be directed to the Clerk of the Board. The Board may hear the grievance at its sole discretion.

This policy does not preclude a party from pursuing other remedies that may be available under state or federal law.

Legal References

NA

Description

NA

Cross References**Code**

3085

Description

Sexual Harassment, Discrimination, and Retaliation Policy

3085-P(1)

Sexual Harassment, Discrimination, and Retaliation Policy -
Title IX Sexual Harassment Grievance Procedure,
Requirements, and Definitions

4110

Public Complaints

5120

Equal Employment Opportunity and Non-Discrimination

5230

Accommodating Individuals with Disabilities

5395

Whistleblowing

Policy 5260: Abused and Neglected Child Reporting**Status: PROPOSED****Original Adopted Date:** _____**Last Reviewed Date:** _____

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

"Abuse" as used in this policy is as defined in Section § 16-1602 of Idaho Code and includes any mental, physical, sexual, and other harm, or risk of harm, to a child described therein.

"Child Abandonment" as used in this policy is as defined in Section 16-102(2) of Idaho Code.

"Child Neglect" as used in this policy is as defined in Section 16-102(2) of Idaho Code.

Any IDLA employee who has reason to believe that a child may have been abused, abandoned, or neglected as referenced above and defined in Idaho Code, or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment, or neglect shall report or cause to be reported such a case to local law enforcement or the Department of Health and Welfare within 24 hours.

Reporting suspected child abuse, abandonment, or neglect under Idaho Code is the ethical and legal responsibility of each individual employee. Nothing in this policy precludes an employee from directly and independently reporting suspected abuse, neglect, or abandonment as required by Idaho Code. However, IDLA employees are strongly encouraged to notify the Superintendent or their designee immediately of the suspected child abuse, abandonment, or neglect so IDLA can ensure a report is timely made, and responsive measures are taken if necessary. When an employee notifies the Superintendent or designee of suspected child abuse, neglect, or abandonment, the Superintendent or designee will confirm with the employee whether a report to law enforcement or the Department of Health and Welfare has been made. If a report has not been made, the Superintendent or their designee will immediately contact law enforcement or the Department of Health and Welfare and make a report. The reporting party shall document the time, date, to whom the report was made, and the manner in which the report was made, in

writing, following contact with law enforcement or the Department of Health and Welfare to ensure compliance with reporting requirements. IDLA shall not conduct its own review or investigation of alleged abuse, abandonment, or neglect of a child in place of reporting to law enforcement as required by IC 16-1605. IDLA may conduct its own internal review or investigation and may take administrative or employment action in addition to reporting the alleged abuse, abandonment, or neglect. Documentation created in furtherance of this policy and regarding any reports made by IDLA or its employees pursuant to Idaho Code 16-1605 will be maintained as confidential records and retained by IDLA for no less than five years, subject to state and federal requirements, including but not necessarily limited to I.C. § 33-1210.

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

In addition, according to IC § 16-1607:

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

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

Legal References**Description**

IC § 16-1602

Child Protection Act: Definitions

IC § 16-1605

Child Protective Act: Reporting of Abuse, Abandonment or Neglect

IC § 16-1606	Child Protective Act: Immunity
IC § 16-1607	Child Protective Act: Reporting in Bad Faith-Civil Damages
IC 33-145	Idaho Student Safety and Educator Disclosure Act

Cross References

Code

Description

3545	Student Questioning and Arrests
4400	Relations with Law Enforcement and Child Protective Agencies
5275	Adult Sexual Misconduct

Policy 5290: Political Activity - Staff Participation**Status:** PROPOSED**Original Adopted Date:** _____**Last Reviewed Date:** _____

The Board recognizes its employees' rights as citizens, including, but not limited to, engaging in political activities. An IDLA employee may seek an elective office, or advocate for or against a political candidate or ballot measure, provided that the staff member does not campaign during instructional times or while they are responsible for other duties, or while they are in settings where they are likely to have contact with students; and provided all other legal requirements are met, including but not limited to any restrictions on the use of public property recognized in state or federal law. "Ballot measure" includes, but is not limited to, bond or levy elections.

No person may attempt to coerce, command, or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

IDLA shall not restrict employees' constitutionally protected political speech during non-instructional times in non-student-contact settings. Nothing in this section is intended to restrict the right of an IDLA employee to express their personal constitutionally protected political views.

No IDLA employee may use public facilities, equipment, including, but not limited to, telephones, fax machines, copy machines, computers, e-mail, etc., or supplies, including, but not limited to, paper clips, staples, pens, pencils, paper, envelopes, tape, etc., that are purchased with public funds for election or political campaigns, private or charitable organizations or foundations, or ballot issues.

No IDLA employee may work on election, political campaigns, ballot issues, or issues dealing with private or charitable organizations or foundations during the workday.

Legal References**Description**

IC § 74-601, et seq.

Public Integrity in Elections Act

IC § 33-1279

Released Time for Service on State Committees and Commission

Id. Const. art. III, § 1

Initiatives and Referenda

Pub. L. 76-252

The Hatch Act of 1939

Cross References**Code****Description**

5330

Employee Email and Online Services Usage

Policy 3085-P(1): Sexual Harassment, Discrimination, and Retaliation Policy - Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions**Status: PROPOSED****Original Adopted Date:** _____**Last Reviewed Date:** _____Scope of Procedure

The following procedures apply to complaints made pursuant to Policy 3085.

Grievance Procedure**1. Receipt of a Complaint, Report, or Information Alleging Sexual Harassment**

All complaints, reports, or information received by any IDLA employee that sexual harassment is occurring or has occurred shall be immediately forwarded to the Title IX Coordinator or other designated employee for review and action as appropriate.

The Title IX Coordinator shall promptly contact the complainant or reporting party and discuss with them the availability of supportive measures, and will consider the complainant's wishes with respect to the provision of supportive measures. The Coordinator shall explain the availability of these measures to the complainant with or without the filing of a formal complaint as defined in Policy 3085. During this initial meeting, the Coordinator or designee shall explain to the complainant the process for filing a written formal complaint and provide assistance to ensure the written formal complaint is properly prepared and submitted.

Emergency Removal (of students): Nothing in this procedure prevents IDLA from removing a respondent from an education program or activity on an emergency basis, provided that an individualized safety and risk analysis is performed by the Coordinator and Superintendent who determine that an immediate threat to the physical health or safety of any student or other individual arises from the allegations of sexual harassment that justify removal. The Coordinator and Superintendent shall provide the respondent

with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any due process rights and requirements under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave (of employees). Nothing in this procedure precludes IDLA from placing a non-student employee respondent on administrative leave during the pendency of a grievance investigation under this procedure and in accordance with applicable state and federal law

2. Providing Supportive Measures

The following supportive measures may be implemented to restore or preserve the complainant's access to IDLA's educational programs without unreasonably burdening the other party (also referred to herein as respondent) regardless of the pending or formal status of a complaint:

Supportive measures may include actions taken to protect the safety of all parties or IDLA's educational environment, or actions that deter future sexual harassment. Additional supportive measures may include, but are not limited to: counseling, the availability of a safe place or person in the event complainant feels threatened or uncomfortable, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restriction of contact between the parties, changes in work locations, leaves of absence, increased security and/or monitoring of locations where prohibited conduct has occurred or may occur in the future, as well as additional measures to protect the complainant, provided the supportive measures initiated are not punitive to the respondent.

3. Filing a Written Formal Complaint

Upon receipt of a written formal complaint, the Coordinator or designee must provide written notice to all known complainants and respondents of the allegations and the resulting investigation within five days

A. General Notice Requirements: The notice will include IDLA's Title IX grievance process and information about the informal resolution process.

B. Specific Notice Requirements: The written notice shall include the following information:

- i. Information describing the alleged conduct potentially constituting sexual harassment, including sufficient details known at the time the notice is prepared to allow the parties to prepare a response before the investigator's initial interview. This notice shall be delivered to the parties in sufficient time to allow them to prepare for the initial interview.
- ii. Sufficient details include, but are not limited to, the identities of the parties involved, the conduct allegedly constituting sexual harassment, the date(s), and location(s) of the incident(s).
- iii. A statement that the respondent is presumed not to be responsible for the alleged conduct, and that a determination of responsibility will not be made until the conclusion of the grievance process.
- iv. A statement informing the parties that they are entitled to have an advisor or representative of their choosing who may be, though is not required to be, an attorney, and that the advisor is authorized to review all evidence submitted in the matter.
- v. The notice must inform the parties that IDLA policy and procedure prohibit knowingly making false statements or knowingly submitting false information to the investigator or at any other time during the grievance process.
- vi. The notice must warn the parties that retaliation is prohibited. Accordingly, the parties must be informed that no IDLA employee or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this procedure, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in

any manner in an investigation, proceeding, or hearing under this procedure. Retaliation includes circumstances in which intimidation, threats, coercion, or discrimination are used to interfere with any right or privilege secured by Title IX or this procedure. This includes threatening charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment. IDLA shall keep confidential the identity of:

- a. Any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment;
- b. Any complainant;
- c. Any individual who has been reported to be the perpetrator of sex discrimination;
- d. Any respondent; and
- e. Any witness

Unless as otherwise authorized by law, including but not necessarily limited to :

- a. FERPA (20 U.S.C. § 1232g) or a FERPA regulation (34 CFR Part 99); or
- b. carry out the purposes of this procedure, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed as an additional charge or counter-charge under these procedures.

- C. Additional Charges: If, during the course of the investigation, it is determined based on the information gathered that additional allegations or charges are warranted, an amended notice shall be prepared and submitted to the parties, including the new allegations and charges as appropriate.
- D. Consolidation: The Coordinator may consolidate two or more formal complaints into a single action, provided that the allegations of sexual harassment and retaliation arise out of a common set of facts or circumstances, and if in the course

of an investigation, it is determined that:

- i. There is more than one respondent and/or more than one complainant; or
- ii. There are cross-complaints, or additional complaints raised by the original complainant against the original respondent (such as retaliation), or by the respondent against any other party.

4. Conduct of the Investigation, Informal Resolution

During their investigation, IDLA's Coordinator and designees shall comply with the following requirements.

Investigation

- A. Burden of Investigation: The burden of gathering evidence sufficient to make a determination of responsibility is the responsibility of IDLA's investigator(s) and not the parties. However, the investigator is not authorized to access a party's records that are made or maintained by a health care provider such as a physician, psychiatrist, psychologist, or other recognized health care provider, if the record was made in the course of providing treatment to the party, unless and until written consent from an authorized person is provided to obtain such privileged records for purposes of investigating and resolving the allegations of the formal complaint. The investigator further does not have the authority to compel the production of records created and/or maintained by third parties and/or records which may only be compelled by court order.
- B. Evidence Offered by Parties: The parties shall be provided an equal opportunity to identify witnesses, including fact and expert witnesses, as well as other inculpatory and exculpatory evidence.
- C. No Restrictions: The parties' ability to discuss the allegations under investigation or to gather and present evidence shall not be restricted to the extent consistent with federal Title IX regulations, applicable IDLA policies, and not otherwise prohibited by state or federal law

- D. Equal Representation Rights: All parties shall have the same opportunity to have others present, or to be represented by the advisor of their choice, throughout the grievance process, including attendance at related meetings or proceedings. If IDLA limits access to representation in any way at any time during the proceedings, such limitation shall be equally applied to all parties in the same manner. Access to representation may be limited only where a party is already represented as authorized by this procedure, and the additional representation will unduly increase the cost to the parties, and/or will not otherwise serve to significantly promote a legitimate purpose under this procedure.
- E. Notice of Interviews: Adequate notice of the purpose, date, time, place, and the identities of all participants involved shall be provided to any party whose participation at an, interview, or meeting is invited or expected, and allowing sufficient time for the party to prepare and fairly participate.
- F. Evidentiary Considerations: As determined by the appointed investigator and/or Decision-Maker, the investigation shall not consider:
- i. Incidents not directly related to the possible violation, unless they evidence a pattern;
 - ii. The character of the parties; or
 - iii. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- G. Right to Inspect Evidence: All parties shall be provided equal access to inspect and review any or all evidence gathered during the investigation related to the allegations of the formal complaint, whether or not relied upon or referred to in the investigator's report. This will ensure that the parties can respond to the evidence before the conclusion of the investigation. Prior to completion of the

investigation report, the investigator shall provide the parties and their respective advisors, when advisors are identified, a secured electronic or hard copy of the evidence subject to inspection. The parties must have at least ten business days to submit a written response which the investigator shall consider prior to completion of the investigative report.

- H. Investigative Report: At least ten business days before a determination regarding responsibility, the investigator shall send to all parties and their advisors, if any, by electronic format or hard copy, a copy of the investigative report for the parties' review and written response. The parties' responses shall be made part of the record.

Informal Resolution: The informal resolution process may include mediation or other meetings of the parties that do not involve a full investigation and adjudication of the complaint. IDLA may **not** require the parties to participate in an informal resolution process. Informal resolution is available **only** if a written formal complaint has been submitted to the Coordinator. If these conditions are satisfied, the parties may at any time during an investigation, but before the Decision-Maker's final determination of responsibility, request that the Coordinator initiate the informal resolution process. In so doing, the Coordinator is required to comply with the following:

- A. Provide the parties with written notice informing them of the allegations at issue and the requirements of the resolution process. These requirements include that a written agreement signed by the parties that resolves the allegations at issue will preclude the parties from resuming the formal complaint process arising from those same allegations. The parties will also be informed that at any time before reaching a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and will be notified that IDLA will maintain the records submitted or discussed during the informal process as part of the record, and may be used by the Decision-Maker to determine responsibility.
- B. Require the parties to submit voluntary, written consent to participate in the informal resolution process.

- C. Ensure that the informal resolution process is not made available to resolve allegations that an employee sexually harassed a student.
- D. An informal resolution, signed and agreed to by the parties thereto, is not appealable.

Dismissal of a Formal Complaint: A written formal complaint may be dismissed by the Coordinator under any of the following circumstances, and before a finding of responsibility:

- A. After investigating the allegations of the written formal complaint, dismissal is required if:
 - i. The Coordinator or designee determines that the conduct alleged in the complaint, even if proven, would not constitute sexual harassment as defined herein; or
 - ii. The alleged conduct did not occur to a person or under circumstances to which Title IX regulations apply

Dismissal of the Title IX formal complaint, however, does not preclude action under another provision of IDLA's Code of Conduct or other Board Policy.

- B. If the Complainant notifies the Coordinator in writing that they would like to withdraw the formal complaint or any allegations contained therein.
- C. If specific circumstances exist that prevent the investigator from gathering evidence sufficient to reach a determination regarding the merits of the formal complaint or allegations therein.

Upon dismissing a formal complaint, the Coordinator shall simultaneously inform the parties in writing of the dismissal and identify the reason(s) for the dismissal. This decision may be appealed in accordance with the Appeals portion of this procedure, below.

5. Decision-Maker's Participation

If the matter is not dismissed for one of the reasons set forth above and is not resolved by the parties through the informal resolution process, then (following completion of the investigation, including issuance of the investigator's final investigation report) the matter shall be submitted to the Decision-Maker for review and issuance of a determination of responsibility. The Decision-Maker cannot determine responsibility until ten business days after the final investigation report is transmitted to the parties and

the Decision-Maker, unless all parties and the Decision-Maker agree to an expedited timeline.

The Coordinator shall designate a single Decision-Maker and inform the parties and their advisors.

The Decision-Maker may not have had any previous involvement with the investigation. Those who have served as investigators in the investigation cannot serve as Decision-Makers. Those serving as advisors to any party cannot serve as Decision-Makers in that matter. The Coordinator is also prohibited from serving as a Decision-Maker in the matter.

All objections to any Decision-Maker must be raised in writing. Any written objection must detail the rationale for the objection and must be submitted to the Coordinator no later than two business days after being notified of the Decision-Maker's identity. Decision-Makers shall not be removed unless the Coordinator concludes that the Decision-Maker's bias or conflict of interest precludes a fair and impartial consideration of the evidence.

The Coordinator shall provide the Decision-Maker(s) with a list of all parties, witnesses, and advisors. Upon review thereof, if any Decision-Maker believes they cannot make an objective determination, they must recuse themselves from the proceedings. If a Decision-Maker is unsure whether a bias or conflict of interest exists, they shall immediately disclose their concern(s) to the Coordinator and simultaneously inform the parties and their advisors.

No less than ten business days before any meeting or the decision-making phase of the process, the Coordinator or the Decision-Maker shall send notice to all parties. Once mailed, emailed, or received in person, the Notice will be presumptively delivered.

The Notice shall contain the following:

- A. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions that could result.
- B. The time, date, and location of any meeting.

- C. Any technology that will be used to facilitate the meeting.
- D. The name and contact information of the Decision-Maker, along with an invitation to object to any Decision-Maker based on demonstrated bias. Such objections must be raised with the Coordinator at least two business days before the meeting.
- E. Information on whether the meeting will be recorded and, if so, information on access to the recording for the parties after the meeting.
- F. A statement that if any party does not appear at the scheduled meeting, the meeting will only be rescheduled for compelling reasons.
- G. Notification that the parties may have the assistance of an advisor of their choosing at the meeting.
- H. A copy of all the materials provided to the Decision-Maker(s) about the matter.
- I. An invitation for the parties to review and submit a written response to the final investigation report within seven business days of the date of the notice.
- J. An invitation to each party to submit to the Decision-Maker any written, relevant questions they want the Decision-Maker to ask of any other party or witness within seven business days of the date of the notice.
- K. An invitation to each party to submit to the Decision-Maker an impact statement, pre-meeting, that the Decision-Maker will review during any sanction determination.
- L. An invitation to contact the Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at any meeting or in the decision-making process, at least seven business days before the meeting/final determination.
- M. Whether parties can or cannot bring mobile phones or devices into the meeting.

Meetings for possible violations that occur near or after the end of a school year, assuming the respondent is still subject to Policy 3085 and Procedure 3085P, and are unable to be resolved before the end of the school year, will typically be held as soon as possible, given the availability of the parties, but no later than immediately upon the start of the following school year. IDLA will implement appropriate supportive measures consistent with its obligations under Title IX while the resolution is delayed.

- A. Evidentiary Consideration by the Decision-Maker:** Only relevant, credible evidence will be admitted into evidence and considered by the Decision-Maker. Any evidence that the Decision-Maker(s) determine(s) is relevant and credible may

be considered. The Decision-Maker will not consider:

- i. Incidents not directly related to the possible violation, unless they evidence a pattern;
- ii. The character of the parties; or
- iii. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

The parties may each submit a written impact statement for consideration by the Decision-Maker(s) at the sanction stage of the process, when a determination of responsibility is reached.

B.

C. **Exchange of Questions Procedure:** The Coordinator will initiate the Exchange of Questions Procedure, which provides as follows.

After the Coordinator or designee has submitted the investigative report to the parties pursuant to this procedure and before reaching a determination regarding responsibility, the Decision-Maker shall provide each party an opportunity to submit written, relevant questions that party desires to ask of any party or witness, and shall subsequently provide each party with the answers. The Decision-Maker will also allow additional, limited follow-up questions from each party to the other and will provide both parties with complete copies of the answers. Upon receipt of the proposed questions, the Decision-Maker will review the proposed questions and determine which questions will be permitted, disallowed, or rephrased. The Decision-Maker shall limit or disallow any questions that are irrelevant, repetitive,

or abusive. The Decision-Maker shall have full authority to decide all issues related to questioning and determinations of relevance. The Decision-Maker may ask a party to explain why a question is or is not relevant to them. The Decision-Maker shall explain any decision to exclude a question as not relevant or to reframe it for relevance. Whether a hearing is held or not, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant:

- i. Unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
- ii. If the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent, and are offered to prove consent. This basis for asking questions or presenting evidence shall not be allowed if the respondent is an adult, non-student employee, because consent is not a recognized defense in cases where the complainant is a student and the respondent is an employee.

The Decision-Maker, after any necessary consultation with the parties, investigator(s), and/or Coordinator, shall provide the parties and witnesses with:

- ii. The relevant written questions to be answered; and
- iii. A deadline for the parties and witnesses to submit written responses to the questions and any appropriate follow-up questions or comments by the parties.

The exchange of questions and responses by the parties and witnesses shall be concluded within a ten-business-day period.

6. Decision-Making Process and Determination Requirements

Following its review of the evidence submitted by the investigator and the parties, the Decision-Maker (who cannot be the Coordinator) shall issue a written determination of responsibility. To reach this determination, IDLA's burden of proof — preponderance of the evidence— must be described, and the burden satisfied, before the respondent can be found responsible for sexual harassment in violation of Title IX.

The written determination of responsibility shall include the following information:

- A. Identification of the allegations potentially constituting sexual harassment in violation of Title IX.
- B. A description of the procedural steps taken from receipt of the written formal complaint through the determination, including notifications to the parties, interviews of the parties and witnesses, site visits, and methods used to obtain other evidence.
- C. Findings of fact supporting the determination.
- D. Conclusions regarding the application of IDLA's code of conduct to the facts.
- E. A statement of and rationale for the determination as to each allegation, including any determination regarding responsibility, any disciplinary action to be imposed on the respondent, and identification of remedies and measures, if any, that will be provided to restore or preserve equal access to IDLA's educational programs and activities to be provided to the complainant.
- F. Considerations for disciplinary action. Factors considered when determining discipline may include, but are not limited to:
 - i. The nature, severity of, and circumstances surrounding the violation(s);
 - ii. The respondent's disciplinary history;
 - iii. Previous allegations or allegations involving similar conduct;
 - iv. The need for discipline to bring an end to the Title IX sexual harassment;
 - v. The need for discipline to prevent the future recurrence of Title IX Sexual harassment;
 - vi. The need to remedy the effects of Title IX sexual harassment;
 - vii. The impact on the parties; and
 - viii. Any other information deemed relevant by the decision-maker(s)
- G. The discipline imposed shall be implemented as soon as is feasible, either upon the outcome of any appeal or upon the expiration of the window to appeal if no appeal is requested. The sanctions described in this process are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external

authorities.

- H. Identification of the procedures for filing an appeal and the permissible grounds for the complainant or respondent to base their appeal.

The Decision-Maker shall simultaneously provide their written determination to all parties. The determination becomes final either (where an appeal is filed) on the date the parties are provided copies of the written determination of the result of the appeal; or, (if no appeal is filed,) the date on which an appeal would no longer be considered timely.

The Coordinator is responsible for the effective implementation of any remedies outlined in the written determination of responsibility. If a student's expulsion is recommended in accordance with Idaho Code § 33-205, the Coordinator shall ensure that an expulsion hearing is scheduled and conducted by the Board of Directors.

7. Appeals

Any party may file a written appeal request with the Coordinator within seven business days of the delivery of the notice of a final decision.

A single appeal decision-maker shall chair the appeal. No appeal decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The request for appeal shall be forwarded to the appeal chair for consideration to determine whether the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is filed in a timely manner.

Appeals shall be limited to the following grounds:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- C. The Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter;

Appeal procedure: Upon receipt of a valid appeal, the Coordinator shall:

- A. Notify the other party in writing that an appeal has been filed, and implement the appeal procedure fairly and equally for both parties.
- B. Ensure the appeal decision-maker(s) are not:
 - i. The same person(s) as the Decision-Maker(s) that issued the written determination of responsibility;
 - ii. The person who issued the dismissal;
 - iii. The investigator; or
 - iv. The Coordinator.
- C. Ensure the appeal decision-maker has been trained in accordance with the requirements of this grievance procedure.
- D. The appealing party shall have ten business days following the delivery of the notice of the appeal to submit a written statement in support of the appeal and challenging the outcome. The responding party shall have ten business days following the delivery of the appealing party's statement in support of the appeal to submit the responding party's written statement in opposition to the appeal (and supporting the outcome that is the subject of the appeal). In the event the parties and the appeal decision-maker agree to a different briefing schedule (whether allowing more or less time), the time allowed to prepare a written statement shall be the same for all parties.
- E. Issue a written decision describing the result of the appeal and identifying the bases and rationale for the decision.
- F. Provide the written decision simultaneously to all parties.

Requirements of the Title IX Grievance Procedure

The following requirements apply to the conduct of the Title IX Grievance procedure set forth above.

1. **Equitable treatment of the parties:** At all times, both complainants and respondents shall be equitably treated by providing supportive measures to both parties and remedies to a complainant if and when a determination of responsibility for sexual harassment is made against the respondent.
2. **Objective evaluation of the evidence:** The formal grievance process involves an objective evaluation of all relevant evidence obtained, including evidence supporting the conclusion that the respondent engaged in a policy or procedure violation and evidence supporting the conclusion that the respondent did not. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness.
3. **Lack of bias:** Any individual materially involved in the administration of the formal grievance process, including the Coordinator, investigator(s), decision-maker(s), and appeal decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent.
4. **Title IX training of IDLA participating staff:** Any individual designated by IDLA as a Coordinator, investigator, decision-maker, or any person designated by IDLA to facilitate an informal resolution process cannot have a conflict of interest or bias for or against complainants or respondents generally, or against any individual complainant or respondent. IDLA shall ensure that Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process are appropriately qualified, knowledgeable of applicable procedural, substantive, and evidentiary standards, and are able to competently perform the obligations of their respective roles consistent with IDLA policy, Title IX regulations, and any other applicable state or federal laws.
5. **Presumption of innocence:** IDLA presumes that the respondent is not responsible for the reported misconduct unless and until a final determination is made, in accordance with this procedure, that Policy 3085 or procedure 3085P prohibiting sex discrimination and sexual harassment has been violated.
6. **Promptness:** Investigations are completed promptly, normally within 30 business days, though some may take longer depending on the nature, extent, and complexity of the

allegations; the availability of witnesses; police involvement; and other factors. Such factors may necessarily delay the investigation timeline. IDLA shall make a good-faith effort to complete the investigation as promptly as possible and will communicate regularly with the parties to update them on the progress and timing of the investigation.

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

7. **Sanctions.** Sanctions are determined on a case-by-case basis upon a finding of responsibility and may include, but are not necessarily limited to, the following (singularly or concurrently):

Students

- A. A warning;
- B. Required counseling;
- C. A required substance abuse treatment program;
- D. Exclusion from participating in IDLA programs/activities;
- E. Alternative placement;
- F. Expulsion (in compliance with I.C. § 33-205); and
- G. Other actions: In addition to, or in place of, the above sanctions, IDLA may impose any other sanctions deemed appropriate.

Employees:

- A. A verbal or written warning;
- B. A performance improvement plan or management process;
- C. Enhanced supervision, observation, or review;
- D. Required counseling;
- E. Required training or education;
- F. Probation;
- G. Denial of a pay increase or pay grade;
- H. Loss of oversight or supervisory responsibility;
- I. Demotion;
- J. Transfer;

- K. Reassignment;
- L. Assignment to a new supervisor;
- M. Restriction of professional development resources;
- N. Suspension with pay;
- O. Suspension without pay;
- P. Termination;

Other actions: In addition to or in place of the above sanctions, IDLA may assign any other sanctions as deemed appropriate.

8. **Burden of proof.** When determining whether the respondent is responsible for violating Policy 3085 or Procedure 3085P by discriminating based on sex and/or for sexual harassment as defined herein, the decision-maker shall apply the preponderance of the evidence standard, which means the evidence proves on a more likely than not basis that the respondent violated the policy or procedure.
9. **Appeals.** Any party may file a written appeal request with the Coordinator within seven business days of receiving the notice of a final outcome.
10. **Supportive measures:** Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate and as reasonably available, without fee or charge to the parties. Supportive measures are designed to restore or preserve access to IDLA's education program or activities, including measures designed to protect the safety of all parties or IDLA's educational environment, and/or deter Title IX sexual harassment. Examples of supportive measures may include, but are not limited to:
 - A. Referral to counseling, medical, and/or other healthcare services;
 - B. Referral to the Employee Assistance Program;
 - C. Referral to community-based service providers;
 - D. Visa and immigration assistance;
 - E. Education of the school community or community subgroup(s);
 - F. Altering work arrangements for employees;
 - G. Safety planning;
 - H. Providing school safety escorts;
 - I. Providing transportation accommodations;

- J. Implementing contact limitations, such as no contact orders, between the parties (note: allegations of violations of a no contact order will be investigated as collateral misconduct under this process);
- K. Academic support, extensions of deadlines, or other course or program-related adjustments;
- L. Emergency warnings;
- M. Class schedule modifications, withdrawals, or leaves of absence;
- N. Increased security and monitoring of certain areas of the facility;
- O. And any other actions deemed appropriate by the Coordinator.

11. Recognition of privileges: At no time during this grievance procedure may any evidence (whether through testimony or documents) be required, admitted, relied upon, or otherwise obtained by asking questions or admitting evidence that constitutes, or seeks disclosure of, information protected by a legally recognized privilege, unless the person holding the privilege has knowingly and freely waived the privilege.

12. Recordkeeping;

- A. IDLA shall maintain for a period of seven years records of:
 - i. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the IDLA's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result thereof; and
 - iv. All materials used to train Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. IDLA shall make these training materials publicly available on its website.
- B. For each response to a report of harassment or discrimination based on sex, IDLA shall create and maintain, for a period of seven years, records of any actions, including supportive measures, taken in response to a report or formal complaint

of sexual harassment. In each instance, IDLA shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it took measures designed to restore or preserve equal access to its education program or activity. If IDLA does not provide a complainant with supportive measures, then the Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances (i.e., was not a result of sex discrimination). The documentation of certain bases or measures does not limit IDLA in the future from providing additional explanations or detailing additional measures taken or to be taken.

Title IX Grievance Procedure Definitions

The following definitions apply to the identified terms used in this procedure and to the extent consistent with federal Title IX regulations:

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to:

1. IDLA’s Coordinator; or
2. Any IDLA official possessing the authority to institute corrective measures on behalf of the organization; or
3. Any IDLA employee.

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only IDLA official with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment, to inform a student about how to report it, or to have been trained to do so does not qualify an individual as having the authority to institute corrective measures on behalf of IDLA. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Coordinator as outlined in this procedure.

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

Under circumstances where a sexual assault is alleged by a student against an adult, non-student employee, IDLA does not recognize the defense of “consent,” however it is defined. Where the parties are both adults, however, the following definition of “consent” will apply: Consent occurs where there is a knowing, voluntary, and clear grant of permission, by word or action, to engage in sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is each party's responsibility to ensure that the other party has consented before engaging in the activity. If consent is not clearly provided before engaging in the activity, consent may be ratified

by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. Consent may be withdrawn. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including due to alcohol or other drugs. It is a violation of policy if a respondent engages in sexual activity with someone who is incapable of giving consent or is otherwise incapacitated.

“Incapacitation” occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing, informed consent. For example, they cannot understand the “who, what, when, where, why, or how” of their sexual interaction.

“Formal Complaint” means a document filed by a complainant, or signed by the Coordinator, alleging sexual harassment against a respondent and requesting that IDLA investigate the allegation of sexual harassment. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in IDLA’s educational programs or activities. A formal complaint may be filed with the Coordinator in person, by mail, by email, or by using the reporting form or the contact information listed on IDLA’s website. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by email or through an online portal provided for this purpose by IDLA) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Coordinator signs a formal complaint, the Coordinator is not a complainant or otherwise a party to this grievance procedure and must otherwise comply with the requirements of this procedure.

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

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

1. “Quid pro quo” harassment, which occurs when an IDLA employee conditions the provision of an IDLA benefit, service, or assistance on an individual’s participation in unwelcome sexual conduct;
2. “Hostile Environment,” which is defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to IDLA education programs or activities; or

3. Physical threats and attacks, including “sexual assault,” defined as forcible and non-forcible sex offenses as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent in cases where either no formal complaint has been filed, or both before and/or after the filing of a formal complaint. Such measures are designed to restore or preserve equal access to IDLA’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or IDLA’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain campus areas, and other similar measures. IDLA shall maintain as confidential any supportive measures provided to the complainant or respondent, provided that maintaining such confidentiality will not impair IDLA’s ability to provide the supportive measures. The Coordinator is responsible for coordinating the effective implementation of all supportive measures.

“School” as used in this procedure refers to a local educational agency, as defined in the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, a preschool, or a private elementary or secondary school, and includes IDLA.

Revision of These Procedures

IDLA reserves the right to make changes to these procedures as necessary. Once those changes are posted online, they shall be in effect. If laws or regulations change or court decisions come into conflict with the procedures identified herein, procedures, the most recent federal regulations and applicable law will control to resolve such conflict.

Legal References	Description
20 USC §§ 1681 - 1682	Title IX of the Education Amendments of 1972
34 CFR Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Cross References

Code	Description
3270	District-Provided Access to Electronic Information, Services, and Networks
3270-P(1)	District-Provided Access to Electronic Information, Services, and Networks - Acceptable Use of Electronic Networks
3270-F(1)	District-Provided Access to Electronic Information, Services, and Networks - INTERNET ACCESS CONDUCT AGREEMENT
3285	Relationship Abuse and Sexual Assault Prevention and Response
3290	Sexual Harassment/Intimidation of Students
3290-F(1)	Sexual Harassment/Intimidation of Students - Reporting Form for Students
3295	Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying
3295-P(1)	Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying
3295-F(1)	Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying - COMPLAINT FORM
3297	Names, Pronouns, and Titles
3330	Student Discipline
4110	Public Complaints
4120	Uniform Grievance Procedure
4120-F(1)	Uniform Grievance Procedure
4600	Volunteer Assistance
4600-P(1)	Volunteer Assistance - Volunteer Assistance Procedures
4600-F(1)	Volunteer Assistance - VOLUNTEER APPLICATION
4600-F(2)	Volunteer Assistance - Request for Public Records
4600-F(3)	Volunteer Assistance - Authorization to Release Information
5240	Sexual Harassment/Intimidation in the Workplace
5240-F(1)	Sexual Harassment/Intimidation in the Workplace - Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment
5250	Certificated Staff Grievances
5275	Adult Sexual Misconduct
5500	Personnel Records

5500-P(1)	Personnel Records - Procedures for Releasing Personnel Records to Hiring School Districts
5800	Classified Employment, Assignment, and Grievance
5800-P(1)	Classified Employment, Assignment, and Grievance - Classified Employee Grievance Procedure



Idaho Digital Learning Alliance
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Policy 3085: Sexual Harassment, Discrimination, and Retaliation

Status: PROPOSED

Original Adopted Date: _____

Last Reviewed Date: _____

Policy Purpose

The purpose of this policy is to promote working and learning environments that are free from sex and gender-based harassment, discrimination, and retaliation, and to affirm IDLA's commitment to non-discrimination, equity, and an equal opportunity working environment.

Scope of Policy

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

Policy Statement

IDLA is committed to providing a workplace and educational environment, as well as access to other benefits, programs, and activities, that are free from sex and gender-based harassment, discrimination, and retaliation. Accordingly, IDLA prohibits harassment and discrimination on the basis of sex, sexual orientation, gender, gender identity, and pregnancy, as well as retaliation against individuals who report allegations of sex and gender-based harassment and discrimination, file a formal complaint, or participate in a grievance process.

Students, employees, or other members of the IDLA community who believe that they have been subjected to sex or gender-based harassment, discrimination, or retaliation should report the incident to the Title IX Coordinator, who will provide information about supportive measures and the applicable grievance process(es). Violations of this policy may result in discipline for both students and IDLA employees.

Title IX Coordinator

The Director of Operations serves as IDLA's Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the IDLA's efforts related to the intake, investigation, resolution, and implementation of supportive

measures to stop, remediate, and prevent sex and gender-based harassment, discrimination, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority and is free from bias and conflicts of interest.

To raise any concern involving bias, conflict of interest, misconduct or discrimination committed by the Title IX Coordinator, contact the Superintendent at Jeff.Simmons@IDLA.org or (208) 994-4988.

If IDLA's Title IX Coordinator is the subject of any complaint regarding sex or gender-based harassment or has an apparent bias or conflict of interest regarding such a case, another person shall be appointed to act as the Title IX Coordinator for handling that case. Such appointees may include, but are not limited to:

1. The Title IX Coordinator of another school district which IDLA has an agreement with;
2. Another IDLA employee who is qualified and trained to address the matter, such as a deputy Title IX Coordinator;
3. A qualified and trained individual who enters into a professional services contract with IDLA; including but not limited to the organization's legal counsel and/or contracted Human Resources or Title IX professionals.

Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other official involved in the implementation of this policy or related grievance processes should be raised with the Title IX Coordinator.

Mandatory Reporters

IDLA has classified all employees as mandatory reporters of any knowledge they have that a member of the IDLA community experienced sex or gender-based harassment, discrimination, and/or retaliation. Accordingly, all IDLA employees must promptly report actual or suspected sex and gender-based harassment, discrimination, and/or retaliation to the Title IX Coordinator. IDLA employees must share with the Title IX Coordinator all known details of a report made to them in the course of their employment, as well as all details of behaviors under this policy that they observe or have knowledge of. Failure of an IDLA employee to report an incident of sex or gender-based harassment, discrimination, or retaliation to the Title IX Coordinator of which they become aware is a violation of this policy and may result in disciplinary action for failure to comply.

In addition, IDLA employees must also report allegations of suspected child abuse and/or neglect to either law enforcement or the Idaho Department of Health and Welfare as described in Policy 5260.

Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and related procedures, may be made internally to the IDLA Title IX Coordinator (or deputies, if applicable) using the contact information below:

Brian Smith
Director of Operations
PO Box 10017, Boise, ID 83707
(208) 994-5001
Brian.Smith@IDLA.org
IDLA.org

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

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

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

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

1. File a complaint with, or give verbal notice to, the Title IX Coordinator (or deputy/deputies, if applicable). Such a report may be made at any time, including during non-business hours, by using the telephone number, email address, or by mail to the office address listed for the Title IX Coordinator (or any other official as listed above).
2. Report by phone at (208) 994-5001
3. Report by email at Brian.Smith@IDLA.org
4. Report by mail at PO Box 10017, Boise, ID 83707

When notice is received regarding conduct that may constitute Title IX sexual harassment, IDLA

shall provide information about supportive measures and how to file a formal complaint, as described in 3085P.

A formal complaint means a document filed/signed by the reporting party, or signed by the Title IX Coordinator, alleging an individual violated this policy and requesting that IDLA investigate the allegation(s). As used in this paragraph, the phrase “document filed/signed by the reporting party means a document or electronic submission (such as email) that contains the reporting party’s physical or digital signature, or otherwise indicates that the alleged victim is the person filing the complaint. For example, an alleged victim may send an email to the Title IX Coordinator, identify themselves as the alleged victim and the sender, to file a formal complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the alleged victim to ensure all information necessary to proceed is obtained.

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

Grievance Processes

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

1. For formal complaints regarding conduct that may constitute Title IX sexual harassment involving students or employees, the District will implement procedures detailed in Procedure 3085P.
2. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where students are the accused party, and that do not constitute Title IX sexual harassment, IDLA will implement procedures described in Policy 4120 or in the IDLA Handbook.
3. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where employees are the accused party, and that do not constitute Title IX sexual harassment, the District will implement procedures described in Policy 4120 or in the IDLA Handbook.

Legal References

20 USC §§ 1681 - 1682

34 CFR Part 106

Description

Title IX of the Education Amendments of 1972

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

Cross References

Code	Description
3270	District-Provided Access to Electronic Information, Services, and Networks
3270-P(1)	District-Provided Access to Electronic Information, Services, and Networks - Acceptable Use of Electronic Networks
3270-F(1)	District-Provided Access to Electronic Information, Services, and Networks - INTERNET ACCESS CONDUCT AGREEMENT
3285	Relationship Abuse and Sexual Assault Prevention and Response
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3290-F(1)	Sexual Harassment/Intimidation of Students - Reporting Form for Students
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3295-P(1)	Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying
3295-F(1)	Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying - COMPLAINT FORM
3297	Names, Pronouns, and Titles
3330	Student Discipline
4110	Public Complaints
4120	Uniform Grievance Procedure
4120-F(1)	Uniform Grievance Procedure
4600	Volunteer Assistance
4600-P(1)	Volunteer Assistance - Volunteer Assistance Procedures
4600-F(1)	Volunteer Assistance - VOLUNTEER APPLICATION
4600-F(2)	Volunteer Assistance - Request for Public Records
4600-F(3)	Volunteer Assistance - Authorization to Release Information
5240	Sexual Harassment/Intimidation in the Workplace

5240-F(1)	Sexual Harassment/Intimidation in the Workplace - Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment
5250	Certificated Staff Grievances
5275	Adult Sexual Misconduct
5500	Personnel Records
5500-P(1)	Personnel Records - Procedures for Releasing Personnel Records to Hiring School Districts
5800	Classified Employment, Assignment, and Grievance
5800-P(1)	Classified Employment, Assignment, and Grievance - Classified Employee Grievance Procedure



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Policy 5240: Sexual Harassment/Intimidation in the Workplace

Status: PROPOSED

Original Adopted Date: _____

Last Reviewed Date: _____

As defined by the Equal Employment Opportunity Commission (“EEOC”), sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including unwanted touching, verbal comments, sexual name-calling, gestures, jokes, profanity, and spreading of sexual rumors.

IDLA shall do everything in its power to provide employees with an employment environment free of unwelcome conduct or communications that constitute sexual harassment, as defined above and otherwise prohibited by state and federal law. In addition, principals and supervisors are expected to take appropriate steps to make all employees aware of the contents of this policy. A copy of this policy will be given to all employees.

IDLA employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with the individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms “intimidating”, “hostile”, or “offensive” include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all of the circumstances.

Aggrieved persons who feel comfortable doing so should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should address the matter as described in Policy 3085 and Procedure 3085P. An individual with a complaint alleging a violation of this policy, which does not fall within the scope of Policy 3085 and Procedure 3085P, shall follow the Uniform Grievance Procedure.

Investigation

If an allegation of sexual harassment is found not to fall within the scope of Policy 3085 and Procedure 3085, but still claims conduct which violates this policy, the designated school officials will take immediate steps to:

1. Protect the grievant from further harassment;
2. Discuss the matter and obtain a statement from the accused and their representative, if any;
3. Obtain signed statements of witnesses; and
4. Prepare a report of the investigation.

Confidentiality

Due to the sensitive nature of such allegations and the interest in protecting the due process rights of both the accused and the complaining parties, all investigations and hearings surrounding such matters will be designed, to the maximum extent possible, to protect the privacy of the accused and the complainant. Only individuals responsible for investigating and enforcing this policy will have access to confidential communications, unless otherwise required by Policy 3085, Procedure 3085P, or by state or federal law. In addition, all individuals involved in an allegation that falls within the scope of this policy, and not within the scope of 3085 or 3085P are prohibited from discussing the matter with coworkers and/or other individuals not directly involved in resolving the matter.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Legal References

Description

20 USC §§ 1681 - 1682

Title IX of the Education Amendments of 1972

29 CFR § 1604.11

Sexual Harassment

42 USC §§ 2000(e), et seq.

Title VII of Civil Rights Act of 1964 (Equal Opportunity Employment)

IC § 67-5909

Commission on Human Rights - Acts Prohibited

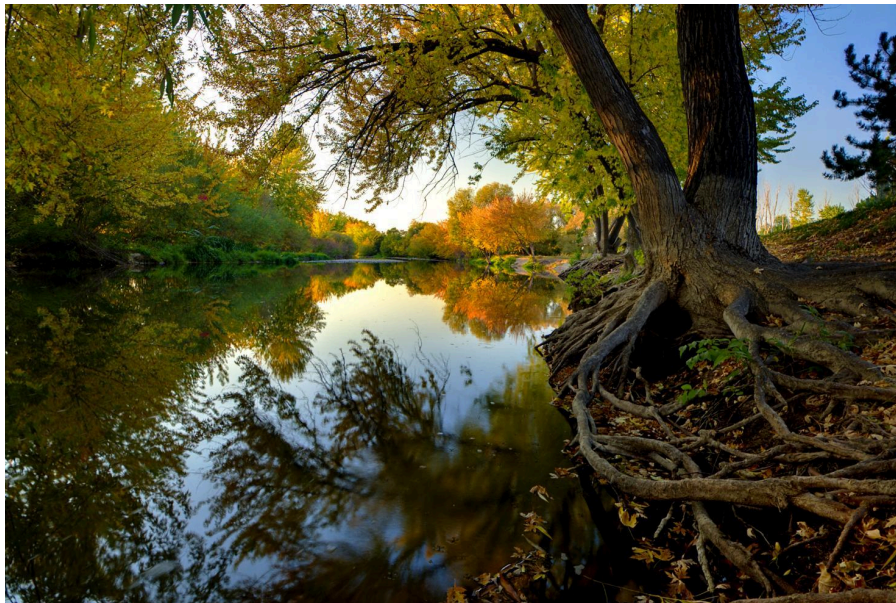
Cross References

Code	Description
3085	Sexual Harassment, Discrimination, and Retaliation Policy
3085-P(1)	Sexual Harassment, Discrimination, and Retaliation Policy - Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions
4120	Uniform Grievance Procedure
5275	Adult Sexual Misconduct
5500	Personnel Records
5500-P(1)	Personnel Records - Procedures for Releasing Personnel Records to Hiring School Districts

Supplemental Report to the Board

October 13, 2026

Superintendent Simmons



Members of the Board,

Our Fall semester is underway, and we continue to serve more students than we were appropriated for in FY27. The need for IDLA courses is still strong! This month, we have all of our students logging in through the new portal, into courses in our new LMS (Buzz). We're looking into additional funding streams and having conversations to expand existing partnerships to sustain opportunities for students.

The challenge ahead of us is greater than usual, but we're still pursuing everything we can to provide choice, equity, and opportunity to students in Idaho. Thank you for your support and for being part of Team IDLA! Here are a few things we're not able to include in this month's meeting.

Staff

Austin Smith

In September, we said goodbye to a long-time, much-loved programmer. Austin Smith was a member of our programming team for 11 years. Austin helped develop some of the tools available to staff, teachers, students, and

other members of the IDLA community within TheSIS. He worked on portals and many other projects throughout his time with our organization. Austin has taken advantage of another opportunity with a technology company in Boise. We will miss his positive, enthusiastic presence on our team, and wish him the best on the next steps of his adventure.

Keelan Chen

Keelan Chen has been a contractor supporting our programming team since graduating from Boise State University's computer science program. Keelan's time with IDLA began earlier than that, however, when he took IDLA courses as a high school student! Keelan is leaving our team for another opportunity with an employer in the Boise area. Keelan has made substantial contributions to the systems staff, teachers, students, and other members of the IDLA community use each day. We will miss Keelan and are proud to see him move into a new role!

Thomas Meduna

Joining our technology team this fall is Thomas Meduna! Thomas is a Senior at Meridian Technical Charter School. Thomas is completing a student internship with IDLA this year. He will do some work with our website, develop content, and learn critical skills that prepare him for college and career.

Culture

Transparency



Transparency is important to our culture. As Superintendent, I keep the staff up to date on legislation, policies, and other matters affecting our organization. Following our September Board meeting, I shared an update on our FY28 fiscal outlook with the team at our weekly staff meeting. I also shared data highlights and celebrations from the Summer session (see the student success items below). Our staff have some concerns but remain motivated, resilient, and passionate about IDLA's mission.

Student Success

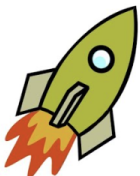
Summer Enrollment and Completion Data

Our IDLA Team is still working hard and creating successful online learning experiences for Idaho students! This summer, we served **8,608** enrollments. This was approximately **2,200** more students than our FY27 appropriation supported for summer. As of the date of this report, we continue to increase our fall enrollment above the allocation provided by our FY27 appropriation.

Our summer pass rate was **91%!!** Think about that for a second... 91% of students taking an online course during the summer finished their course with a passing grade. Our average end-of-course grade for the summer was **82%!** Students are not just passing, but passing with grades that demonstrate they have thoroughly mastered the content in their courses.

One more data point to share - our overall percentage of students from rural schools grew to **55%** this summer. Typically, our balance of urban to rural students is about 50/50. A **5% increase** demonstrates IDLA is meeting the goals set out by the state legislature to prioritize our support for rural communities.

News



Cuts to Successful Reading Program Leave Schools Struggling to Find a Replacement

This is a [story](#) I wish we could have seen a year ago, but it still makes me proud of the work we accomplished through our Launchpad program. Thank you to the team at Bliss for sharing the impact our program made on student reading in your district!

Idaho's Big Reading Gains Come with a Caveat

IDLA was also briefly mentioned in this [article](#) about IRI scores. We are hopeful that districts can sustain the success they achieved through their partnership with Launchpad.

4-H Class Broadening Students' Skills at Salmon Charter School

IDLA is only mentioned in this [article](#), but the implications for online learning are larger. Policymakers are considering screen bans or restrictions in the upcoming legislative session. Similar laws across the country restrict students' screen access during the day by age group, while others ban access to screens at school altogether. The implications of screen time legislation could be severe for our program, and I have been keeping an ear out for this conversation. Our policymakers and school leaders must focus on *how* students use their devices before banning them altogether. We will likely need to provide advocacy in this area during the upcoming legislative session.

Events

VLLA Conference



On Sept. 30th and Oct. 1st, we had the opportunity to take a handful of our IDLA Team members to this year's VLLA Conference. IDLA is a founding member of the Virtual Learning Leadership Alliance (VLLA), which is a consortium of 20 state virtual programs. Each program is structured and funded differently, but plays a similar role as IDLA in its state.

I have the privilege of serving on the VLLA Executive Board as Treasurer, and some of our team members are co-chairs of

job-alike workgroups, as well. Over the two-day event, we were able to share with and learn from our peers. I always come away from this event with value!

A Once-in-a-Generation Opportunity for National School Choice

The federal Education Freedom Tax Credit (EFTC) puts a K-12 scholarship within reach of 9 in 10 American students, funded by donors who receive a dollar-for-dollar reduction of their federal tax liability up to \$1,700.



51.7 million

students nationwide could receive a scholarship

91.7%



of students eligible to enroll in a K-12 school qualify

\$1,700

dollar-for-dollar federal tax credit for donors, starting with 2027 donations

HOW IT WORKS

1

MAKE A DONATION

Give to a qualified scholarship granting organization (SGO).

2

SGO AWARDS A SCHOLARSHIP

Donations turn into scholarships for students who need them.

3

STUDENT RECEIVES A SCHOLARSHIP

For education expenses: tuition, tutoring, technology, and more.

4

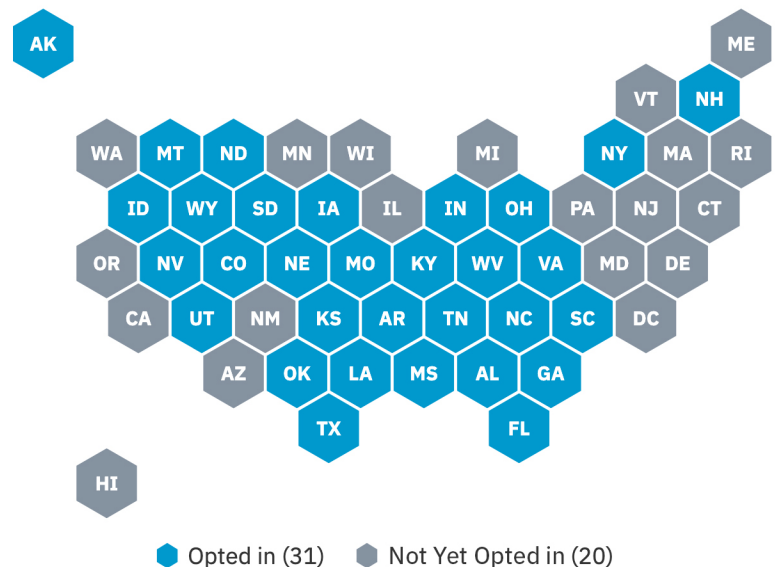
DONOR CLAIMS THE CREDIT

At filing, the donor claims the dollar-for-dollar federal credit.

WHAT THE NUMBERS SHOW

- **Eligibility is near-universal in every state.** The eligible share ranges from 85.9% (District of Columbia) to 96.2% (Maine).
- **31 states have opted in**, home to 30.9 million eligible students (59.8% of the national total).
- **20.8 million eligible students are waiting** in the 19 states and DC that have not yet decided.
- **For 20.5 million students, the EFTC could bring private school choice to their state for the first time.** 18 states currently have no state-level ESA, voucher, or tax credit scholarship program.
- **Most families qualify.** The income limit is 300% of area median income, which ranges from ~\$234,000 to nearly \$500,000 for a family of four, depending on location.

WHICH STATES HAVE OPTED IN



WHERE ELIGIBLE STUDENTS STAND TODAY

30.9M in opted-in states (59.8%)

20.8M waiting (40.2%)

Source: American Federation for Children analysis of Census Population Estimates, American Community Survey, HUD Income Limits, and Household Pulse Survey data (2026). Eligibility reflects the statutory income limit of 300% of area median income under 26 U.S.C. Section 25F (Pub. L. 119-21). Opt-in status: federalsscholarships.com, as of July 2026.

American Federation for Children (AFC) is the nation's largest school choice advocacy organization and the most successful force for education freedom in America, passing over 200 laws across 32 states throughout our history.

Learn more about our affiliated scholarship granting organization at afcscholarshipfund.org.

federationforchildren.org

Scholarship-Eligible Students by State

Estimated number and share of children eligible to enroll in a K-12 school whose household income falls under the EFTC scholarship limit. ✓ = opted in as of July 2026. 🏠 = homeschool students eligible.

STATE	ELIGIBLE STUDENTS	%	✓	🏠	STATE	ELIGIBLE STUDENTS	%	✓	🏠
Alabama	818,576	94.1	✓	🏠	Montana	160,267	86.4	✓	
Alaska	125,680	95.1	✓	🏠	Nebraska	356,531	95.8	✓	🏠
Arizona	1,124,713	89.2			Nevada	481,210	89.2	✓	
Arkansas	480,979	88.2	✓		New Hampshire	173,902	90.2	✓	
California	5,909,150	92.4		🏠	New Jersey	1,430,040	92.1		🏠
Colorado	895,202	93.6	✓	🏠	New Mexico	310,281	87.9		
Connecticut	494,099	87.9			New York	2,738,774	90.2	✓	
Delaware	149,238	91.4			North Carolina	1,697,487	92.7	✓	🏠
District of Columbia	77,669	85.9			North Dakota	121,666	86.6	✓	
Florida	3,181,773	91.9	✓	🏠	Ohio	1,866,296	93.5	✓	🏠
Georgia	1,756,946	88.6	✓		Oklahoma	674,861	89.2	✓	
Hawaii	195,452	91.3			Oregon	577,409	88.9		
Idaho	329,570	88.4	✓		Pennsylvania	1,802,463	89.0		
Illinois	1,924,749	92.5		🏠	Rhode Island	139,734	91.2		
Indiana	1,164,165	94.8	✓	🏠	South Carolina	782,521	87.7	✓	
Iowa	519,553	92.3	✓		South Dakota	153,979	90.3	✓	
Kansas	503,398	93.3	✓	🏠	Tennessee	1,132,199	94.0	✓	🏠
Kentucky	733,009	93.5	✓	🏠	Texas	5,485,719	92.8	✓	🏠
Louisiana	772,585	93.8	✓	🏠	Utah	658,201	90.3	✓	
Maine	185,394	96.2		🏠	Vermont	77,483	88.1		
Maryland	954,072	90.9			Virginia	1,371,656	94.2	✓	🏠
Massachusetts	940,609	90.4			Washington	1,190,408	93.1		🏠
Michigan	1,516,183	93.4		🏠	West Virginia	257,955	95.2	✓	🏠
Minnesota	917,616	90.6			Wisconsin	875,317	90.9		
Mississippi	481,487	93.9	✓	🏠	Wyoming	90,214	89.4	✓	
Missouri	938,113	88.5	✓						

UNITED STATES

51,696,553 eligible students · 91.7%

Notes: Estimates count children eligible to enroll in a K-12 school whose household income is under 300% of their area's median income (as published by HUD), the scholarship eligibility limit under the federal Education Freedom Tax Credit. Percentages are the share of each state's K-12-eligible children. Estimates reflect anticipated homeschool rules, which will likely defer to state law. Source: American Federation for Children analysis of Census Population Estimates, American Community Survey, HUD Income Limits, and Household Pulse Survey data (2026).

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federationforchildren.org

District Services & District Programs

*Representing IDLA to schools
throughout the state*

Our Purpose

- Provide school personnel with the training & skills needed to
- Support their students, and their parents, taking online courses ...
- All while gathering feedback to improve the experience for them.

(wash, rinse, repeat)

Your Student Services Team:



Kristin Binder

District Services
Manager



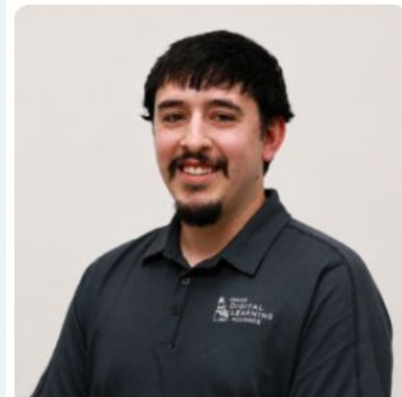
Angie Morrow

Student Services
Specialist



Mandee Rice

District Programs
Specialist



Zaine Wilcox

Student Services
Specialist

Combined 40 years of experience with IDLA

District Services Team (Registrar's Office)

- Academic Calendar and Course Offerings
- Registration and student onboarding
- Stakeholder Support
 - School Site Coordinators, Students, Parents, External Partners
 - IDLA Teachers and Principals
- ISEE Data
- Advanced Opportunities funding



Parents

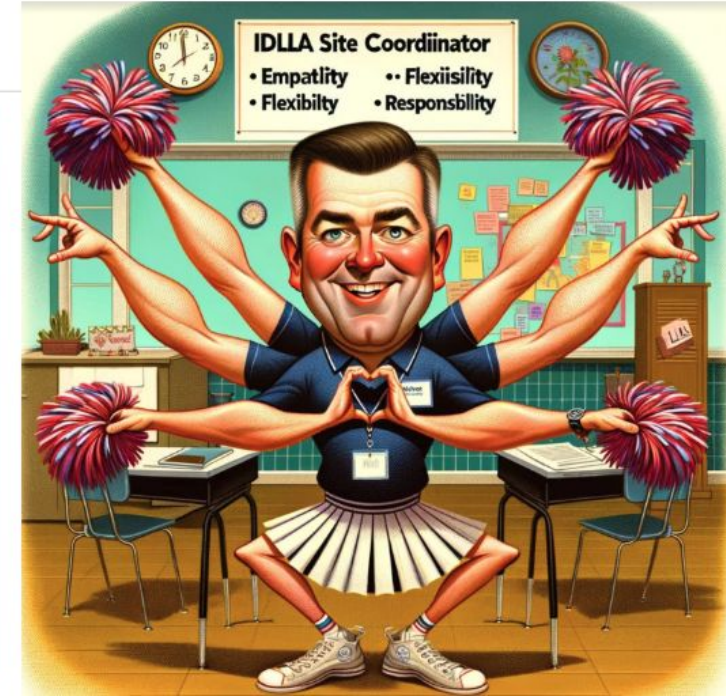
- New Student-Parent App



Site Coordinator AI Images:



IDAHO



Your District Programs Team:



Brad Patzer

District Programs Manager /
Regional Coordinator – Region 1 &
2



Monte Woolstenhulme

Director of District Programs



Erica Rogers

Regional Coordinator – Region 4



Luke Kelsey

Regional Coordinator – Region 5 &
6

Regional Support Staff around the State

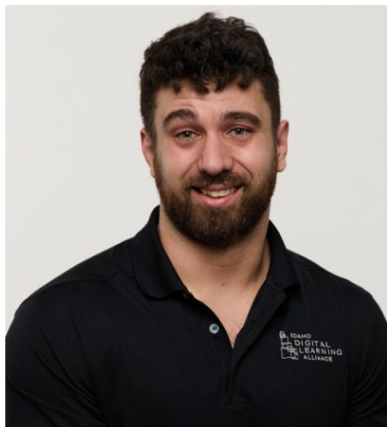
REGIONAL SUPPORT STAFF



Regions I and II



BRAD PATZER



PETER MILEY



NATALIE RIGGERS

Region III



**MONTE
WOOLSTENHULME**



MINDY WILKINS



REBECCA VANCE

Region IV



ERICA ROGERS



BROOKE CLARIDGE



ANGE HENNING

Region V and VI



LUKE KELSEY



BYRON HEATH

Outreach to schools:

- Attend monthly Regional Superintendent meetings
- Consistent in-person school visits for training and support:
 - 1,704 for the 2025-2026 school year
 - 359 since July 1, 2026