

# WASHOUGAL SCHOOL DISTRICT

4855 EVERGREEN WAY  
PH: 360.954.3000



WASHOUGAL, WA 98671  
FAX: 360.835.7776

## Student/Parent Handbook and Policy/Procedure Signature Sheet

### **GENERAL INFORMATION AND REMINDERS:**

Schools and districts use policies and procedures to define what they intend to do and the means by which they will carry out these objectives. Policies consist of high-level statements of intent about things we want to do or plan to avoid doing. Procedures are the detailed descriptions of the tasks and how the school/district will carry out the policy. Clear policies and procedures support effective decision making because they provide guidelines on what people can and cannot do, what decisions they can make and what activities are appropriate.

For schools, your child's safety and learning is very important. We have worked hard to develop policies and procedures that ensure safety and learning and that are efficient. We ask that you please help us with the following things during this school year so your child will be safe and free of interruptions to his or her learning.

The school handbook provides general information and reminders. Specific policy and procedure are adopted by the school district are in the last section of this handbook. This handbook and Policies/Procedures is located on each school's website. ***(Hard copies of the handbook and policies/procedures may be requested at your school office.)*** In the case of an inconsistency, district policies take precedent over school handbooks and procedures.

### **Absences**

State law requires students to attend school regularly and to be punctual. The attendance record becomes part of the student's permanent file.

**It is the parent's responsibility to call the school if your child is absent.** We are required by law to send out a letter asking about the absence. Unexcused absences could result in a petition being filed with the truancy court. **Please carefully review the district attendance policy in the policy section.**

**PLEASE SIGN AND RETURN TO THE SCHOOL THAT YOU HAVE RECEIVED AND REVIEWED THE SCHOOL HANDBOOK AND POLICIES/PROCEDURES**

Student's Name \_\_\_\_\_

Parent Signature \_\_\_\_\_

**I would like to receive a hardcopy of the school handbook which includes the district's policies and procedures.**

\_\_\_\_\_ No                      \_\_\_\_\_ Yes

**2017-2018 Student Handbook Policies/Procedures  
Table of Contents**

Grading and Progress Reports—Policy 2420 .....	1
Excused and Unexcused Absences – Procedure 3122-P.....	1
Rights and Responsibilities – Policy 3200.....	6
Sexual Harassment of Students Prohibited – Policy 3205 .....	6
Prohibition of Harassment, Intimidation and Bullying – Policy 3207 .....	8
Prohibition of Harassment, Intimidation and Bullying – Procedure 3207-P .....	10
Nondiscrimination – Procedure 3210-P.....	18
Transgender Students – Policy 3211 .....	22
Transgender Students – Procedure 3211-P.....	22
Freedom of Expression – Procedure 3220-P .....	26
Student Dress – Procedure 3224-P .....	27
Student Privacy and Searches – Procedure 3230-P.....	28
Parent and Student Rights in Administration of Surveys, Analysis or Evaluation – Procedure 3232-P .....	29
Student Conduct Expectations and Reasonable Sanctions – Policy 3240 .....	30
Student Conduct Expectations and Reasonable Sanctions – Procedure 3240-P .....	30
Classroom Management, Discipline and Corrective Action – Policy 3241 .....	40
Classroom Management, Discipline and Corrective Action – Procedure 3241-P .....	41
Students and Telecommunication Devices – Procedure 3245-P .....	62
Medication at School – Procedure 3416-P .....	64
Student Fees, Fines, Charges – Procedure 3520-P .....	66
Regulation of Dangerous Weapons on School Premises – Policy 4210.....	68
Use of Tobacco and Nicotine Products and Delivery Devices – Policy 4215.....	70
Complaints Concerning Staff or Programs – Procedure 4220-P.....	71
Notification of Threats of Violence or Harm – Procedure 4314-P .....	71

## Grading and Progress Reports – Policy 2420

The board believes that the cooperation of school and home is a vital ingredient in the growth and education of the student and recognizes the district's responsibility to keep parents informed of student welfare and progress in school.

The district will issue of grades and written or electronic progress reports, and provide opportunities for parent conferences to serve as a basis for continuous evaluation of the student's performance and to help in determining changes that should be made to effect improvement. These written and verbal reports will be designed to provide information that will be helpful to the student, teacher, counselor and parent.

The district will comply with the marking/grading system incorporated into the statewide standardized high school transcript. Secondary students' grade points will be reported for each term, individually and cumulatively.

The superintendent will establish a system of reporting student progress and will require all staff members to comply with such a system as part of their teaching responsibility.

At the beginning of each term, each teacher will specify in writing the student learning goals or standards for his/her respective courses. If participation is used as the basis of mastery of a goal or standard, a student's grades may be adversely affected for failure to attend or participate, provided on that day there was a graded participation activity. If the teacher does not so advise students in writing, the teacher may not use attendance and participation in the grading process. Students who feel that attendance or tardiness factors have been unfairly applied, may appeal to the principal to determine a resolution.

A student's grade report may be withheld until such time the student pays for any school property that has been lost or willfully damaged. Upon payment for damages or the equivalency through voluntary work, the grade report will be released. The student or his/her parents may appeal the imposition of a charge for damages to the superintendent and board of directors.

## Excused and Unexcused Absences – Procedure 3122-P

### Excused Absences

The following are valid excuses for absences and tardiness. Assignments and/or activities not completed because of an excused absence or tardiness may be made up in the manner provided by the teacher.

1. **Participation in school-approved activity or instructional program.** To be excused this absence must be authorized by a staff member and the affected teacher must be notified prior to the absence unless it is clearly impossible to do so.
2. **Absence due to:** illness; health condition; medical appointment; family emergency; religious purposes; court, judicial proceeding or serving on a jury; post-secondary, technical school or apprenticeship program visitation, or scholarship interview; State recognized search and rescue activities consistent with RCW 28A.225.055; and directly related to the student's homeless status.

When possible, the parent/guardian is expected to notify the school office on the morning of the absence by phone, e-mail or written note and to provide the excuse for the absence.

If no excuse is provided with the notification, or no notification is provided, the parent/guardian will submit an excuse via phone, e-mail or written note upon the student's return to school. Adult students (those over eighteen) and emancipated students (those over sixteen who have been emancipated by court action) will notify the school office of their absences with a note of explanation. Students fourteen years old or older who are absent from school due to testing or treatment for a sexually transmitted disease will notify the school of their absence with a note of explanation, which will be kept confidential. Students thirteen years and older may do the same for mental health, drug or alcohol treatment; and all students have that right for family planning and abortion.

A parent/guardian may request that a student be excused from attending school in observance of a religious holiday. In addition, a student, upon the request of his/her parent, may be excused for a portion of a school day to participate in religious instruction provided such is not conducted on school property. A student will be allowed one makeup day for each day of absence.

3. **Absence for parental-approved activities.** This category of absence will be counted as excused for purposes agreed to by the principal and the parent/guardian. An absence may not be approved if it causes a serious adverse effect on the student's educational progress. In participation-type classes (e.g., certain music and physical education classes) the student may not be able to achieve the objectives of the unit of instruction as a result of absence from class. In such a case, a parent or guardian-approved absence would have an adverse effect on the student's educational progress which would ultimately be reflected in the grade for such a course. A student, upon the request of his/her parent/guardian, may be excused for a portion of a school day to participate in religious instruction provided such is not conducted on school property or otherwise involves the school to any degree.
4. **Absence resulting from disciplinary actions — or short-term suspension.** As required by law, students who are removed from a class or classes as a disciplinary measure or students who have been placed on short-term suspension will have the right to make up assignments or exams missed during the time they were denied entry to the classroom if the effect of the missed assignments will be a substantial lowering of the course grade.
5. **Extended illness or health condition.** If a student is confined to home or hospital for an extended period, the school will arrange for the accomplishment of assignments at the place of confinement whenever practical. If the student is unable to do his/her schoolwork, or if there are major requirements of a particular course which cannot be accomplished outside of class the student may be required to take an incomplete or withdraw from the class without penalty.
6. **Excused absence for chronic health condition.** Students with a chronic health condition which interrupts regular attendance may qualify for placement in a limited attendance and participation program. The student and his/her parent will apply to the principal or counselor, and a limited program will be written following the advice and recommendations of the student's medical advisor. The recommended limited program will be approved by the principal. Staff will be informed of the student's needs, though the confidentiality of medical information will be respected at the parent's request.

## **Required conference for elementary school students**

If an elementary school student has **five or more excused absences in a single month** during the current school year or ten or more excused absences in the current school year, the district will schedule a conference with the student and their parent(s) at a reasonably convenient time. The conference is intended to identify barriers to the student's regular attendance and to identify supports and resources so the student may regularly attend school.

The conference must include at least one school district employee, preferably a nurse, counselor, social worker, teacher or community human service provider, and may occur on the same day as the scheduled parent-teacher conference, provided it takes place within thirty days of the absences. If the student has an Individualized Education Program or a Section 504 Plan, the team that created that program must reconvene. A conference is not required if prior notice of the excused absences was provided to the district or if a doctor's note has been provided and a plan is in place to ensure the student will not fall behind in their coursework.

## **Unexcused Absences**

An "unexcused absence" means that a student has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy on absences.

Unexcused absences occur when:

1. The parent, guardian or adult student submits an excuse that does not meet the definition of an excused absence as defined above; or
2. The parent, guardian, or adult student fails to submit any type of excuse statement, whether by phone, e-mail or in writing, for an absence.

**Each unexcused absence within any month of the current school year** will be followed by a letter or phone call to the parent informing them of the consequences of additional unexcused absences. The school will make reasonable efforts to provide this information in a language in which that parent is fluent. A student's grade will not be affected if no graded activity is missed during such an absence.

**After three unexcused absences within any month of the current school year**, a conference will be held between the principal, student and parent to analyze the causes of the student's absenteeism. If a regularly scheduled parent-teacher conference is scheduled to take place within thirty days of the third unexcused absence, the district may schedule the attendance conference on the same day. If the parent/guardian does not attend the scheduled conference, the conference may be conducted with the student and principal. However, the parent will be notified of the steps to be taken to eliminate or reduce the student's absences.

**At some point after the second and before the fifth unexcused absence**, the district will take data-informed steps to eliminate or reduce the student's absences. In middle school and high school, these steps will include application of the Washington Assessment of the Risks and Needs of Students (WARNS) or other assessment by the district's designated employee.

For any student with an existing Individualized Education Program (IEP) or Section 504 Plan, these steps will include convening the student's IEP team or Section 504 team, including a

behavior specialist or mental health specialist where appropriate, to consider the reasons for the student's absences. If necessary, and if the student's parent gives consent, the district will conduct a functional behavior assessment and will complete a detailed behavior plan to explore the function of the absence behavior.

For any student who does not have an IEP or Section 504 Plan, but who is reasonably believed to have a mental or physical disability or impairment, these steps will include informing the student's parent/guardian of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the student has a disability or impairment and needs accommodations, special education services, or related services. This includes students with suspected emotional or behavioral disabilities. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the student is found to be eligible for accommodations, special education services, or related services, a plan will be developed to address the student's needs.

The district will designate a staff member to apply WARNS and, where appropriate, provide the student with best practice or research-based interventions consistent with WARNS. As appropriate, the district will also consider:

- adjusting the student's course assignments;
- providing the student more individualized instruction;
- providing appropriate vocational courses or work experience;
- requiring the student to attend an alternative school or program;
- assisting the parent or student to obtain supplementary services; or
- referring the student to a community truancy board.

### **Transfers**

In the case of a student who transfers from one district to another during the school year, the sending district will provide to the receiving district, together with a copy of the WARNS assessment and any interventions previously provided to the student, the most recent truancy information for that student. The information will include the online or written acknowledgment by the parent and student. The sending district will use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.

**Not later than a student's fifth unexcused absence in a month**, the district will:

- a. enter into an agreement with the student and parents/guardians that establishes school attendance requirements;
- b. refer the student to a community truancy board; or
- c. file a petition to juvenile court (see below).

### **Community Truancy Board**

A "community truancy board" means a board established pursuant to a memorandum of understanding (MOU) between a juvenile court and the school district and composed of members of the local community in which the student attends school. The district will enter into

an MOU with the juvenile court in Clark County to establish a community truancy board prior to the 2017-2018 school year.

The district will designate and identify to the juvenile court (and update as necessary) and to the Office of the Superintendent of Public Instruction a staff member to coordinate district efforts to address excessive absenteeism and truancy, including outreach and conferences, coordinating the MOU, establishing protocols and procedures with the court, coordinating trainings, sharing evidence-based and culturally appropriate promising practices. The district will also identify a person within each school to serve as a contact regarding excessive absenteeism and truancy and assisting in the recruitment of community truancy board members.

Not later than a student's **seventh unexcused absence within any month during the current school year, or a tenth unexcused absence during the current school year**, if the district's attempts to substantially reduce a student's absences have not been successful and if the student is under the age of seventeen, the district will file a petition and supporting affidavit for a civil action in juvenile court.

### **Petition to juvenile court**

The petition will contain the following:

1. A statement that the student has unexcused absences in the current school year. (*District Note: While petitions must be filed if the student has seven or more unexcused absences within any one month, or ten or more unexcused absences in the current school year, a petition may be filed earlier. Unexcused absences accumulated in another school or school will be counted when preparing the petition*);
2. An attestation that actions taken by the school district have not been successful in substantially reducing the student's absences from school;
3. A statement that court intervention and supervision are necessary to assist the school district to reduce the student's absences from school;
4. A statement that RCW 28A.225.010 has been violated by the parent, student or parent and student;
5. The student's name, date of birth, school, address, gender, race, and ethnicity; and the names and addresses of the student's parents/guardians, whether the student and parent are fluent in English, whether there is an existing individualized education program (IEP), and the student's current academic status in school;
6. A list of all interventions that have been attempted, a copy of any previous truancy assessment completed by the student's current school district, the history of approved best practices intervention or research-based intervention(s) previously provided to the student by the district, and a copy of the most recent truancy information document provided to the parent.
7. Facts that support the above allegations.

Petitions may be served by certified mail, return receipt requested, but if such service is unsuccessful, personal service is required. At the district's choice, it may be represented by a person who is not an attorney at hearings related to truancy petitions.

If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for a period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the student, to most likely cause the student to return to and remain in school while the student is subject to the court's jurisdiction.

If the court assumes jurisdiction, the school district will periodically report to the court any additional unexcused absences by the student, actions taken by the school district, and an update on the student's academic status in school at a schedule specified by the court. The first report must be received no later than three (3) months from the date that the court assumes jurisdiction.

All sanctions imposed for failure to comply with the attendance policies and procedures will be implemented in conformance with state and district regulations regarding discipline or corrective action. (See Policy 3241, Classroom Management, Discipline and Corrective Action.)

## **Rights and Responsibilities – Policy 3200**

Each year, the superintendent will develop and make available to all students, their parents and staff, handbooks pertaining to student rights, conduct, corrective actions and discipline. Such statements will be developed with the participation of parents and the community. The school principal and staff will confer at least annually to develop and/or review student conduct standards and the uniform enforcement of those standards as related to the established student handbooks. They will also confer annually to establish criteria for determining when certificated employees must complete classes to improve classroom management skills.

All students who attend the district's schools will comply with the written policies, rules and regulations of the schools, will pursue the required course of studies, and will submit to the authority of staff of the schools, subject to such corrective action or discipline as the school officials will determine.

## **Sexual Harassment of Students Prohibited – Policy 3205**

This district is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation or at a class or school training held elsewhere.

### **Definitions**

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to student or can be carried out by a group of students or adults and will be investigated by the District even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of students by other students, employees or third parties involved in school district activities.

Under federal and state law, the term "sexual harassment" includes:

- acts of sexual violence;

- unwelcome sexual or gender-directed conduct or communication that interferes with an individual's educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

A "hostile environment" has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious.

### **Investigation and Response**

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take these steps every time a complaint, alleging sexual harassment comes to the attention of the district, either formally or formally.

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in school district activities. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

### **Retaliation and False Allegations**

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

## **Staff Responsibilities**

The superintendent will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

## **Notice and Training**

The superintendent will develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this policy will be included in staff, student and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, students, parents, volunteers and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduced in each student, staff, volunteer and parent handbook. Such notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

## **Prohibition of Harassment, Intimidation and Bullying – Policy 3207**

The board is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers and community members that is free from harassment, intimidation or bullying. "Harassment, intimidation or bullying" means any intentionally written message or image — including those that are electronically transmitted — verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation including gender expression or identity, mental or physical disability or other distinguishing characteristics, when an act:

- A. Physically harms a student or damages the student's property;
- B. Has the effect of substantially interfering with a student's education;
- C. Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
- D. Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation or bullying.

"Other distinguishing characteristics" can include but are not limited to physical appearance, clothing or other apparel, socioeconomic status and weight.

"Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

## **Behaviors/Expressions**

Harassment, intimidation or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, physical or electronically transmitted messages or images.

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of harassment, intimidation or bullying may still be prohibited by other district policies or building, classroom or program rules.

## **Training**

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers.

## **Prevention**

The district will provide students with strategies aimed at preventing harassment, intimidation and bullying. In its efforts to train students, the district will seek partnerships with families, law enforcement and other community agencies.

## **Interventions**

Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the perpetrator, and to restore a positive school climate.

The district will consider the frequency of incidents, developmental age of the student, and severity of the conduct in determining intervention strategies. Interventions will range from counseling, correcting behavior and discipline, to law enforcement referrals.

## **Students with Individual Education Plans or Section 504 Plans**

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the target of harassment, intimidation or bullying, or the aggressor of harassment, intimidation or bullying, the school will convene the student's IEP or Section 504 team to determine whether the incident had an impact on the student's ability to receive a free, appropriate public education (FAPE). The meeting will occur regardless of whether the harassment, intimidation or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving a FAPE as a result of the harassment, intimidation or bullying incident, or if the student is the aggressor of harassment, intimidation or bullying, the district will provide additional services and supports as deemed necessary by the IEP or Section 504 Team. These services may include counseling, monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives a FAPE.

## **Retaliation/False Allegations**

Retaliation is prohibited and will result in appropriate discipline. It is a violation of this policy to threaten or harm someone for reporting harassment, intimidation, or bullying.

It is also a violation of district policy to knowingly report false allegations of harassment, intimidation, and bullying. Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

### **Compliance Officer**

The superintendent will appoint a compliance officer as the primary district contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district.

The superintendent is authorized to direct the implementation of procedures addressing the elements of this policy.

## **Prohibition of Harassment, Intimidation and Bullying – Procedure 3207-P**

### **A. Introduction**

The Washougal School District strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed.

In order to ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation or bullying or to whom such actions have been reported must take prompt and appropriate action to stop the harassment and to prevent its reoccurrence.

### **B. Definitions**

**Aggressor** means a student, staff member, or other member of the school community who engages in the harassment, intimidation or bullying of a student.

**Harassment, intimidation or bullying** means an intentional electronic, written, verbal, or physical act that:

1. Physically harms a student or damages the student's property;
2. Has the effect of substantially interfering with a student's education;
3. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
4. Has the effect of substantially disrupting the orderly operation of the school.

Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.

Conduct that may rise to the level of harassment, intimidation and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. A sample form is provided on the Office of Superintendent of Public Instruction's (OSPI) School Safety Center website: [www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx).

**Retaliation** occurs an aggressor harasses, intimidates, or bullies a student who has reported incidents of bullying.

**Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).

**Targeted Student** means a student against whom harassment, intimidation or bullying has allegedly been perpetrated.

### **C. Relationship to Other Laws**

This procedure applies only to RCW 28A.300.285 – Harassment, Intimidation and Bullying prevention. There are other laws and procedures to address related issues such as sexual harassment or discrimination.

At least four Washington laws may apply to harassment or discrimination:

1. RCW 28A.300.285 – Harassment, Intimidation and Bullying
2. RCW 28A.640.020 – Sexual Harassment
3. RCW 28A.642 – Prohibition of Discrimination in Public Schools
4. RCW 49.60.010 – The Law Against Discrimination

The district will ensure its compliance with all state laws regarding harassment, intimidation or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a person's gender or membership in a legally protected class under local, state, or federal law.

### **D. Prevention**

#### **1. Dissemination**

In each school and on the district's website the district will prominently post information on reporting harassment, intimidation and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district's policy and

procedure will be available in each school in a language that families can understand.

Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways, or is posted on the district's website.

Additional distribution of the policy and procedure is subject to the requirements of Washington Administrative Code 392-400-226.

## **2. Education**

Annually students will receive age-appropriate information on the recognition and prevention of harassment, intimidation or bullying at student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Reporting Form or a link to a web-based form.

## **3. Training**

Staff will receive annual training on the school district's policy and procedure, including staff roles and responsibilities, how to monitor common areas and the use of the district's Incident Reporting Form.

## **4. Prevention Strategies**

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches.

Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation and bullying in schools.

## **E. Compliance Officer**

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation and bullying;
2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations. If a written report of harassment, intimidation or bullying indicates a potential violation of the district's nondiscrimination policy [Policy 3210], the compliance officer must notify as quickly as possible the district's civil rights compliance coordinator;
4. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern;
5. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
6. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training;

7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
8. In cases where, despite school efforts, a targeted student experiences harassment, intimidation or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website:  
[www.k12.wa.us/SafetyCenter/default.aspx](http://www.k12.wa.us/SafetyCenter/default.aspx).

#### **F. Staff Intervention**

All staff members will intervene when witnessing or receiving reports of harassment, intimidation or bullying. Minor incidents that staff are able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation or bullying, may require no further action under this procedure.

#### **G. Filing an Incident Reporting Form**

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation or bullying may report incidents verbally or in writing to any staff member.

#### **H. Addressing Bullying – Reports**

##### **Step 1: Filing an Incident Reporting Form**

In order to protect a targeted student from retaliation, a student need not reveal his identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential).

##### **Status of Reporter**

###### **1. Anonymous**

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff. (Example: An unsigned Incident Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

###### **2. Confidential**

Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.")

###### **3. Non-confidential**

Individuals may agree to file a report non-confidentially. Complainants agreeing to

make their complaint non-confidential will be informed that due process requirements may require that the district release all of the information that it has regarding the complaint to any individuals involved in the incident, but that even then, information will still be restricted to those with a need to know, both during and after the investigation. The district will, however, fully implement the anti-retaliation provision of this policy and procedure to protect complainants and witnesses.

### **Step 2: Receiving an Incident Reporting Form**

All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation or bullying will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation or bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be recorded on a district Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint.

### **Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying**

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the report and investigation process.

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.
2. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.

If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district's nondiscrimination policy [Policy 3210], the investigator will promptly notify the district's civil rights compliance officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-066 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knows or

should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the district's nondiscrimination policy.

3. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation and bullying.
4. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation and bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.
5. The investigation will include, at a minimum:
  - a. An interview with the complainant;
  - b. An interview with the alleged aggressor;
  - c. A review of any previous complaints involving either the complainant or the alleged aggressor; and
  - d. Interviews with other students or staff members who may have knowledge of the alleged incident.
6. The principal or designee may determine that other steps must be taken before the investigation is complete.
7. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.
8. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
  - a. The results of the investigation;
  - b. Whether the allegations were found to be factual;
  - c. Whether there was a violation of policy; and
  - d. The process for the complainant to file an appeal if the complainant disagrees with the results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States

Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family. If professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.

If the incident cannot be resolved at the school level, the principal or designee will request assistance from the district.

#### **Step 4: Corrective Measures for the Aggressor**

After completion of the investigation, the school or district designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to district policy 3241, Classroom Management, Corrective Actions or Punishment. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

#### **Step 5: Targeted Student's Right to Appeal**

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or his or her designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or his or her designee will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.
2. If the targeted student remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board on or before the fifth (5) school day following the date upon which the complainant received the superintendent's written decision.
3. An appeal before the school board or disciplinary appeal council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and will provide a copy to all parties involved. The board or council's decision will be the final district decision.

#### **Step 6: Discipline/Corrective Action**

The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation or bullying. Depending on the severity of the conduct,

corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

Corrective measures for a student who commits an act of harassment, intimidation or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district policy 3241, Classroom Management, Corrective Actions or Punishment.

If the conduct was of a public nature or involved groups of students or bystanders, the district should strongly consider schoolwide training or other activities to address the incident.

If staff have been found to be in violation of this policy and procedure, school districts may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of WAC 181-87, commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

#### **Step 7: Support for the Targeted Student**

Persons found to have been subjected to harassment, intimidation or bullying will have appropriate district support services made available to them, and the adverse impact of the harassment on the student will be addressed and remedied as appropriate.

#### **H. Immunity/Retaliation**

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted student, witness, or other person who brings forward information about an alleged act of harassment, intimidation or bullying. Retaliation is prohibited and will result in appropriate discipline.

#### **I. Other Resources**

Students and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation and bullying. However, nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected class under local, state or federal law. A harassment, intimidation or bullying complaint may also be reported to the following state or federal agencies:

- OSPI Equity and Civil Rights Office  
360.725.6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
[www.k12.wa.us/Equity/default.aspx](http://www.k12.wa.us/Equity/default.aspx)
- Washington State Human Rights Commission  
800.233.3247  
[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)
- Office for Civil Rights, U.S. Department of Education, Region IX  
206.607.1600

Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)

- Department of Justice Community Relations Service  
877.292.3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)
- Office of the Education Ombuds  
866.297-2597  
Email: [OEOinfo@gov.wa.gov](mailto:OEOinfo@gov.wa.gov)  
[www.governor.wa.gov/oeo/default.asp](http://www.governor.wa.gov/oeo/default.asp)
- OSPI Safety Center  
360.725-6044  
[www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx)

#### **J. Other District Policies and Procedures**

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation or bullying as defined in this policy but which are, or may be, prohibited by other district or school rules.

A form to report harassment, intimidation of bullying can be found on the district website at: <http://www.washougal.k12.wa.us/board/policies/3000/3207.pdf> or will be made available at any school office or the Washougal School District Office upon request.

### **Nondiscrimination – Procedure 3210-P**

Anyone may file a complaint against the district alleging that the district has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure will apply to the general conditions of the nondiscrimination policy (Policy 3210) and more particularly to policies dealing with co-curricular program (Policy 2150), service animals in schools (Policy 2030) and curriculum development and instructional materials (Policy 2020). As used in this procedure:

- A. Grievance** means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.
- B. Complaint** means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws.

The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any district, school or to the district compliance officer

responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

- C. Respondent** means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

**A. Informal Process for Resolution**

Anyone with an allegation of discrimination may request an informal meeting with the compliance officer or designated employee to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the compliance officer. During the course of the informal process, the district must notify complainant of their right to file a formal complaint.

**B. Formal Process for Resolution**

**Level One: Complaint to District**

The complaint must set forth the specific acts, conditions or circumstances alleged to be in violation, and the remedy or relief being requested. The staff member receiving the complaint will put the concerns down in writing and will secure the signature of the complainant. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer shall provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date at the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

### **Level Two – Appeal to the Board of Directors**

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may appeal the decision to the district board of directors by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.

The board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal to the board and provide the complainant with a copy of the decision. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

### **Level Three - Complaint to the Superintendent of Public Instruction**

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws as related to the content of the written complaint investigated by the district; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, unless the district has failed to comply with this procedure and no complaint or appeal decision has been provided; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to

the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

#### **Level Four - Administrative Hearing**

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

#### **C. Mediation**

At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not:

1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest.

A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be

signed by the complainant and a district representative who has authority to bind the district.

#### **D. Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the compliance officer for a period of six years.

### **Transgender Students – Policy 3211**

The board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sex, sexual orientation, gender identity or gender expression. To that end, the board recognizes the importance of an inclusive approach toward transgender students with regard to official records, confidential health and education information, communication, restroom and locker room accessibility, sports and physical education, dress codes and other school activities, in order to provide these students with an equal opportunity for learning and achievement. This policy and its procedure will support that effort by facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying and discrimination.

### **Transgender Students – Procedure 3211-P**

The principal or building administrator is encouraged to request a meeting with a transgender student and their parent/guardian upon the student's enrollment in the district or in response to a currently enrolled student's change of gender expression or identity. The goals of the meeting are to:

- Develop understanding of that student's individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or that the district will provide according to Policy 3211 and this procedure and under state and federal law; and
- Develop a shared understanding of the student's day-to-day routine within the school so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The school may not require the student to attend a meeting as a condition of providing them with the protections to which they are entitled under Policy 3211, this procedure and state and federal law regarding gender expression or identity.

#### **Definitions/Terms**

- **Gender Expression** is how a person expresses their gender, often through behavior, emotional expression, mannerisms, dress, grooming, interests, and activities.
- **Gender Identity** refers to one's deeply felt internal sense of being female, or male, or both, or neither, regardless of their gender assigned at birth.
- **Gender Nonconforming** describes a person whose gender expression differs from stereotypical expectations about how they should look or act based on the gender they

were assigned at birth. This includes people who identify outside traditional gender categories or identify as both genders, or as gender neutral.

- **Biological Sex/Sex** refers to a person's internal and external anatomy, chromosomes, and hormones.
- **Transgender** is a general term often used to describe a person whose gender identity and/or expression is different from that traditionally associated with the person's gender assigned at birth.
- **Transitioning** refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

## **Official Records**

The District is required to maintain a permanent student record which includes the student's legal name and the student's gender. The District will change a student's official records to reflect a change in legal name upon receipt of:

1. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or
2. A written, signed statement explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.

Schools may change a student's official gender designation upon parent or student request pursuant to the Office of the Superintendent of Public Instruction's (OSPI's) process found at <http://www.k12.wa.us/cedars/CEDARSDataFormQA.aspx>.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, the District should use the name and gender by which the student identifies. In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

## **Confidential Health or Educational Information**

Information about a student's gender status, legal name, or gender assigned at birth may constitute confidential medical or educational information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232; 34 C.F.R. Part 99). Therefore, to ensure the safety and well-being of the student, school employees should not disclose a student's transgender or gender nonconforming status to others, including the student's parents and/or other school personnel, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

## **Communication and Use of Names and Pronouns**

An appropriate school employee will privately ask known transgender or gender nonconforming students how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers

and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns. A student is not required to change their official records or obtain a court-ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

When communicating with transgender or gender nonconforming students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees will focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity. When communicating with parents of transgender or gender nonconforming students, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable. The district will not condone the intentional and persistent refusal to respect a student's gender identity, or inappropriate release of information regarding a student's transgender status.

### **Restroom Accessibility**

Students will be allowed to use the restroom that corresponds to the gender identity they assert at school. No student will be required to use a restroom that conflicts with his or her gender identity. If any student is uncomfortable with using a school restroom for any reason the administrator will work with the student and the parent/guardian, when appropriate, to develop a plan that will work for the student.

### **Locker Room Accessibility**

Use of locker rooms by transgender or gender nonconforming students will be assessed on a case-by-case basis, with the goal of maximizing transgender or gender nonconforming student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring the student's safety. In most cases, the district should provide the student access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions include, but are not limited to:

- Use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom);
- A separate changing schedule (i.e., utilizing the locker room before or after the other students).

Any alternative to locker room conditions will be provided in a manner that allows the student to keep his or her transgender or gender nonconforming status private. No student, however, will be required to use a locker room that conflicts with his or her gender identity.

### **Sports and Physical Education Classes**

The District will provide all students, including transgender students, the opportunity to participate in physical education and athletic programs/opportunities in a manner that is consistent with their gender identity.

A student may seek review of his or her eligibility for participation in interscholastic athletics by working through the Gender Identity Participation procedure set forth by the Washington Interscholastic Activities Association (WIAA).

## **Dress Codes**

The District will allow students to dress in a manner that is consistent with their gender identity and/or gender expression within the constraints of the dress codes adopted at their school site and within the constraints of the District guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). School dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender.

## **Other School Activities**

In any school activity or other circumstance involving separation by gender (i.e., class discussions, field trips), students will be permitted to participate in accordance with the gender identity they assert at school. Teachers and other school employees will make every effort to separate students based on factors other than gender where practicable.

## **Training and Professional Development**

When possible, the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. The content of such professional development should include, but not be limited to:

- Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
- Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
- Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying;
- District and staff responsibilities under applicable laws and district policies regarding harassment, discrimination, and gender identity and expression issues.

## **Discrimination and Harassment Complaints**

Discrimination and harassment on the basis of sex, sexual orientation, or gender identity or expression are prohibited within the district. It is the responsibility of each school, the District and all staff to ensure that all students, including transgender and gender non-conforming students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate attention and/or reported to the district's Civil Rights Compliance Coordinator.

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination and/or harassment complaints. This includes investigating the incident and taking age and developmentally-appropriate corrective action. Anyone may file a complaint alleging a violation of this policy using the complaint process outlined in the district's Nondiscrimination Procedure 3210P.

## Freedom of Expression – Procedure 3220-P

Students will enjoy the privilege of free verbal and written expression providing such expression does not disrupt the operation of the school. The principal will have the authority to monitor student verbal and written expression. Students who violate the standards for verbal and written expression will be subject to corrective action or punishment.

For purposes of verbal and written expression, the following guidelines are in effect:

- A. Distribution of written materials or presentation of an oral speech in an assembly or classroom setting may be restricted:
  1. Where there is evidence which reasonably supports a forecast that the expression is likely to cause material and substantial disruption of, or interference with, school activities, which disruption or interference cannot be prevented by reasonably available, less restrictive means; or,
  2. Where such expression unduly impinges upon the rights of others.
    - a. In order for a student publication or speech to be disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial disruption to normal school activity would occur if the material were published and distributed. Disruption includes, but is not necessarily limited to: student riots; destruction of property; widespread shouting, or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out or other related form of activity.
- B. Distribution of written material or presentation of an oral speech which are construed to be unsuitable for minors will not be permitted. Rules for determining unsuitability for minors should be consistent with those as applied to instructional materials.
- C. Libelous material or speech may be prohibited. Libelous material will be defined to include defamatory falsehoods about public figures or governmental officials. In order to be libelous, the defamatory falsehood must be made with actual malice; that is, with knowledge that it is false, or with reckless disregard of whether it was false or not.
- D. Material may be considered profane when the language does not meet the standards of professional journalism as evidenced by the daily newspapers commonly distributed in the district. Sanctions may be imposed on a student when he/she engages in offensively "lewd and indecent speech."
- E. Publications may not "invade the privacy" of individuals. Such occurrences may include: exploitation of one's personality; publications of one's private affairs with which the public has no legitimate concern; or, wrongful intrusion into one's private activities in a manner that can cause mental suffering, shame, or humiliation to a reasonable person of ordinary sensibilities.
- F. Publications or oral speeches which criticize school officials or advocate violation of school rules may be prohibited when there is evidence which supports a forecast that substantial disruption of school may develop.
- G. Publications or oral speeches which advocate racial, religious, or ethnic prejudice or discrimination or seriously disparage particular racial, religious, or ethnic groups are prohibited.

## **Student Publications**

The student publications instructor or advisor will have the primary responsibility for supervising student publications and to see that provisions incorporated into the policy and procedures are met. The principal may request to review any copy prior to its publication. Such copy will be returned to the student editors within 24 hours after it has been submitted for review. Any dispute that cannot be resolved at the building level will be submitted to the superintendent for further consideration. When appropriate, the superintendent will seek legal counsel. If the complaint cannot be resolved at that level, the board, upon request, will consider the complaint at its next regular meeting.

While the district believes that students should be encouraged to exercise good judgment in the content of the student publication program, such expressive writing must be in keeping with the school's instructional mission and values. Material must be free of content that: runs counter to the instructional program; invades the privacy of individuals; demeans or otherwise damages individuals or groups; supports the violation of school rules or, is inappropriate for the maturity level of the students. Such publication activities must also teach respect for the sensitivity of others and standards of civility as well as the elements of responsible journalism.

## **Distribution of Materials**

Students' constitutional rights of freedom of speech or expression provide for the opportunity to distribute written materials on school premises. However, distribution of materials by students will not cause disruption of or interference with school activities. Systematic distribution of materials may not occur during instructional time, unless other similar non-instructional activities are permitted. Students will be subject to corrective action or punishment, including suspension or expulsion, depending on the nature of the disruption or interference resulting from distribution of materials.

## **Student Dress – Procedure 3224-P**

The student and parent may determine the student's personal dress and grooming standards, provided that the student's dress and grooming does not:

- A. Lead school officials to reasonably believe that such dress or grooming will disrupt, interfere with, disturb, or detract from the school environment or activity and/or educational objectives;
- B. Create a health or other hazard to the student's safety or to the safety of others;
- C. Create an atmosphere in which a student, staff, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture or threat of violence; or
- D. Imply gang membership or affiliation by written communication, marks, drawing, painting, design or emblem upon any school or personal property or one's person.

The principal, in connection with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity if the principal reasonably believes that the student's dress or grooming:

- A. Creates a hazard to the student's safety or to the safety of others; or
- B. Will prevent, interfere with or adversely affect the purpose, direction, or effort required for the activity to achieve its goals.

If the student's dress or grooming is objectionable under these provisions, the principal will request that the student make appropriate corrections. If the student refuses, the principal will notify the parent, if reasonably possible, and request that the parent make the necessary correction. If both the student and parent refuse, the principal will take appropriate disciplinary action. Students may be suspended, if circumstances so warrant. Students who violate provisions of the dress code relating to extracurricular activities may be removed or excluded from the extracurricular activity for such period as the principal may determine. All students will be accorded due process safeguards before any corrective action may be taken.

Students identified as being gang involved, influenced or affiliated will be provided assistance and/or programs which discourage gang involvement or affiliation, enhance self-esteem, encourage interest and participation in school or other positive activities and promote membership in authorized school organizations.

## **Student Privacy and Searches – Procedure 3230-P**

### **Searches of Students and Their Property**

A student is subject to search by district staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff will report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations. A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation or at school events.

#### **A. Establishing reasonable grounds**

The following review of the basis for the search should occur before conducting a search:

1. Identify: 1) the student's suspicious conduct, behavior, or activity; 2) the source of the information; and 3) the reliability of the source of such information.
2. If suspicion could be confirmed, would such conduct be a violation of the law or school rules?
3. Is the student likely to possess or have concealed any item, material, or substance which is itself prohibited or which would be evidence of a violation of the law or a school rule?

#### **B. Conducting the search**

If the principal, or his or her designee, determines that reasonable grounds exist to search a student's clothing, personal effects, desk, locker, assigned storage area, or automobile, the search will be conducted as follows:

1. If evidence of criminal activity is suspected to be present, and prosecution by civil authorities will be recommended if confirmed by the search, consult law enforcement officials regarding the appropriateness of a search by a law enforcement officer.
2. If evidence of violation of a school rule is suspected, and if confirmed by the search will be handled solely as a student discipline action, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
3. If the student refuses to cooperate in a personal search, the student should be held until the student's parent or guardian is available to consent to the search. If a

parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent.

## **Locker Searches**

Lockers, desks, and storage areas are the property of the school district. When assigned a locker, desk, or storage area, a student will be responsible for its proper care. A student may be subject to a fine for any willful damage to school property. Students are encouraged to keep their assigned lockers closed and locked.

A student's locker desk or storage area may be searched by district staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff will report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations when the risk of harm to students or staff demands immediate action.

Building principals should refer to these procedures for conducting searches of students and their property for guidance in establishing whether a search is reasonable under the circumstances.

Principals may search all lockers, desks, or storage areas without prior notice given to students and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules.

Administrative inspections, or health and welfare inspections, may be conducted at any time for the purpose of locating misplaced library books, textbooks, or other school property or to ensure that all lockers, desks, or storage areas are being kept clean and free from potential health or safety hazards. Periodic inspections of lockers will reinforce the district's ownership of lockers and the minimal expectation of privacy students have in the contents of their lockers.

During a search of all student lockers, if the school official conducting the search discovers any container within the locker which may conceal contraband, the container may be searched according to district procedures governing searches of students and their property. A "container" for the purpose of this policy may include, but is not limited to: an article of clothing, a handbag, purse, backpack, gym bag or any other item in which contraband material may be concealed.

## **Parent and Student Rights in Administration of Surveys, Analysis or Evaluation – Procedure 3232-P**

### **Right to Inspect**

Parents, upon request, will have the opportunity to inspect the following:

- A. Surveys created by a third party before the survey is administered or distributed by a school to students;
- B. Instructional material used as part of the educational curriculum.

### **Notice**

At the beginning of each school year the district will provide emancipated students and parents notification in writing of the district policy and the specific or approximate dates of any student survey, analysis or evaluation scheduled during the school year.

### **Opt-Out**

The notification will include provisions to opt a student out of participating in:

- A. Any protected information survey, regardless of funding;
- B. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or selling to others.

## **Student Conduct Expectations and Reasonable Sanctions – Policy 3240**

The board acknowledges that conduct and behavior is closely associated with learning. An effective instructional program requires a wholesome and orderly school environment. The board requires that each student adhere to the rules of conduct and submit to corrective action taken as a result of conduct violations. The rules of conduct are applicable during the school day as well as during any school activity conducted on or off campus. Special rules are also applicable while riding on a school bus.

Students are expected to:

- A. Respect the rights, person and property of others;
- B. Pursue the required course of study;
- C. Preserve the degree of order necessary for a positive climate for learning; and
- D. Comply with district rules and regulations;
- E. Submit to the authority of staff and reasonable discipline imposed by school employees and respond accordingly and respond accordingly.

The board also recognizes that schools must take reasonable steps so that students who fail to adhere to the district's rules and regulations and who receive discipline for such misconduct remain engaged or are effectively reengaged in their educational program.

The superintendent will develop written rules of conduct which will carry out the intent of the board and establish procedures necessary to implement this policy.

## **Student Conduct Expectations and Reasonable Sanctions – Procedure 3240-P**

### **Student Conduct Expectations**

As authorized by chapter 28A.600 RCW, the following procedure sets forth rights and conduct expectations for students, along with the sanctions that may be imposed for violations of such expectations. At all times, this procedure will be read consistent with federal statutes and regulations, state statutes, common law, and rules promulgated by the Washington Office of the Superintendent of Public Instruction. For procedures and legal requirements related to imposition of suspension and expulsion, see Policy and Procedure 3241, Classroom Management, Discipline and Corrective Action.

### **Respect for the Law and the Rights of Others**

The student is responsible as a citizen to observe the laws of the United States, the state of Washington, and local ordinances and laws. The student will respect the rights of others while in

school, on school property, at all school activities, on district provided transportation or otherwise under school authority.

### **Compliance with Rules**

All students will obey the written rules and regulations established for the orderly operation of the district and the reasonable requests, instructions, and directives of district personnel. For purposes of Policy 3240 and this procedure, the term “district personnel” includes all adults, including contractors and volunteers, authorized to supervise student activities. Failure to do so will be cause for disciplinary action. All students will submit to reasonable discipline by the school district and its representatives for violations of policies, regulations and rules.

### **Student Rights**

In addition to individual rights established by law and district policies, students served by or on behalf of the district will have the right to:

- High educational standards in a safe and sanitary building;
- Education consistent with stated district goals;
- Equal educational opportunity and in all aspects of the educational process freedom from discrimination based on economic status, pregnancy, marital status, sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of trained dog guide or service animal by a person with a disability.;
- Access to their own education records at reasonable school times upon request;
- Fair and just treatment from school authorities and freedom from mistreatment and physical abuse;
- Freedom from unlawful interference in their pursuit of an education while in the custody of the district;
- Security against unreasonable searches and seizures;
- The substantive constitutional rights listed in WAC 392-400-215, subject to reasonable limitations upon the time, place, and manner of exercising such rights consistent with the maintenance of an orderly and efficient educational process within limitations set by law, including the right to:
  - Freedom of speech and press;
  - Peaceably assemble;
  - Petition the government and its representatives for a redress of grievances;
  - The free exercise of religion and to have their schools free from sectarian control or influence, and
  - Participate in the development of rules and regulations to which they are subject and to be instructed on rules and regulations that affect them, including the periodic review and update of discipline rules, policies, and procedures;
- Establish appropriate channels to voice their opinions in the development of curriculum;

- Representation on advisory committees affecting students and student rights;
- Present petitions, complaints, or grievances to school authorities and the right to replies;
- Consult with teachers, counselors, administrators and other school personnel at reasonable times;
- Be involved in school activities, provided they meet the reasonable qualifications of the sponsoring organization;
- Free election of their peers in student government and the right to hold office;
- Know the requirements of the course of study, be informed about and know upon what basis grades will be determined;
- Citizenship privileges as determined by the United States and Washington State Constitution and its amendments; and,
- Annual information pertaining to the district's rules and regulations regarding students, discipline and rights.

### **Scope of District Authority**

Students who involve themselves in acts that have a detrimental effect on the maintenance and operation of the school or the school district; criminal acts; and/or violations of school rules and regulations, are subject to disciplinary action by the school and prosecution under the law. The rules will be enforced by school officials:

- On school grounds during and immediately before or immediately after school hours;
- On school grounds at any other time when school is being used by a school group(s) or for a school activity;
- Off school grounds at a school activity, function, or event;
- Off the school grounds if the actions of the student materially or substantially affects or interferes with the educational process; or,
- In school-provided transportation, or any other place while under the authority of school personnel.

### **Disruptive Conduct**

A student will not intentionally cause substantial and/or material disruption of any school operations. The following illustrate the kinds of offenses that are prohibited:

- Intentionally obstructing normal pedestrian or vehicular traffic on a school campus;
- Intentionally obstructing the entrance or exit of any school building or room in order to deprive others of passing through;
- Causing a disturbance or disruption on school grounds, at school activities, or on district-provided transportation, including substantially interfering with any class or activity;
- Cheating or disclosure of exams;
- Defiance of school personnel by:

- Disobedience of reasonable requests, instruction, and directives of school personnel;
- Refusal to leave an area when instructed to do so by school personnel;
- Refusing a reasonable request to identify oneself to district personnel (including law enforcement officers) while under the supervision of the school; and
- Refusal to cease prohibited behavior;
- Disruptive and/or dangerous use of motor vehicles or conduct on a school bus that endangers students;
- Extortion, theft, forgery;
- Fighting: Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where blows are exchanged is prohibited, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;
- Gambling or encouraging other students to gamble;
- Gang-related behavior, association, and/or affiliation;
- Harassment of others (see Policy 3207);
- Inappropriate dress or appearance (see Policy 3224);
- Trespassing on school property or school transportation at a time or place the student's presence is not permitted;
- Unacceptable uses of technology (see Policy 2022 and Procedure 2022-P)
- Occupying a school building or school grounds in order to deprive others of its use;
- Preventing students from attending class or school activities;
- Use or possession of tobacco;
- Using any object in a dangerous manner;
- Intentionally defacing or destroying the property of another.

### **Exceptional Misconduct**

Exceptional misconduct is a violation of rules so serious in nature and/or so disruptive as to warrant an immediate short-term or long-term suspension. Exceptional misconduct includes the following:

- Arson;
- Assault, if the assault involves:
  - Injury to another;
  - Bodily fluids; or
  - A weapon;

- Commission of any crime on school grounds, or the commission of a crime or other dangerous conduct anywhere that indicates the student's presence on school grounds poses a danger to other students or staff;
- Cumulative violations;
- Causing intentional, substantial damage or destruction to school property or the property of another on school grounds or at school activities;
- Dangerous use of motor vehicles on school grounds or at school activities, or endangering students on a school bus;
- Disruption of the school program by bomb scares, false fire alarms, firecrackers, etc.;
- Extortion;
- Fighting: Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where physical blows are exchanged is prohibited, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, choking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;
- Harassment/intimidation/bullying of others;
- Electronic Bullying ("Cyberbullying" is the use of communication tools, websites, social media, cell phones, or other electronic devices to bully, harass, intimidate, or harm other people, including written, verbal or text messages; images; discussions; chat conversations; or instant messages.);
- Knowingly possessing stolen property;
- Possession, use, sale, or delivery of illegal or controlled chemical substances, including marijuana or substances containing marijuana and alcoholic beverages, as well as possession of items reasonably determined to be drug paraphernalia as used or possessed;
- Presence on school property or at a school activity following the consumption or use elsewhere of an alcoholic beverage or a controlled substance, including marijuana;
- Sexual misconduct on school grounds, at school activities, or on school provided transportation;
- Theft on school grounds, at school activities, on school provided transportation, or of school property at any time;
- Threats of violence to other students or staff
- Use or possession of dangerous weapons, including firearms, airguns, knives, nun-chu-ka sticks, throwing stars, stun guns, explosives and other weapons prohibited by state law and Policy 4210.

### **Guidelines for Sanctions**

Chapter 392-400 WAC contains the following restrictions for suspensions:

- Kindergarten through grade four - No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

- Grades five and above program - No student in grade five and above program shall be subjected to short-term suspension for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

In all cases where sanctions are imposed, a reasonable effort to contact parents or guardians will occur prior to, or contemporaneous with, the imposition of the sanction, in addition to any written notice required by law. When a school administrator has good and sufficient reason to believe that a student's presence poses an immediate and continuing threat to the student, other students or school staff, or an immediate and continuing threat of substantial disruption of the educational process, immediate emergency removal or emergency expulsion may be appropriate. (See Policy 3241, Classroom Management, Discipline and Corrective Action)

In conjunction with the following sanction guidelines, administrators may also consider any alternative form of corrective action—including programs intended to lessen the time of exclusion from class attendance—which has been approved by the Superintendent. The district encourages the use of alternative forms of correction action and education when possible and practicable in light of the duty to maintain safe and orderly school environments conducive to student learning.

In addition to school sanctions, administrators should determine whether restitution for damage or injury should be considered.

### **Implementing Disciplinary Action Guidelines**

It is presumed that school administrators will sanction a student for the following offenses within each listed standard range, beginning at the presumptive sanction and determining whether mitigating or aggravating factors warrant a sanction higher or lower within the standard range. School administrators are expected to use their professional judgment and experience when assigning students sanctions and will, to the best of their abilities, attempt to apply these sanctions to all similarly-situated students in a fair and equitable manner. The administrator's judgment and discretion will carefully balance the duty to maintain order and discipline in a safe school environment, the appropriate corrective action needed to address the student's misconduct, and the student's long-term educational success.

**The recommendation of sanctions listed on the Disciplinary Action Guidelines chart do not prohibit administrators from considering approved alternatives to out-of-school suspension or expulsion, including in-school suspension.** The standard range for each offense does not prohibit a school administrator from exceeding the range, up to and including expulsion, if sufficient aggravating factors warrant such corrective action or if the threat of danger or substantial disruption supports an emergency expulsion under WAC 392-400-295.

## **OFFENSE DEFINITIONS**

### **ARSON**

For purposes of school discipline, “arson” means any intentional or reckless setting of a fire or other burning of personal or public property. “Reckless” means that the student understood, but acted with disregard for, the consequences of his or her conduct.

### **ASSAULT**

For purposes of school discipline, “assault” means actual or attempted hitting, striking or other wrongful physical contact inflicted on another either directly or indirectly through an object. For verbal threats, see Harassment, Intimidation, and Bullying.

### **DEFACING OR DESTRUCTION OF PROPERTY**

For school discipline purposes, means the unauthorized, intentional damage to district property or the property of others (other than arson, above).

Note: Under RCW 28A.635.060 (1), the school district may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the district, a contractor of the district, an employee, or another student until the pupil or the pupil’s parent or guardian has paid for the damages. If a student has been suspended or expelled, the student may not be readmitted until the student or parents or legal guardian has made payment in full, or until the superintendent, or designee, directs otherwise. If the property damaged is a school bus owned and operated by the district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed otherwise by the superintendent, or designee.

When the pupil and parent or guardian are unable to pay for the damages, the school district will provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of the pupil is liable for damages as otherwise provided by Washington state law.

### **DEFIANCE OF SCHOOL AUTHORITY**

Refusal to obey reasonable requests, instructions, and directives of any school personnel, including volunteers or contractors working for the school. Defiance includes dress or appearance in violation of Policy 3224 that the student either refuses to correct at the directive of a school administrator, or that is a persistent and repeated violation of Policy 3224. Defiance of school authority can also include intentional disruptive behavior.

### **DRUGS/ALCOHOL AND OTHER PROHIBITED CHEMICAL SUBSTANCES**

The possession, consumption, use, storage, or distribution of drugs, alcohol, and other similar chemical substances on school grounds, at school activities, or on district-provided transportation is prohibited. For purposes of student conduct expectations:

- This section applies to any controlled substance, medication, stimulant, depressant, or mood altering compound, including simulated compounds intended to produce intoxication or euphoria, whether or not such compounds have been designated a controlled substance by state or federal law;
- This section applies to marijuana or substances containing marijuana;

- This section applies to legally-prescribed drugs which a student is nevertheless not lawfully authorized to possess on school grounds, at school activities, or on district-provided transportation;
- This section applies to students who enter school grounds, school activities, or district-provided transportation following the unlawful use or consumption of drugs, alcohol, and other similar chemical substances, including students who appear to be under the influence of such substances; and
- This section applies equally to the possession or use of paraphernalia or other items used to possess, consume, store, or distribute drugs, alcohol, and/or other illegal chemical substances, including marijuana or substances containing marijuana.

Generally, a suspension for possession, use, or consumption should not exceed ten (10) days, and a suspension for distribution should not exceed twenty (20) days. A suspension for secondary students in either case should not fall below three (3) days.

An expulsion may be imposed for such conduct when sufficient aggravating circumstances are present and in consultation with the superintendent or the superintendent's designee. Emergency expulsion may be imposed when the student's conduct meets the requirements of WAC 392-400-295.

An administrator may draw up a contract with a student serving a suspension, and a maximum of fifty percent (50%) of the suspension may be held in abeyance when the student successfully complies with the terms and conditions of the contract.

In all cases in which a student possesses or is distributing on school grounds, at school activities, or on district-provided transportation a substance prohibited under this section that is also a violation of the law, a report will be made by school officials to law enforcement.

### **FIGHTING OR FIGHTING INVOLVEMENT**

Includes instigating, promoting (including promotion by presence as a spectator), and escalating a fight, as well as the failure to disperse at the scene of a fight.

#### REASONABLE SELF-DEFENSE:

It is expected that a student must always first retreat from any threat of harm and/or contact an adult staff member for assistance before engaging in any type of physical response to an assault. However, an administrator may decide not to subject a student to discipline if, following a reasonable investigation, the administrator determines that all of the following are true:

- a student who is being assaulted or witnesses another student being assaulted acts only in a manner that is defensive and protective of himself/herself or others;
- the student is acting in a manner that a building administrator determines is reasonable and necessary in light of the circumstances; and
- the student did not instigate, provoke, or promote the violence by his or her words or conduct immediately prior to the assault.

A reasonable physical response to an assault may include holding the assailant's hands or arms to prevent the assault, or pulling two fighting students apart and holding them until adult staff can arrive and intervene.

## **GANG CONDUCT**

For school discipline purposes includes:

- the creation, display, or communication of gestures, language, imagery, or symbols as defined below commonly associated with gang culture;
- the promotion of gang culture and/or gang violence, and/or;
- the solicitation or recruitment of gang members.

Gang imagery and symbols include, but are not limited to:

- apparel (including shoelaces, bandanas, belts, or hats) which by virtue of color, arrangement, trademark, symbol, or any other attributes indicate or imply gang membership or affiliation
- displays of gang affiliation on personal belongings including clothing, school assignments, notebooks, body, etc.

## **HARASSMENT, SEXUAL HARASSMENT, INTIMIDATION OR BULLYING**

For school discipline purposes, harassment, sexual harassment, intimidation or bullying can occur at two different levels:

- **Class 2 Offense:** A single, or very infrequent, act by one student towards another that is not intended to hurt, threaten or intimidate or if intended is corrected and extinguished through the intervention and/or discipline imposed by a staff member or administrator. A Class 2 offense can also be defined by the actions of two or more students that go back and forth, better defined as a conflict that includes statements that constitute harassment, bullying or intimidation. Class 2 bullying, harassment and intimidation offenses are extinguished by the action taken to correct them and do not, or rarely, occur again in the future.
- **Class 3 Offense:** Persistent, intentional, ongoing and severe in nature and/or continuing to occur.
- Harassment, sexual harassment, intimidation and bullying include:
  - Intentionally hurtful, threatening, or intimidating verbal and/or physical conduct in violation of district Policy 3207 and procedure 3207-P;
  - Unsolicited or unwelcome verbal or physical conduct that is harassing or intimidating that can be of a sexual, religious, racial or ethnic nature, or based on disability;
  - A threat to cause bodily injury, property damage, or to cause the physical confinement or restraint of the person threatened, or any other act causing substantial harm to the physical or mental health of the person threatened.

## **LEWD, OBSCENE, OR PROFANE LANGUAGE, GESTURES OR MATERIALS**

For purposes of school discipline, this includes, but is not limited to, lewd, obscene or profane language, gestures or materials that are unrelated to authorized school curriculum. Prohibited

“materials” includes digital or electronic text, images, or sounds that are possessed, displayed, or transmitted while under the supervision of school authorities.

Any conduct under this section that could constitute a criminal act will be reported to law enforcement. Any conduct under this section that involves the use of district resources or equipment may result in the loss or restriction of a student’s use of district systems, resources, or equipment.

### **THEFT/STEALING**

Possession of another person's or district property, regardless of value, without the person's permission with the intent to deprive the owner of such property. As part of the sanction, restitution will usually be required.

Note: Under RCW 28A.635.060 (1), the school district may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the district, a contractor of the district, an employee, or another student until the pupil or the pupil’s parent or guardian has paid for the damages. If a student has been suspended or expelled, the student may not be readmitted until the student or parents or legal guardian has made payment in full, or until the superintendent directs otherwise. If the property damaged is a school bus owned and operated by the district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed otherwise by the superintendent.

When the pupil and parent or guardian are unable to pay for the damages, the school district will provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of the pupil is liable for damages as otherwise provided by Washington state law.

### **TOBACCO/NICOTINE PRODUCTS - USE OR POSSESSION**

Students may not participate in smoking, use of tobacco products or products containing nicotine, or possess tobacco products on the school premises or at school-sponsored functions.

### **TRUANCY**

See Policy and Procedure 3122.

### **WEAPONS**

This section addresses the possession or use of actual weapons in violation of district Policy 4210, including firearms, dangerous weapons, and other items listed within that policy. This includes when a student acts with malice as defined under RCW 9A.04.110 and displays a device that appears to be a firearm. Objects and conduct that fall outside of Policy 4210 should be addressed under other sections, as appropriate.

Any student who is determined to have carried a firearm or to have possessed a firearm on school premises, school-provided transportation, or school sponsored activities at any facility shall be expelled from school for not less than one year (12 months) under RCW 28A.600.420, with notification to parents and law enforcement. The district superintendent or the superintendent’s designee is authorized to modify the expulsion of a student on a case-by-case basis.

The school district may also suspend or expel a student for up to one year if the student acts with malice as defined under RCW 9A.04.110 and displays a device that appears to be a firearm.

Expulsion may result based upon the administrator's judgment of the seriousness of the act or circumstances surrounding the act, and/or the previous record of the student.

## **Classroom Management, Discipline and Corrective Action – Policy 3241**

Rules of student conduct are essential to maintain a school environment conducive to learning. A student's refusal to comply with written rules and regulations established for the governing of the school will constitute sufficient cause for discipline or corrective action.

Staff are responsible for supervising student behavior, employing effective classroom management methods and enforcing the rules of student conduct in a fair, consistent and non-discriminatory manner. Corrective action must be reasonable and necessary under the circumstances and reflect the district's priority to maintain a safe and positive learning environment for all students and staff.

The district will distribute its discipline policy and procedure to students, their parents/guardians, and the community on an annual basis. Students and/or their parents/guardians will be provided all required substantive and procedural due process in regard to grievances, hearings and/or appeals of corrective action. The district will also strive to provide trainings regarding policies and procedures related to student discipline for appropriate school and district staff whose duties require them to interact with students and enforce or implement components of student discipline.

The district will assist long-term suspended and expelled students in returning to school as soon as possible by providing them with a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion.

The district will annually collect and review data on disciplinary actions taken against students within each school. The data will be disaggregated into subgroups as required by RCW 28A.300.042 and will include students protected by the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. The review must include short-term suspensions, long-term suspensions and expulsions. In reviewing the data, the district will determine whether it has disciplined a substantially disproportionate number of students within any of the disaggregated categories. If disproportionality is found, the district will take action to ensure that it is not the result of discrimination.

In consultation with school district staff, students, families and the community, the district will periodically review and update this policy and its accompanying procedure.

## Classroom Management, Discipline and Corrective Action – Procedure 3241-P

### Definitions

- **Discipline** means all forms of corrective action other than emergency removal, suspension or expulsion. Discipline includes the exclusion of a student from any type of activity conducted by or on behalf of the school district and exclusion of a student from a class by a teacher or administrator for a period of time that does not exceed the balance of the immediate class period, provided the student is in the custody of a school district employee for the balance of such period.
- **Discretionary discipline**, under RCW 28A.600.015 refers to any form of corrective action taken in response to student misconduct that violates the rules, policies, or procedures adopted by the board of directors, other than the misconduct listed in one or more of the categories in this procedure set forth below in the section entitled “Suspension, Expulsions, and Discretionary Discipline.” Discretionary discipline cannot include long-term suspension or expulsion.
- **Emergency removal** means a student’s immediate removal from a class, subject or activity by a certificated teacher or an administrator or a school bus driver and sending of that student to the building principal or designee, when the teacher or administrator has good and sufficient reason to believe that the student’s presence poses an immediate and continuing danger to the student, other students or school staff or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process.
- **Suspension** means the denial of attendance for any single subject or class or for any full schedule of subjects or classes for a stated period of time. Suspension may also include denial of admission to, or entry upon, real and personal property that is owned, leased, rented or controlled by the district.
  - **Short-term suspension** means suspension for any portion of a calendar day up to and not exceeding ten (10) consecutive school days.
  - **Long-term suspension** means a suspension that exceeds ten (10) consecutive school days. A long-term suspension may not exceed the length of an academic term as defined by the school board and may not be imposed as a form of discretionary discipline except for the offenses listed below in the section entitled “Suspension, Expulsions, and Discretionary Discipline.”
- **Emergency expulsion** means an emergency removal from school for up to, but not exceeding, ten (10) consecutive school days from the student’s current school placement by the superintendent or designee. An emergency expulsion requires the superintendent or designee to have good and sufficient reason to believe that the student’s presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of corrective action within ten (10) school days from the date of the emergency removal from school. If the district converts the emergency expulsion to another form of corrective action, it must provide notice and an explanation of due process rights to the student and parent/guardian.

- **Expulsion** means a denial of attendance for a period of time up to but no longer than length of an academic term (as defined by the board of directors) from the time the student is removed from his/her current school placement by a school district superintendent or designee. An expulsion may not be for an indefinite period of time and may not be imposed as a form of discretionary discipline except for the offenses listed below in the section entitled “Suspension, Expulsions, and Discretionary Discipline.” An expulsion may be extended beyond the length of an academic term if: 1) the school petitions the superintendent for an extension; and 2) the superintendent authorizes the extension pursuant to the superintendent of public instruction’s rules adopted for this purpose. (See Petition for Extension of Length of Expulsion below.) An expulsion may also include a denial of admission to, or entry upon, real or personal property that is owned, leased, rented or controlled by the district.
- **School business day** means any calendar day except Saturdays, Sundays and any federal and school holidays upon which the office of the superintendent is open to the public for business. A school business day concludes upon the closure of the superintendent’s office for the calendar day.
- **School day** means a calendar day except school holidays on which enrolled students are engaged in educational activity which is planned, supervised and conducted by or under the supervision of certificated staff and on which day all or any portion of enrolled students participate in such educational activity.
- **Reengagement meeting** means a meeting held between the district and the student and parent/guardian to discuss how to return a long-term suspended or expelled student to an educational setting as soon as possible.
- **Reengagement plan** means a culturally sensitive and culturally responsive written plan developed between the district and a student and his/her parent or guardian designed to aid the student in taking the necessary steps to remedy the situation that led to the student’s suspension or expulsion and to return the student to the educational setting as soon as possible. Parents or guardians of students must have access to, provide meaningful input on, and have the opportunity to participate in the student’s reengagement plan.

### **Superintendent authority**

The superintendent will have the authority to discipline, suspend or expel students. The superintendent will:

- Identify the conditions under which a teacher may exclude a student from his or her class; and
- Designate which staff members have the authority to initiate or to impose discipline, suspensions or expulsions.

No student will be expelled, suspended, or disciplined in any manner for the performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

No form of discipline will be enforced in such a manner as to prevent a student from accomplishing a specific academic grade, subject or graduation requirements.

### **Notification of suspensions of students eligible for special education services**

The principal will notify special education staff of any suspensions to be imposed on a student who is currently eligible for special education services or any student who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days, the principal will notify relevant special education staff so that the District can ensure compliance with special education discipline procedures.

### **Notification of procedures relating to student behavior**

Principals in each school will annually publish and make available to students, parents or guardians, staff, and the community the rules, policies, and procedures of the District that establish misconduct and the written procedures for administering corrective action. The publication will also define student rights and responsibilities relating to student behavior.

Pursuant to the Drug-Free Schools and Communities Act (Amendments of 1989), students and parents will be given annual notice of the standard of conduct the district requires regarding controlled substance and alcohol use, and a statement of the disciplinary sanctions for violations of that standard.

The District will also, in consultation with staff, students, student's families, and the community, periodically review and update the District's rules, policies, and procedures related to student discipline.

### **Rights and responsibilities of certificated staff**

#### **Certificated staff will have the right to:**

- Expect students to comply with school rules;
- Develop and/or review building rules relating to student conduct and control at least once each year. Building rules will be consistent with district rules relating to student conduct;
- Receive any complaint or grievance regarding corrective action of students. Certificated staff will be given the opportunity to present their version of the incident and to meet with the complaining party in the event that a conference is arranged;
- Use such reasonable action as is necessary to protect himself/ herself, a student, or others from physical abuse or injury;
- Detain a student after school for up to 30 minutes with due consideration for bus transportation.

Teachers have the right to exclude any student who creates a disruption of the educational process in violation of building disciplinary standards, while under the teacher's supervision, from his/her individual classroom or instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances as provided for in WAC 392-400-290 (see **Emergency Removal** below), the teacher will attempt one or more forms of corrective action prior to excluding the student. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal and the teacher have conferred.

**Certificated staff will have the responsibility to:**

- Observe the rights of students;
- Supervise student behavior and enforce the rules of student conduct fairly, consistently, and without discrimination. Any infractions will be reported orally and in writing to the principal as soon as possible regardless of any corrective actions taken by the teacher;
- Maintain good order in the classroom, in the hallways, on the playgrounds or other common areas of the school, and on school buses (i.e., during field trips);
- Maintain accurate attendance records and report all cases of truancy;
- Set an appropriate example of personal conduct and avoid statements which may be demeaning or personally offensive to any student or group of students; and
- Meet with a parent(s) within five (5) school days upon request to hear a complaint regarding the use of classroom materials and/or teaching strategies that are being employed in the classroom.

**Principals will have the responsibility to:**

- Impose suspension or expulsion when appropriate;
- Notify parents when students are suspended or expelled; and
- Confer with certificated staff at least once per year to develop and/or review rules of conduct to be employed in the school and corrective actions that may be employed in the event of rule infractions.

**Unexcused absences and tardiness**

Students with one or more unexcused absences and/or tardiness and subject to compulsory attendance pursuant to Chapter 28A.225 RCW may be subject to corrective action that is reasonably calculated to modify the student's conduct. However, if a district imposes corrective action on a student for one or more unexcused absences, it must:

- Provide notice to the student's parent/guardian in writing in English or the primary language of the parent/guardian, that the student has failed to attend school without valid justification, and by any other means necessary to provide notice of these facts;
- Schedule a conference or conferences with the parents/guardians and the student to analyze the causes of the student's absences and determine whether the student would be appropriately placed in a special program designed for his/her educational success; and
- Take steps to reduce the student's absences, which include, where appropriate in the judgment of district staff, adjustments to the student's school program or school or courses or assisting the parent/guardian in obtaining supplementary services.

Additionally, a student's academic grade or credit may only be adversely affected by reason of tardiness or absences if:

- The student's attendance or participation is related to the instructional objectives or goals of the particular subject or course;
- The student's attendance or participation has been identified by the teacher pursuant to district policy as a basis for grading the subject or course; and

- The circumstances pertaining to the student’s inability to attend school have been taken into consideration, including whether the absences are directly related to the student’s disability under Section 504 of the Rehabilitation Act of 1964, Title II of the Americans with Disabilities Act (ADA) or the Individuals with Disabilities Education Act (IDEA).

### **Alternative forms of corrective action**

The board encourages the use of alternative forms of correction action when possible and practicable in light of the duty to maintain safe and orderly school environments conducive to student learning. District administrators may consider alternative forms of corrective action—including programs intended to lessen the time of exclusion from class attendance—which have been approved by the board and/or superintendent.

Except in cases involving exceptional misconduct, district administrators must impose alternative forms of corrective action for incidents of misbehavior prior to imposing a suspension or expulsion for the same type of misbehavior.

### **Student discipline**

Student discipline will be enforced in order to maintain a safe and orderly school environment that is conducive to student learning.

The methods employed in enforcing the rules of student conduct involve professional judgment. Such judgment should be:

- Consistent from day to day and student to student;
- Guided by appropriate classroom management strategies;
- Balanced against the severity of the misconduct;
- Appropriate to the student’s circumstances and prior behavior;
- Fair to the student, parent/guardian, and others; and
- Effective.

Since these criteria may conflict, established procedures must be followed in correcting misbehavior. No form of discipline will be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject or graduation requirements. Appeal procedures have been established in order to provide for an opportunity for every corrective action to be reviewed by someone in authority and to instill confidence among students and parents as to the essential fairness of staff.

### **Detention**

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students after school hours for not more than 30 minutes on any given day.

Preceding the assignment of detention, the staff member will inform the student of the nature of the offense charged and of the specific conduct which allegedly constitutes the violation. The student will be afforded an opportunity to explain or justify his/her actions to the staff member.

Detention will not begin until the parent/guardian has been notified (except in the case of an adult student) for the purpose of informing him/her of the basis and reason for the detention and to permit him/her to make arrangements for the necessary transportation of the student when he/she has been detained after school hours for corrective action.

Students detained for corrective action will be under the direct supervision of the staff member or another member of the professional staff.

### **Grievance and appeal process for student discipline**

Any parent/guardian or student who is aggrieved by the imposition of discipline will have the right to an informal conference with the principal for the purpose of resolving the grievance. The employee whose action is being grieved will be notified of the grievance as soon as reasonably possible.

At such conference the student and parent/guardian will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

After exhausting this remedy, the parent/guardian and student will have the right, upon two (2) school business days' prior notice, to present a written and/or oral grievance to the superintendent or designee.

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days' prior notice, have the right to present a written or oral grievance to the board during its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance. The board will notify the parent and student of its response to the grievance within ten (10) school business days after the date when the grievance was presented. The disciplinary action will continue notwithstanding implementation of the grievance procedure unless the principal, superintendent or board elects to postpone such action.

Alternatively, the board may delegate its authority to hear and decide discipline and short-term suspension grievance appeals to a school district disciplinary appeal council established pursuant to WAC 392-400-310(1).

### **Emergency removal from class or subject**

A student may be removed immediately from a class or subject by a teacher or administrator without other forms of corrective action and sent to the principal or a designated school official, without first attempting corrective action, provided that the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students or staff or an immediate and continuing threat of substantial disruption of the class, subject, or educational process of the student's school. The removal will continue only until:

- The danger or threat ceases; OR
- The principal or designee acts to impose corrective action.

The principal or designee will meet with the student as soon as reasonably possible following the removal and take or initiate appropriate corrective action. The meeting will take place no later

than the beginning of the school day following the student's emergency removal. The teacher or administrator who removed the student will be notified of the action taken or initiated.

### **Suspensions, Expulsions, and Discretionary Discipline**

Suspensions (including long-term suspensions) and expulsions may be imposed for any of the following student behaviors:

- A. Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
- B. Any of the following offenses listed in RCW 13.04.155, including:
  1. Any violent offense as defined in RCW 9.94A.030, including
    - a. Any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
    - b. Manslaughter;
    - c. Indecent liberties committed by forcible compulsion;
    - d. Kidnapping;
    - e. Arson;
    - f. Assault in the second degree;
    - g. Assault of a child in the second degree;
    - h. Robbery;
    - i. Drive-by shooting; and
    - j. Vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner;
  2. Any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to registered as a sex offender in violation of 9A.44.132), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
  3. Inhaling toxic fumes in violation of chapter 9.47A RCW;
  4. Any controlled substance violation of chapter 69.50 RCW;
  5. Any liquor violation of RCW 66.44.270;
  6. Any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
  7. Any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon assistance for an injured victim of a crime in need of assistance;
  8. Any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;

9. Any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation; and
  10. Any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti;
- C. Two or more violations of the following within a three-year period
1. Criminal gang intimidation in violation of RCW 9A.46.120;
  2. Gang activity on school grounds in violation of RCW 28A.600.455;
  3. Willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
  4. Defacing or injuring school property in violation of RCW 28A.635.060; and
- D. Any student behavior that adversely affects the health or safety of other students or educational staff.

Unless otherwise required by law, school administrators are not required to impose a long-term suspension or expulsion for the misconduct listed above, and whenever reasonable school administrators should first consider alternative sanctions.

For student behaviors—including specific offenses contained in Policy 3240 and procedure 3240P—that do not fall within one or more of the categories listed above, schools may only impose discretionary discipline as defined in this procedure. Schools may not impose long-term suspension or expulsion as a form of discretionary discipline, but may impose other sanctions up to and including short-term suspension in a manner consistent with this procedure.

### **Short-term suspension**

#### **Conditions and limitations**

The nature and circumstances of the student conduct violation must reasonably warrant a short-term suspension. As a general rule, no student will be suspended for a short term unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature.

No student in grades kindergarten through fourth grade will be suspended for more than a total of ten (10) school days during any single semester or trimester and no loss of academic grades or credit will be imposed by reason of the suspension.

No student in fifth grade and above will be suspended for more than a total of fifteen (15) school days during any single semester or ten school days during any single trimester.

#### **Continuation of educational services**

The district will not suspend the provision of educational services during a period of short-term suspension and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of a short-term suspension. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

The principal will notify special education staff of any short-term suspensions to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that short-term suspensions may cumulatively or consecutively exceed ten school (10) days, (see Procedure 2161P, Special Education and Related Services for Eligible Students, Discipline section) the principal will notify relevant special education staff so that the district can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

### **In-school suspension**

Students who are denied attendance at school are denied the opportunity to learn. The district may create an in-school suspension program which temporarily removes the student from his/her regular learning environment but permits the student to maintain his/her educational progress. An in-school suspension is no different from any other suspension as defined by WAC 392-400-205, and therefore triggers the same substantive and procedural due process, including student and parent/guardian notification.

Students who are assigned to in-school suspension are granted this opportunity as a privilege and are expected to comply with the expectations of staff. The superintendent will establish guidelines for the operation of the in-school suspension program.

Suggested guidelines for in-school suspension are as follows:

- A student who is afforded the opportunity to be assigned to in-school suspension will agree to the conditions specified by the school principal. Unless the student is of majority age, the principal will obtain written authorization from the parent or guardian. The student's or parents' or guardians' authorization will include the number of days the student will be assigned to in-school suspension.
- In-school suspension is designed to encourage learning. Students will be expected to work on their classroom assignments at all times.
- A student in in-school suspension will attend a single subject or class or any full schedule of subjects or classes in a separate location on school property from their regular subject or class or schedule and/or classmates.
- The student will be denied the opportunity to participate in any school activities while in in-school suspension.
- While in-school suspended, the student and staff may develop a behavior contract that defines the future expected behavior of the student. The student and his/her parents/guardians and a staff member will sign the contract.
- Any act of inappropriate conduct may result in imposition of other corrective action.
- After a student is placed back into the regular classroom(s), the principal or designee or school counselor will monitor the student's progress on a daily basis. The student will be encouraged to maintain a relationship with the school counselor as a means of dealing with any problems that arise.
- Specific rules and building procedures will be developed by the building principal.

**Exceptional misconduct**

A student may be short-term suspended for exceptional misconduct, other than absenteeism, when such misconduct is of such frequent occurrence or is so serious in nature and/or is so serious in terms of disruption to the operation of the school that immediate suspension is warranted. In cases of exceptional misconduct, a short-term suspension may be imposed without first attempting alternative forms of corrective action. The superintendent, following consultation with a representative ad hoc citizens' committee, will recommend for board adoption, the nature and extent of the corrective actions which may be imposed as a consequence of exceptional misconduct. (See Procedure 3240-P.) An exception may be granted by an administrator when warranted by extenuating circumstances.

**Prior notice and conference**

- Prior to the short-term suspension of a student, the principal or designee will conduct a conference with the student and provide:
- An oral or written notice of the charges;
- An oral or written explanation of the evidence in support of the allegation(s); AND
- An oral or written explanation of the short-term suspension which may be imposed.

The student will be provided an opportunity to present his/her explanation of the allegation(s).

If the short-term suspension is to exceed one (1) calendar day, the principal or designee will notify the student's parent/guardian of the reason for the suspension and its duration either orally or by U.S. mail as soon as reasonably possible. The notice will also address the parent/guardian's right to an informal conference pursuant to WAC 392-400-255 and the fact that the suspension may be reduced as a result of such conference.

**Grievance and appeal process for short-term suspension**

Any parent/guardian or student who is aggrieved by the imposition of a short-term suspension will have the right to an informal conference with the principal or designee for the purpose of resolving the grievance. At such conference the student and parent will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

The parent/guardian and student after exhausting this remedy will have the right, upon two (2) school business days' prior notice, to present a written and/or oral grievance to the superintendent.

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days' prior notice, will have the right to present a written or oral grievance to the board at its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance.

The board will notify the parent/guardian and student of its response to the grievance within ten (10) school business days after the date when the grievance was presented. The short-term suspension will continue notwithstanding implementation of the grievance procedure unless the principal, superintendent or board elects to postpone such action.

### **Readmission**

Any student who has been short-term suspended will be allowed to make application for readmission at any time in accordance with district policy and procedure. (See also **Readmission Application Process**, below.)

### **Reporting**

Principals will report all short-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the short-term suspension.

## **Emergency expulsion**

### **Conditions and limitations**

Schools may not impose an emergency expulsion for an immediate and continuing danger or threat of substantial disruption unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be emergency expelled based on the conditions below. An emergency expulsion may not be imposed as a form of discretionary discipline, as defined in this procedure. In addition, an emergency expulsion may not be imposed solely for the purposes of investigating student conduct.

A student may be immediately removed from school prior to a hearing without other forms of corrective action if the superintendent or designee has good and sufficient reason to believe that the student poses:

- An immediate and continuing danger to other students or school staff; OR
- An immediate and continuing threat of substantial disruption of the educational process.

Such emergency expulsion must end or be converted to another form of corrective action within ten (10) school days of the date of the expulsion. If the emergency expulsion is converted to another form of corrective action, the district will provide the student and/or parents/guardians with notice and due process rights appropriate to the new corrective action.

### **Continuation of educational services**

The district will not suspend the provision of educational services during a period of emergency expulsion and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of an emergency expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

### **Notice of hearing**

The district will notify the student and his/her parents/guardians of the emergency expulsion and of their opportunity for a hearing by:

- Hand-delivery of written notice within twenty-four hours of expulsion (school districts must document delivery of the notice by obtaining the signature of the student's parents/guardians acknowledging receipt or the written certification of the person making the delivery); OR
- Certified letter mailed within twenty-four hours of the expulsion (reasonable attempts to contact the parents/guardians by phone or in person will also be made as soon as reasonably possible).

The district's written and oral notice of emergency expulsion and opportunity for hearing will:

- Be provided in a language the student and/or a parent/guardian can understand, if other than English;
- Specify the alleged reasons that the student's presence poses an immediate and continuing danger to students, school staff, or poses an immediate and continuing threat of substantial disruption of the educational process.
- Set forth the date on which the emergency expulsion began and when it will end;
- Set forth the right of the student and/or his or her parents/guardians to a hearing for purposes of contesting the allegations as soon as is reasonably possible; and
- Set forth the facts that:
  - A written or oral request for hearing must be received by a designated school employee or his or her office on or before the end of the third school business day after receipt of the notice of opportunity for hearing; AND
  - If the request is not received within three school business days, then the right to a hearing may be deemed waived and the emergency expulsion may be continued, if deemed necessary, for up to ten (10) school days from the date of the student's emergency expulsion from school without any further opportunity for the student or his or her parent/guardian to contest it.

As a best practice, the district should provide a schedule of school business days with the notice.

The student and/or his or her parents/guardians must request a hearing within three (3) school business days after receipt of the notice of opportunity for hearing. The request may be provided in writing or orally, but must be provided to the district employee specified in the notice or their office. If a request for hearing is not received within the required period, the district may deem the right to hearing waived and the emergency expulsion may be imposed for up to ten (10) school days from the date of the expulsion from school.

### **Prehearing and hearing**

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will immediately schedule and give notice of a hearing to commence as soon as reasonably possible and no later than the second school business day after receipt of the request for hearing.

The student and his/her parents/guardians have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct;
- Present relevant affidavits, exhibits, and witnesses.

The district and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting quasi-judicial hearings. Either a tape-recorded or verbatim record of the hearing will be made.

When students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

- A single hearing will not likely result in confusion; AND
- No student will have his/her interest substantially prejudiced by a group hearing.

If the hearing officer finds that during the hearing a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct;
- A conclusion as to whether the student's immediate and continuing danger to students and/or school staff OR immediate and continuing threat of substantial disruption of the educational process giving rise to the emergency expulsion has terminated; AND
- A conclusion as to whether the emergency expulsion shall be converted to another form of corrective action or stand as imposed.

Within one (1) school business day after the date upon which the hearing concludes, the hearing officer will issue the decision and the district will provide notice of such decision to the student and the student's parents/guardians and legal counsel, if any, by depositing a letter in certified U.S. mail.

If the hearing officer concludes in his/her decision that the emergency expulsion shall be converted to another form of corrective action, the district must provide notice of all due process rights to the student and parent/guardian for the appropriate corrective action. For appeals from a hearing officer decision regarding an emergency expulsion, see **Appeals of long-term suspension and expulsion**, below.

## **Long-term suspension**

### **Conditions and limitations**

Schools may not impose a long-term suspension unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be long-term suspended for violation of school district rules provided that the long-term suspension does not exceed the length of an academic term as defined by the school board. A long-term suspension may not be imposed as a form of discretionary discipline, as defined in this procedure.

The nature and circumstances of the violation must reasonably warrant a long-term suspension. As a general rule, no student will be long-term suspended unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature.

No student in grades kindergarten through fourth grade will be long-term suspended during any single semester or trimester and no loss of academic grades or credit will be imposed by reason of the suspension.

No student in fifth grade and above will be long-term suspended in a manner that causes the student to lose academic grades or credit for longer than one semester or trimester during the same school year.

The principal will notify special education staff of any long-term suspension to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days, the principal will notify relevant special education staff so that the district can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

### **Exceptional misconduct**

A student may be long-term suspended for exceptional misconduct, other than absenteeism, when such misconduct is of such frequent occurrence or is so serious in nature and/or is so serious in terms of disruptive effect on the operation of the school that an immediate resort to a long-term suspension is warranted. In cases of exceptional misconduct, a long-term suspension may be imposed without first attempting alternative forms of corrective action. The superintendent, following consultation with a representative ad hoc citizens' committee, will recommend for board approval, the nature and extent of the corrective actions which may be imposed as a consequence of exceptional misconduct. (See Procedure 3240-P). An exception may be granted by an administrator and/or hearing officer when warranted by extenuating circumstances.

### **Continuation of educational services**

The district will not suspend the provision of educational services during a period of long-term suspension and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of a long-term suspension. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

### **Notice of hearing**

Prior to imposing a long-term suspension, the district will provide the student and/or his/her parents/guardians a written notice of opportunity for hearing. The notice will be delivered in person or by certified mail. The notice will:

- Be provided in a language the student and his or her parents/guardians can understand, if other than English;
- Specify the alleged misconduct and the school district rule(s) alleged to have been violated;
- Set forth the proposed long-term suspension;
- Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- Set forth the facts that:
  - A written or oral request for hearing must be received by the Assistant Superintendent or his/her office on or before the end of the third school business day after the notice is received; and
  - If such a request is not received within that period, the hearing will be deemed waived and the proposed long-term suspension may be imposed without further opportunity for the student and/or their parent/guardian to contest it.

As a best practice, the district should provide a schedule of school business days with the notice.

The student and/or his or her parents/guardians must request a hearing within three (3) school business days after receipt of the notice of opportunity for hearing. The request may be provided in writing or orally, but must be provided to the district employee specified in the notice or their office. If a request for hearing is not received within the required period, the district may deem the right to hearing waived and the long-term suspension may be imposed.

### **Pre-hearing and hearing**

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will schedule a hearing to begin within three (3) school business days after the date of receiving the request.

The student and parent/guardian have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;

- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct; and
- Present relevant affidavits, exhibits, and witnesses.

The district and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing. Either a tape-recorded or verbatim record of the hearing will be made.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting administrative hearings.

When students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

- A single hearing will not likely result in confusion; AND
- No student will have his/her interest substantially prejudiced by a group hearing.

If the hearing officer finds that during the hearing a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct; AND
- A conclusion as to whether the nature and duration of the proposed long-term suspension is appropriate or whether a lesser form of corrective action should be imposed.

The hearing officer will issue the decision and the district will provide notice of such decision to the student's legal counsel, or, if none, to the student's and his/her parents/guardians.

If the hearing officer decides that a long-term suspension is appropriate, the parent/guardian and student will have the right to appeal that decision to the school board or school district disciplinary appeal council by filing a written or oral notice of appeal at the office of the superintendent or the hearing officer within three (3) school business days after the date of receipt of the decision.

If a timely notice of appeal is not provided to the district, the long-term suspension may be imposed as of the calendar day following expiration of the three (3) school business day period. (See **Appeal Process for Long-Term Suspension or Expulsion**, below.)

## **Readmission**

Any student who has been long-term suspended will be allowed to make application for readmission at any time in accordance with district policy and procedure. (See also **Readmission Application Process**, below.)

## **Reporting**

Principals will report all long-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the expulsion.

## **Expulsion**

### **Conditions and limitations**

Schools may not expel a student unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be expelled for a violation of school district rules, provided that the expulsion does not exceed the length of an academic term as defined by the school board. An emergency expulsion may not be imposed as a form of discretionary discipline, as defined in this procedure.

The nature and circumstances of the alleged violation must reasonably warrant the harshness of expulsion. No student will be expelled unless other forms of corrective action reasonably calculated to modify his or her conduct have failed or there is good reason to believe that other forms of corrective action would fail if used.

The district will make reasonable efforts to assist students in returning to an educational setting prior to, and no later than, the end date of the expulsion.

An expulsion may not exceed the length of the academic term unless:

- The school petitions the superintendent for an extension; AND
- The superintendent authorizes the extension in compliance with the superintendent of public instruction's rules adopted for this purpose. (See **Petition for extension of expulsion** below.)

Once a student is expelled in compliance with district policy, the expulsion will be brought to the attention of appropriate local and state authorities, including, but not limited to, juvenile authorities acting pursuant to the Basic Juvenile Court Act, so that such authorities may address the student's educational needs.

Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, will be expelled from school for not less than one calendar year pursuant to RCW 28A.600.420 with notification to parents/guardians and law enforcement. The superintendent may modify the expulsion of a student on a case-by-case basis.

## **Continuation of educational services**

The district will not suspend the provision of educational services during a period of expulsion and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of an expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

### **Notice of hearing**

Prior to the expulsion of a student, the district will provide the student and/or his/her parents/guardians a written notice of opportunity for hearing. The notice will be delivered in person or by certified mail. The notice will:

- Be provided in a language the student and his or her parents/guardians can understand, if other than English;
- Specify the alleged misconduct and the school district rule(s) alleged to have been violated;
- Set forth the proposed expulsion;
- Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- Set forth the facts that:
  - A written or oral request for hearing must be received by *the Assistant Superintendent* or his/her office on or before the end of the third school business day after the notice is received; and
  - If such a request is not received within that period, the hearing will be deemed waived and the proposed long-term suspension may be imposed without further opportunity for the student and/or their parent/guardian to contest it.

### **Prehearing and hearing**

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will schedule a hearing to begin within three (3) school business days after the date of receiving the request.

The student and parent/guardian have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct;
- Present relevant affidavits, exhibits, and witnesses.

The district and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing. Either a tape-recorded or verbatim record of the hearing will be made.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting quasi-judicial hearings.

The hearing is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the hearing will be held without public notice and without public access unless the student(s) and/or the parent(s)/guardian(s) or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the district will comply with the Family Educational Rights and Privacy Act (FERPA) in regard to confidentiality of student education records.

When students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

- A single hearing will not likely result in confusion; AND
- No student will have his/her interest substantially prejudiced by a group hearing.

If the hearing officer finds that during the hearing a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct; AND
- A conclusion as to whether the expulsion is appropriate OR whether a lesser form of corrective action should be imposed.

The hearing officer will issue the decision and the district will provide notice of such decision to the student's legal counsel, or, if none, to the student's and his/her parents/guardians.

The student and parent/guardian will have the right to appeal the hearing officer's decision to the school board or school district disciplinary appeal council by filing a written or oral notice of appeal at the office of the superintendent or the hearing officer within three (3) school business days after the date of receipt of the decision. If a timely notice of appeal is not provided to the district, the expulsion may be imposed as of the calendar day following expiration of the three (3) school business day period.

If a timely notice of appeal is received, see **Appeal Process for Long-Term Suspension or Expulsion**, below.

## **Readmission**

Any student who has been expelled will be allowed to make application for readmission at any time in accordance with district policy and procedure. (See also **Readmission Application Process**, below.)

### **Reporting**

Principals will report all long-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the expulsion.

### **Petition for extension of expulsion**

The principal or designee may petition the superintendent for authorization to exceed the length of one academic term for a student's expulsion when warranted because of a perceived risk to public health and safety. The petition may be submitted any time after final imposition of the expulsion and prior to the end of the expulsion. The petition will include:

- A detailed description of the student's misconduct, the school rules that were violated, and the public health or safety concerns of the district;
- A detailed description of the student's academic, attendance and discipline history, if any;
- A description of the lesser forms of corrective action that were considered and the reasons why they were rejected;
- A description of all alternative learning experiences, vocational programs and/or other educational services that may be available to the student;
- The proposed extended length of the expulsion;
- Identification of special education services or accommodations pursuant to Section 504 of the Rehabilitation Act of 1973, if appropriate;
- A proposed date for the reengagement meeting.

A copy of the petition will be delivered in person or by certified mail to the student and his/her parents/guardians in a language they can understand, if other than English. The student and/or parents/guardians may submit a written or oral response to the petition within ten (10) school business days of receipt of the petition.

Within eleven (11) school business days, but no later than twenty (20) school business days from delivery of the petition to the student and parent/guardians, the superintendent will issue a written decision granting or denying the petition. The superintendent, in his/her discretion, may grant the petition if evidence exists that if a student was to return at or before one calendar year, he/she would pose a risk to public health or safety. The written decision will include a description of rights and procedures for appeal.

The student and/or parents/guardians may appeal the decision within ten (10) school business days of receipt of the decision to the school board.

The district will report the number of petitions submitted, approved and denied to the office of the superintendent of public instruction annually.

### **Board option to delegate authority to hear appeals**

The board may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. Members of such councils will be appointed by the board for fixed terms and shall consist of no less than three persons. If such a council is established, the student and/or his/her parents/guardians have the right to appeal the hearing officer decision to the board or the disciplinary appeal council.

### **Appeal process for long-term suspension and expulsion**

If a timely notice of appeal is received, the long-term suspension or expulsion may be imposed during the appeal period if:

- The long-term suspension or **nonemergency** expulsion is imposed for no more than ten (10) consecutive days or until the appeal is decided, whichever is the shortest period.
- Any days that the student is suspended or expelled before the appeal is decided are applied to the term of suspension or expulsion and will not limit or extend the term of the suspension or extend the term of suspension or expulsion; and
- A suspended student who returns to school before the appeal is decided will be provided the opportunity upon return to make up assignments and tests missed by reason of suspension if:
  - Such assignments or tests have a substantial effect on the student's semester or trimester grade or grades; OR
  - Failure to complete such assignment or tests would result in denial of course credit.

The board will schedule and hold a meeting to informally review the matter within ten (10) school business days from receipt of such appeal. The purpose of the meeting will be to confer with the parties in order to decide upon the most appropriate means of handling the appeal. At that time the student, parent/guardian, and/or counsel will be given the right to be heard and will be granted the opportunity to present such witnesses and testimony as the board deems reasonable.

Prior to adjournment, the board will agree to one of the following procedures:

- Study the hearing record or other materials submitted and record its findings within ten (10) school business days; OR
- Schedule and hold a special meeting to hear further arguments on the case and record its findings within fifteen (15) school business days; OR
- Hear and try the case de novo before the board within ten (10) school business days.

Any decision by the board to impose or to affirm, reverse or modify the imposition of suspension or expulsion upon a student will be made only by:

- Those board members who have heard or read the evidence;
- Those board members who have not acted as a witness in the matter; AND
- A majority vote at a meeting at which a quorum of the board is present.

Within thirty (30) days of receipt of the board's final decision, any parent and student desiring to appeal any action upon the part of the board regarding the suspension or expulsion may serve a notice of appeal upon the board and file such notice with the Superior Court Clerk of the County.

### **Reengagement Meeting and Plan**

The district must convene a reengagement meeting with the student and their parent(s)/guardian(s) within twenty (20) days of a long-term suspension or expulsion but no later than five (5) days before the student's reentry or reenrollment to school.

The district must create a plan tailored to the student's individual circumstances that includes consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the suspension or expulsion. Additionally, the district will take reasonable steps to develop the plan with the participation and input of the student and their parent(s)/guardian(s) to ensure that it is culturally sensitive and culturally responsive.

In developing the reengagement plan, the district should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate.

A reengagement meeting conducted by the district involving the student and his/her parents/guardians is not intended to replace a petition for readmission.

### **Readmission Application Process**

Any student who has been suspended or expelled will be allowed to make application for readmission at any time. If a student desires to be readmitted to the school from which he/she has been suspended/ expelled, the student will submit a written application to the principal, who will recommend admission or non-admission. If a student wishes admission to another school, he/she will submit the written application to the superintendent. The application will include:

- Reasons the student wants to return and why the request should be considered;
- Evidence which supports the request; AND
- A supporting statement from the parent or others who may have assisted the student.

The superintendent will advise the student and parent/guardian of the decision within seven (7) school days of the receipt of such application.

## **Students and Telecommunication Devices – Procedure 3245-P**

### **Definitions:**

- A. **Sexting** means sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on a cell phone, computer or other electronic means during school hours or school activities on or off campus; while on school district property, during any recess, lunch or leave periods on or off school district property; or beyond the hours of school operation if the behavior detrimentally affects the personal safety or well-being of

school-related individuals, the governance, climate or efficient operation of the school; or the educational process or experience.

- B. **Disrupting the Learning Environment** means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act or statement initiated, occurring, transmitted or received by a student at school that a reasonable person under the circumstance should know will have the effect of:
  - 1. Insulting, mocking or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or
  - 2. Creating an intimidating, threatening, hostile or abusive educational environment for a student or group of students through substantially severe, persistent or pervasive behavior.
- C. **Third parties** include, but are not limited to, coaches, school volunteers, parents or guardians, school visitors, service contractors or others engaged in district business or activities that are not directly subject to District control at inter-district and intra-district athletic competitions or other school events.

### **Reporting Violations:**

Any student, employee, parent or guardian or third party who has knowledge of conduct in violation of this policy or any student who feels he/she has been a victim of sexting, menacing, retaliation or reprisal in violation of this policy will immediately report the concerns to:

- A. The building principal or his/her designee;
- B. A teacher who will be responsible for notifying the building principal or designee immediately if the matter cannot be adequately addressed by the teacher, or warrants administrative intervention;
- C. A counselor, who is responsible for notifying the building principal or designee immediately if the matter cannot be addressed by the counselor or is sufficiently serious to warrant administrative intervention; or
- D. The superintendent of schools or designee.

### **Investigating:**

The principal or designee will be responsible for timely investigating a complaint made under this policy. The investigation, witness statements and evidence will be documented along with the outcome of the investigation.

In the course of the investigation, administrative staff will not send, receive or unnecessarily view or transmit sexting photographs or any other inappropriate images on either the district's or their personal electronic devices. The examination or viewing of the evidence/information will be limited to the extent necessary to determine that misconduct occurred.

### **Parent or Guardian Notification:**

Parents or guardians of all students identified in the report will be notified of the investigation and informed of their students' involvement in the incident.

### **Discipline:**

Students whose behavior violates this policy will be subject to discipline up to and including expulsion. Law enforcement will also be notified when conduct may violate criminal laws.

In addition to discipline, the district will assist students and/or parents or guardians to resolve concerns and issues prior to the use of the formal criminal complaint process. These

interventions may include consultation, counseling, education, mediation and/or other opportunities for problem-solving.

In imposing discipline the administrator will take into consideration the context of the events, all relevant circumstances, and the parties' prior behavior, the nature of the behavior and its potential harm and the emotional and/or physical harm resulting from the reported party's actions. Exceptional misconduct penalties may be imposed, if in the opinion of the administration it is warranted.

### **Sexting Offenses**

#### **First offense:**

- A. Parents or guardians will be notified;
- B. The district will file an information report with the police by phone or in writing;
- C. The student's phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
- D. The student will receive a short-term, out-of-school suspension or an in-school suspension; and
- E. The district may impose appropriate interventions.

#### **Second offense:**

- A. Parents or guardians will be notified;
- B. Police will be notified;
- C. The student's phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
- D. The student will receive a long-term suspension; and
- E. The student will be ineligible to participate in extracurricular activities.

#### **Third offense:**

- A. Parents or guardians will be notified;
- B. Police will be notified;
- C. The student's phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
- D. The student will be expelled; and
- E. The student will be ineligible to participate in extracurricular activities.

### **Medication at School – Procedure 3416-P**

Each school principal will authorize two staff members to administer prescribed or non-prescribed medication. These designated staff members will receive RN delegation prior to the opening of school each year.

For purposes of this procedure, "medication" means oral medication, topical medication, eye drops, eardrops and nasal spray. Oral medications are administered by mouth either by swallowing or by inhaling and may include administration by mask if the mask covers the mouth or mouth and nose.

Medication may be dispensed to students on a scheduled basis upon written authorization from a parent with a written request by a licensed health professional prescribing within the scope of

their prescriptive authority. If the medication is to be administered more than fifteen consecutive days the written request must be accompanied by written instructions from a licensed health professional. Requests will be valid for not more than the current school year. The prescribed or non-prescribed medication must be properly labeled and be contained in the original container. The dispenser of prescribed or non-prescribed oral medication will:

- A. Collect the medication directly from the parent (students should not transport medication to school), collect an authorization form properly signed by the parent and by the prescribing health professional and collect instructions from the prescribing health professional if the oral medication is to be administered for more than fifteen consecutive days;
- B. Store the prescription or non-prescribed oral medication (not more than a twenty (20) day supply) in a locked, substantially constructed cabinet or in a locked medication cart;
- C. Maintain a daily record which indicates that the prescribed or non-prescribed medication was dispensed.
- D. Provide for supervision by a physician or registered nurse.

A copy of this policy will be provided to the parent upon request for administration of medication in the schools.

Prescribed and over-the-counter oral or topical medications, eye drops or ear drops may be administered by a registered nurse, a licensed practical nurse or an authorized staff member.

Nasal sprays containing legend (prescription) drugs or controlled substances will only be administered by a school nurse or, if a school nurse is not present on school premises, an authorized school employee; or a parent-designated adult with training as required by RCW 28A.210.260.

No prescribed medication will be administered by injection by staff except when a student is susceptible to a predetermined, life-endangering situation. The parent will submit a written statement which grants a staff member the authority to act according to the specific written orders and supporting directions provided by licensed health professional prescribing within his or her prescriptive authority (e.g., medication administered to counteract a reaction to an insect sting). Such medication will be administered by staff trained by the supervising registered nurse to administer such an injection.

Written orders for emergency medication, signed and dated, from the licensed health professional prescribing within his or her prescriptive authority will:

- A. State that the student suffers from an allergy which may result in an anaphylactic reaction;
- B. Identify the drug, the mode of administration, the dose. Epinephrine administered by inhalation, rather than injection, may be a treatment option. This decision must be made by the licensed health professional prescribing within his or her prescriptive authority;
- C. Indicate when the injection will be administered based on anticipated symptoms or time lapse from exposure to the allergen;
- D. Recommend follow-up after administration, which may include care of the stinger, need for a tourniquet, administration of additional medications, transport to hospital; and
- E. Specify when to report to the health professional prescribing within his or her prescriptive authority and any record keeping recommendations.

If a health professional and a student's parent request that a student be permitted to carry his/or her own medication and/or be permitted to self-administer the medication, the principal may grant permission after consulting with the school nurse. The process for requesting and providing instructions will be the same as established for oral medications. The principal and nurse will take into account the age, maturity and capability of the student; the nature of the medication; the circumstances under which the student will or may have to self-administer the medication and other issues relevant in the specific case before authorizing a student to carry and/or self-administer medication at school. Except in the case of multi-dose devices (like asthma inhalers), students will only carry one day's supply of medication at a time. Violations of any conditions placed on the student permitted to carry and/or self-administer his or her own medication may result in termination of that permission, as well as the imposition of discipline when appropriate.

### **Parent-Designated Adult Care of Students with Epilepsy**

Parents of students with epilepsy may designate an adult to provide care for their student consistent with the student's individual health care plan. At parent request, school district employees may volunteer to be a parent-designated adult under this policy, but they will not be required to participate. Parent-designated adults who are school employees will file a voluntary, written, current and unexpired letter of intent stating their willingness to be a parent-designated adult. Parent-designated adults who are school employees are required to receive training in caring for students with epilepsy from the school nurse. Parent-designated adults will receive additional training from a parent-selected health care professional or expert in epileptic care to provide the care (including medication administration) requested by the parent.

Parent-designated adults who are not school employees are required to show evidence of comparable training, and meet school district requirements for volunteers. Parent-designated adults will receive additional training from a parent-selected health care professional or expert in epileptic care to provide the care requested by the parent. The district is not responsible for the supervision of procedures authorized by the parents and carried out by the parent-designated adult.

### **Student Fees, Fines, Charges – Procedure 3520-P**

Student fee schedules for individual buildings must be submitted to the superintendent for approval on an annual basis. Each building will submit an annual report which includes a report indicating the fees collected by each department. In establishing fees for classes, the following guidelines will be used:

- A. Class registration literature will describe fees for each class or activity and the process for obtaining a waiver or fee reduction;
- B. A fee may be collected for any program in which the resultant product is in excess of minimum requirements and, at the student's option, becomes the personal property of the student. Fees may not exceed the cost of the materials. A student must be able to obtain the highest grade offered for the course without being required to purchase extra materials;
- C. A fee may be collected for personal physical education and athletic equipment, apparel and towels or towel service. However, any student may provide his/her own if it meets reasonable requirements and standards relating to health and safety;
- D. A reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms owned or rented by the district may be collected;

- E. Students may be required to furnish personal or consumable items including pencils, paper, erasers and notebooks;
- F. Security deposits for the return of materials or equipment may be collected. Provisions will be made to return the deposit when the student returns the item at the conclusion of the school term; and
- G. A fee may be collected for a unit of instruction where the activity necessitates the use of facilities not available on the school premises, and participation in the course is optional on the part of the student. A waiver or fee reduction need not be offered for such activities.

Fees may be levied for:

- A. Field trips required as part of a basic educational program or course, providing that no student is prevented from participation because of financial hardship.

Fees will not be levied for:

- A. Textbooks (non-consumable) which are designated as basic instructional material for a course of study; or
- B. Instructional costs for necessary staff employed in any course or educational program.

Fee waivers and reductions will be granted to students whose families would have difficulty paying by reason of their low income. The USDA Child Nutrition Program guidelines will be used to determine qualification for a fee waiver or reduction. Free and reduced lunch eligibility will be recognized by the school district through the qualifying year and the first thirty operating days of the following year. A student who qualifies for a fee waiver or reduction will remain eligible through September of the following school year. For fees due at the start of the school year, the family's waiver or reduction status from the previous school year can be used. This status will be reviewed no later than November 1 of the current school year to determine if the fee reduction or waiver is still valid. If not, the district will communicate to the family the fee amount owed.

Fines or damage charges may be levied for lost textbooks, library books or equipment. In the event the student does not make proper restitution, grades, transcripts and/or diplomas will be withheld. A student may make restitution through a voluntary work program. If a student has transferred to another school that has requested the student's records without paying an outstanding fine or fee, only records pertaining to the student's academic performance, special placement, immunization history and discipline actions will be sent to the enrolling school. This information will be communicated to the enrolling district within two school days and the confirming records will be sent as soon as possible. The official transcript will not be sent until the outstanding fee or fine is discharged. The enrolling school will be notified that the official transcript is being withheld due to an unpaid fee or fine.

A charge for lost or damaged materials or equipment may be appealed to the superintendent. The superintendent's decision may be appealed to the board. Care will be exercised by advising students and their parents, in writing, regarding the nature of the damages, how restitution may be made, and how a student or his/her parents may request a hearing. When damages are \$100 or less, a parent and/or student has a right to appeal the imposition of a fine in a manner similar to that specified for a short-term suspension. When damages exceed \$100, the parent and/or student may request a hearing in the manner provided for in a long-term suspension.

All fees will be deposited with the business office on a regular basis. The respective departments and schools will be credited by the amount of their deposit.

## **Regulation of Dangerous Weapons on School Premises – Policy 4210**

It is a violation of district policy and state law for any person to carry a firearm or dangerous weapon on school premises, school-provided transportation or areas of other facilities being used exclusively for school activities unless specifically authorized by state law. Carrying a dangerous weapon onto school premises, school-provided transportation, or areas of other facilities being used exclusively for school activities in violation of RCW 9.41.280 is a criminal offense.

The superintendent is directed to see that all school facilities post “Gun-Free Zone” signs, and that all violations of this policy and RCW 9.41.280 are reported annually to the Superintendent of Public Instruction.

### **Dangerous Weapons**

The term “dangerous weapons” under state law includes:

- Any firearm;
- Any device commonly known as “nun-chu-ka sticks,” consisting of two or more length of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- Any device, commonly known as “throwing stars,” which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;
- Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse;
- Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse;
- The following instruments:
  - Any dirk or dagger;
  - Any knife with a blade longer than three inches;
  - Any knife with a blade which is automatically released by a spring mechanism or other mechanical device;
  - Any knife having a blade which opens, or falls or is ejected into position by the force of gravity, or by outward, downward, or centrifugal thrust or movement; and
  - Any razor with an unguarded blade;
- Any slung shot, sandbag, or sandclub;
- Metal knuckles;

- A sling shot;
- Any metal pipe or bar used or intended to be used as a club;
- Any explosive;
- Any weapon containing poisonous or injurious gas;
- Any implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death.

In addition, the District considers the following weapons in violation of this policy:

- Any knife or razor not listed above, except for instruments authorized or provided for specific school activities;
- Any object other than those listed above which is used in a manner to intimidate, threaten, or injure another person and is capable of easily and readily producing such injury.

### **Reporting Dangerous Weapons**

An appropriate school authority will promptly notify the student's parents or guardians and the appropriate law enforcement agency of known or suspected violations of this policy. Students who violate this policy will be subject to discipline. Students who have possessed a firearm on any school premises, school-provided transportation, or school-sponsored activities at any facility shall be expelled for not less than one year pursuant to RCW 28A.600.420. The superintendent may modify the one-year expulsion for a firearm on a case-by-case basis.

The district may also suspend or expel a student for up to one year if the student acts with malice (as defined under RCW 9A.04.110) and displays a device that appears to be a firearm.

No expulsion under RCW 28A.600.420 prevents the district from continuing to provide educational services in an alternative educational setting in compliance with RCW 28A.600.015. Any alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include one-on-one tutoring and online learning.

### **Exceptions to State Law and this Policy**

The following persons may carry firearms into school buildings, as necessary:

- Persons engaged in military, law enforcement, or school district security activities;
- Persons involved in a school authorized convention, showing, demonstration, lecture or firearm safety course; and
- Any federal, state or local law enforcement officer.

The following persons over eighteen years of age and not enrolled as students may have firearms in their possession on school property outside of school buildings:

- Persons with concealed weapons permits issued pursuant to RCW 9.41.070 who are picking up or dropping off students; and
- Persons conducting legitimate business at the school and in lawful possession of a firearm or dangerous weapon if the weapon is secured within an attended vehicle, is

unloaded and secured in a vehicle, or is concealed from view in a locked, unattended vehicle.

### **Personal Protection Spray**

Persons over eighteen years of age, and persons between fourteen and eighteen years of age with written parental or guardian permission, may possess personal protection spray devices on school property. A copy of the written parental or guardian permission to possess personal protection spray devices on school property must be turned in to the building principal. No one under eighteen years of age may deliver such devices. No one eighteen years or older may deliver a spray device to anyone under fourteen, or to anyone between fourteen and eighteen who does not have parental permission.

Personal protection spray devices may not be used other than in self-defense as defined by state law. Possession, transmission or use of personal protection spray devices under any other circumstances is a violation of district policy.

### **Use of Tobacco and Nicotine Substances Products and Delivery Devices – Policy 4215**

The board of directors recognizes that to protect students from exposure to the addictive substance of nicotine, employees and officers of the school district, and all members of the community, have an obligation as role models to refrain from use of tobacco products and delivery devices on school property at all times. Tobacco products and delivery devices include, but are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, “vapor pens,” non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances and any other smoking equipment, device, material or innovation.

Any use of such products and delivery devices by staff, students, visitors and community members will be prohibited on school district property. Possession by, or distribution of tobacco products to minors is prohibited. This will include all district buildings, grounds and district-owned vehicles.

The use of Federal Drug Administration (FDA) approved nicotine replacement therapy in the form of a nicotine patch, gum or lozenge is permitted. However, students and employees must follow applicable policies regarding use of medication at school.

Notices advising students, district employees and community members of this policy will be posted in appropriate locations in all district buildings and at other district facilities as determined by the superintendent and will be included in the employee and student handbooks. Employees and students are subject to discipline for violations of this policy, and school district employees are responsible for the enforcement of the policy.

## **Complaints Concerning Staff or Programs – Procedure 4220-P**

Most complaints can be resolved by informal discussions between community members and the staff member. Should the matter not be resolved, the principal will attempt to resolve the issue through a conference with the community member and the staff member.

- A. The following procedures apply to the processing of a complaint which cannot be resolved in the manner described above;
- B. If the problem is not satisfactorily resolved at the building level, the community member should file a written complaint with the superintendent or designee, which describes the problem, and a suggested solution. The superintendent should send copies to the principal and staff member;
- C. The principal and staff member will respond to the superintendent or designee in writing or in person; and
- D. The superintendent or designee will then attempt to resolve the matter through a conference with the citizen, staff member, and principal.

If the matter is still not resolved, the superintendent will present the issue to the board. If the complaint is against a staff member, the board may discuss the complaint. The staff member may request that the board discuss the issue in an open meeting.

The board will attempt to make a final resolution of the matter. Any formal actions by the board must take place in an open meeting. If such action may adversely affect the contract status of the staff member, the board will give written notice to the staff member of his/her rights to a hearing.

## **Notification of Threats of Violence or Harm – Procedure 4314-P**

Staff, students, volunteers, and others involved in school activities have the responsibility to report any threats of violence or harm to designated school officials. Based on the significance and credibility of the threat, it will be reported to law enforcement. Staff will involve in-district multi-disciplinary professionals in evaluating the threat and the needs of the person making the threat. Consultation with or referrals to community-based professionals and services are encouraged where appropriate.

Under the Family Educational Rights and Privacy Act, the district may only release student records with parent or adult student permission or in a health or safety emergency. For that reason, the district will identify students who have made threats of violence or harm when notifying the subjects of the threats, under the following conditions:

- A. The parent or adult student has given permission to disclose the student's identity or other information to the subject of the student's threat;
- B. The identity of the student and the details of the threat are being disclosed to relevant district staff who have been determined to have legitimate educational interest in the information;
- C. The identity of the student or the details of the threat are being released because the release of the information is necessary to protect the health or safety of the student or other individuals. In making this determination, school officials will use their best judgment, and may take into account the "totality of the circumstances" pertaining to the safety or health of a student or other individuals; or

- D. The district is responding to a court order or subpoena. The district must make a reasonable effort to notify the parents of the student or adult student of the subpoena in advance of complying, so that the family can seek protective action, unless the court order or subpoena expressly forbids such notification.

Relevant information about the threat that does not improperly identify a student will be provided to the subject of the threat, and the subject will be advised that if law enforcement has been involved in the matter, the law enforcement agency may have more information that can be shared with the subject.

To promote the safety of all concerned, the principal will determine if classroom teachers, school staff, school security, and others working with the student(s) involved in the threat circumstance, should be notified. Subject to the confidentiality provisions cited above, principals will consider all available information when determining the extent of information to be shared, including prior disciplinary records, official juvenile court records, and documented history of violence of the person who made the threat.

When considering the appropriate discipline for a student who has made a threat of violence or harm, the student's prior disciplinary records will be taken into account. Emergency expulsion will be considered, based on the credibility and significance of the threat. Discipline will only be imposed on students with disabilities consistent with policy and the legal requirements for special education.

If the threat by a student was significant and credible enough to warrant expulsion, the student may only be readmitted to the district through the readmission application process provided for in district policy. The readmission application process will include meeting district readmission criteria established at the time of expulsion and should include completion of an assessment by an appropriate professional, with a report to the district, when the district determines such an assessment is necessary.

Discipline against district staff for making threats of violence or harm will be consistent with district policy and procedure regarding staff discipline, and any relevant collective bargaining requirements.