

Summary Of

Policy 3200: Student Rights And Responsibilities

Mead School District 354

September 2017

The basic right of all students is to receive the opportunity for an education. The conduct of one student cannot impair the rights of other students. Penalties imposed for student misconduct must be fairly administered to protect that student's right to an education. One of the major goals of Mead School District is to promote in all students a sense not only of their civic right, but also their responsibilities. To these ends, the Board of Directors has adopted policies related to student conduct. These rules and regulations, which govern the rights and responsibilities of students, teachers and administrators as they relate to student conduct, are outlined on the following pages.

I. LEGAL BASIS FOR SCHOOL DISCIPLINE

Common school provisions of the Washington Administrative Code (WAC) and the Revised Code of Washington (RCW) provide that the Board of Directors of a school district shall enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education. The District shall adopt and make available to pupils and parents reasonable written rules and regulations regarding pupil conduct, discipline and rights.

II. TERMS DEFINED

Discipline - All forms of corrective action or punishment (including in-school suspension), other than out of school suspension and expulsion and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not exceeding the balance of the immediate class: *provided* that the student is in the custody of a school district employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity conducted by or in behalf of a school district.

Suspension - A denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) at any single subject or class, or at any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission to or entry upon real and personal property that is owned, leased or controlled by the school district.

Short-Term Suspension - A suspension for any portion of a calendar day up to and not exceeding ten consecutive school days. 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 and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student. No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of 15 school days during any single semester.

Long-Term Suspension - A suspension for a stated period of time which exceeds ten consecutive school days, except that no student in grades kindergarten through four shall be subject to long-term suspensions. No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic

grades or credit or in excess of one semester during the same school year.

Expulsion - A denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real or personal property that is owned, leased, rented, or controlled by the school district.

Emergency Removal from a Class, Subject or Activity - A student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the building principal or a designated school authority, 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 school personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school.

Emergency Expulsion - A student may be removed immediately by the Superintendent, or designee of the superintendent in emergency situations, provided that the superintendent or designee 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 personnel 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 school days from the date of the emergency removal from school pursuant to provisions set forth in the WACs.

Exceptional Misconduct - The Mead School District has judged, in consultation with an ad hoc citizens committee, the following actions as "exceptional misconduct" which shall warrant an immediate long-term suspension or emergency expulsion. Disciplinary and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances.

1. Possession and/or use of firearms, explosives, dangerous illegal weapons such as, but not limited to, knives, martial arts weapons, tear gas or mace, pellet/BB guns, etc.
2. Assault of staff or students in any one of the following forms: violence, verbal or physical threats, verbal abuse, or intimidation with a dangerous item, harassment, or bullying.
3. Arson
4. Theft or damage of property of value in excess of \$250
5. Sale, use, possession or being under the influence of drugs, alcohol, or other controlled substance.

III.

DISCIPLINE, SUSPENSION AND EXPULSION CRITERIA

Students will be subject to corrective or punitive action when committing offenses or violations of rules as defined in written district policy, regulation, state and/or federal law, while on school proper-

ty, at school-sponsored events and activities, in school vehicles or any other place while under the authority of school personnel or when the student's conduct has a real effect on the educational process. This may include "off campus behavior" which carries over to the school.

PROHIBITED ACTS - The following acts are among those that violate District policies and school rules and regulations and shall be cause for disciplinary action, suspension or expulsion. These acts may include, **but are not limited to:**

Alcoholic Beverages, Controlled Substances (including Marijuana) and Illegal Drugs - Sale, use or possession of.

Arson - The intentional setting of fire.

Assault - Physical threats or violence to persons.

Bomb Threat - Making a bomb threat.

Burglary - School break-in with intent to steal.

Criminal Acts - Any act occurring on school premises or at school-sponsored events, contrary to federal, state or local laws.

Disclosure of Exam Questions - Disclosure of examination questions prior to the scheduled use.

Disturbances - Willfully creating a disturbance on school premises during school hours or at school activities or meetings.

Extortion, Blackmail or Coercion - Obtaining money or property by violence or threat of violence or forcing someone to do something by force or threat of force.

Fire Apparatus Tampering - Setting off false alarms, discharging or stealing fire extinguishers, or damaging alarm systems.

Forgery - Fraudulently using in writing the name of another person, of falsifying times, dates, grades, addresses or forms.

Harassment, Intimidation, Bullying and Cyber-bullying - "Harassment, intimidation and bullying" means any intentional electronic, written message or image, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.365.080(3), (race, color, religion, ancestry, national origin, gender, sexual orientation or mental or physical disability), or other distinguishing characteristic whether the victim possesses that characteristic or not.

Acts of harassment, intimidation and bullying that cause physical harm to a person or a person's property, interfere with the educational or work environment, create threatening educational or work environments, or substantially disrupt the orderly operation of the school or work place will be dealt with as serious offenses resulting in disciplinary action, suspension, expulsion, and/or legal action under Board Policy 3207.*

Reprisal, retaliation, or false accusations against anyone reporting or thought to have reported harassment, intimidation, or bullying is prohibited and will be treated as a serious violation. Persons engaged in reprisal, retaliation, or false accusation are subject to serious disciplinary and/or legal action under Board Policy 3207.

Larceny - Theft.

Laser Pointer Use - Using a laser pointer in any situation, including the pointing of laser pointers at school employees or students, except for approved presentations.

Malicious Mischief - Damaging school or personal property.

Injury to Property - Defacing or injuring school property.

Robbery - Stealing from an individual by force or threat of force.

Trespassing - Being present in an unauthorized place or refusing to leave when ordered to do so.

Interference with School Personnel or Student - Interfering by force or violence with any administrator, teacher or student who is in the peaceful discharge or conduct of his or her duties.

Weapons, Explosives, Firearms and Dangerous Instruments - Possessing, handling, transmitting, exhibiting, using, or displaying any firearm or rifle, air gun, knife, club, or any other object that can reasonably be considered a weapon or look like a weapon apparently capable of producing bodily harm in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another person or that warrants alarm for the safety of other person(s).

In accordance with **RCW 9.41.280(2)** when a student is in violation of the weapon policy, an appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation. Furthermore a student, who is at least 12 years of age and is arrested for possession of a firearm on school property, transportation or other facilities being used exclusively by the school, shall initially be detained by law enforcement for up to 72 hours and shall be required to receive a mental health examination.

RCW 28A.600.010 mandates a one-year expulsion for a student who possesses firearms on school grounds or at school events. However, the expulsion may be modified on a case-by-case basis by the Superintendent or designee.

The District may also suspend students for one full year if a student acts with malice and displays an instrument that appears to be a firearm on public school property, transportation or other facility when being used exclusively by public schools.

BEHAVIOR EXPECTATIONS- The following activities and/or expectations are required of all students. Failure to comply with these requirements constitutes a violation of District policies and school rules and may result in corrective or punitive action up to and including suspension or expulsion.

Pupils to Obey - Requires pupils to comply with rules established for the government of schools, to pursue required courses and to submit to the authority of teachers, subject to such disciplinary action as school officials shall determine.

Activities - Specific rules and expectations for activities are contained in District Policy and Student Handbooks.

Attendance - Daily attendance is required in accordance with state law and local district rules. Students will attend regularly scheduled classes and activities unless officially excused by the designated person(s) at the building level. The school shall require from the parent(s)/guardian(s) such verification as the school deems necessary to determine the reason for the absence or tardiness. A student's academic grade or credit in a particular subject may be adversely affected by reason of absence or tardiness only to the extent that the student's attendance and/or participation is related to the instructional objectives of the course, and has been identified by the teacher as a basis for grading.

Excessive unexcused absences may cause the District to file a petition with the Superior Court requesting an Order Compelling School Attendance.

Bus Conduct - Strict discipline will be enforced according to established bus rules.

Cell Phones and other Electronic Devices - Although cell phones and other electronic devices (e.g., I Pad's, I-pod's, etc.) are generally allowed and used for instruction, students are discouraged from bringing such devices to school. The use of such electronic devices may be restricted according to specific building rules and expectations. Uses of

*This includes such acts transmitted electronically through e-mail, cell phones, or websites.

electronic devices that infringe upon the rights of others or are disruptive to the educational process may result in confiscation of the device and/or discipline of the student.

Closed Campus - Students are required to remain on the school grounds from time of arrival unless officially excused.

Cooperation with School Personnel - Students must obey the reasonable instruction of school district personnel.

Disruptive Conduct - Conduct which interferes with the educational process is prohibited.

Dress and Appearance - Dress and appearance must not present health or safety problems or cause disruption.

Fighting - The act of quarreling involving bodily contact is prohibited.

Inappropriate, Overt Display of Affection or sexually oriented actions at school or activities is prohibited.

Loitering in Lavatories is prohibited.

Loitering in Off-limits Areas - Loitering in parking lots and designated off-limits areas is prohibited.

Motor Vehicles - Driving of motor vehicles to school is not encouraged. High school students who drive must: (1) observe all rules of safe driving; (2) park in designated areas; and (3) comply with building procedures. Failure to do so may result in other forms of disciplinary action.

Need to Identify Self - All persons must, upon request, identify themselves to school personnel in school buildings, grounds, buses, bus stops, or school-sponsored events.

Off-Campus Events - Students at school-sponsored off-campus events shall be governed by school district rules and regulations. Failure to comply may result in loss of eligibility to attend school-sponsored off-campus events and may lead to other disciplinary actions.

Profanity - Vulgar, obscene or profane language, whether spoken, in writing, or gesture, is forbidden.

Secret Organizations - Secret fraternities and sororities in schools are prohibited by law.

Selling Items at School - Only organizations authorized may sell on school property or at school events.

Tardiness - Students are required to be punctual in arriving at school and to each of their classes.

Tobacco - Use or possession of tobacco or other nicotine substances including devices that produce the same flavor or physical effect of nicotine; and any other tobacco innovation, by students is not permitted on school property or at any school-sponsored event.

IV. RIGHTS, RESPONSIBILITIES AND LIMITATIONS

Freedom of Speech - Students are entitled to appropriately express their opinions on school premises so long as it does not substantially disrupt the educational process or operation of the school. Reference Board Policy 5303 Freedom of Speech.

Freedom of Assembly - Students have the freedom to assemble peacefully. Reference Board Policy 5305 Freedom of Assembly.

Freedom to Publish - Students are entitled to express in writing their personal opinions as appropriate. Reference Board Policy 5315 Freedom to Publish.

Searches of Student Property - General searches of students and their property may be conducted at any time by appropriate school authority, so long as reasonable grounds exist to suspect that evidence of a student's violation of the law or school rules will be uncovered. A search of the

student, the student's possessions and the student's locker is mandatory under state law, if there are reasonable grounds to suspect a student has illegally possessed a firearm. Reference Board Policy 5308 Searches of Students and Their Property.

Personal privacy is a fundamental aspect of individual liberty. All students possess the constitutional right to be secure in their person, papers and effects against unreasonable searches and seizures. Staff shall take particular care to respect students' privacy. However, no right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by the school district and the locker shall be subject to search in accordance with Board Policy 5309 Locker Searches.

Student Records - Mead School District policy relating to student records states: A student's official record is available to school personnel on a need-to-know basis. If the school is provided information from a prior school or from law enforcement that the student has a history of disciplinary actions, criminal, violent or threatening behavior, state law requires that the school provide this information to necessary school staff and security personnel. School officials may also disclose student information to appropriate individuals or agencies if they have knowledge of information that is necessary to protect the health or safety of the student or other individuals. The official record is also available for interpretation by school personnel to students and their parents by appointment during regular school hours.

Notification of Threats of Violence or Harm - Students and school employees who are subjects of threats of violence or harm shall be notified of the threats in a timely manner. Timing and details of the notice will be as extensive as permitted by the federal Family Educational Rights and Privacy Act (FERPA), other legal limitations, and the circumstances (Board Policy 4314).

Building Administrators Authorized to Make Additional Rules - School building administrators are permitted to make such reasonable rules and regulations necessary for the effective operation of their school buildings provided such rules and regulations are consistent with state statutes and district policy and conform to the principle of due process of law.

Equal Educational Opportunity - No student shall be denied an equal educational opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory handicap.

Parking - At those schools where off-street parking lots are provided, students may utilize available space as authorized by the principal. Any student using the parking lots in a manner not authorized by the principal shall be subject to disciplinary action.

Investigations - District Employed School Resource Deputies, who are considered to be school officials, or other law enforcement officers may be involved in investigating allegations of student misconduct. When an investigation rises to the level of a criminal investigation, to the extent that Miranda rights are required to be given, school administrators shall normally try to contact the child's parent. It is understood that there are no requirements that the police investigation or questioning of a student await the parents' contact or the parents' presence. Circumstances may occur where parental contact will not be attempted, for example when so directed by law enforcement when investigating child abuse allegations, or in other situations. It is also understood that circumstances may be such that attempts at parental contact will not occur immediately due to the nature of the investigation or in the best interest of the student(s) involved.

V. TEACHERS AND ADMINISTRATORS RIGHTS AND RESPONSIBILITIES

Teachers are required by law to maintain a suitable environment for learning. To carry out this responsibility each teacher and administrator shall possess the authority to impose discipline upon a student for misconduct which violates the rules of the school district and to impose emergency removal from a class, subject or activity upon a student, and to recommend suspensions and expulsions for such misconduct. The Superintendent or designee shall have the authority to impose suspensions and expulsions for misconduct, which violates school district rules contained herein. Failure by the students to comply with the rules and regulations established by the district will result in appropriate action.

VI. DUE PROCESS AND APPEALS

District Hearing Officer

Short Term Suspension - Prior to the short-term suspension of any student, a conference shall be conducted with the student as follows:

1. An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student.
2. An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student.
3. An oral or written explanation of the corrective action or punishment which may be imposed shall be provided to the student.
4. The student shall be provided the opportunity to present his or her explanation. In the event a short-term suspension is to exceed one calendar day, the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent(s) or guardian(s) of the right to an informal conference and that the suspension may possibly be reduced as a result of such a conference.
5. All short-term suspensions and the reasons therefore shall be reported in writing to the Superintendent of the school district or designee, within twenty-four hours after the imposition of the suspension.

Long-Term Suspension and Expulsion - Prior to the long-term suspension or expulsion of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s).

The parents/student can appeal the Long-Term Suspension or Expulsion in writing within three school business days of receipt of the notice. If not appealed, the Long-Term Suspension or Expulsion will take effect as provided in the Notice. If a written request for hearing is received, the Long-Term Suspension or Expulsion will not begin until after the hearing officer makes a decision.

Emergency Expulsion - The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either by hand delivering written notice to the student's parent(s) or guardian(s) or by certified letter deposited in the United States mail within 24 hours of the expulsion, pursuant to the WAC and district policy.

An Emergency Expulsion shall be effective immediately and must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

Emergency Removal - The principal or school authority shall meet with

the student as soon as reasonably possible following the student's removal and take or initiate corrective action or punishment, pursuant to the WAC and district policy. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the next school day.

Board of Directors

Appeals from decisions rendered which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

Notice indicating that the student or his parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing.

If an appeal is not taken to the Board of Directors within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following the expiration of the three school business day period.

If a timely appeal is taken to the Board of Directors, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

- a. A long-term suspension or non-emergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;
- b. An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school.

Any days that a student is temporally suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion.

Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

- ii Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades: or
- iii Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

Re-admission Prior to Termination of a

Suspension or Expulsion

A student who has been suspended or expelled may apply for re-admission at any time. Requests for re-admission must be in writing and submitted by the student and/or parent(s) or guardian(s) to the Superintendent or designee. The application should indicate the student's intent to comply with District rules and regulations and show evidence that a reasonable attempt has been made to fulfill stipulations, if any, of the imposed sanction. Reference Board Policy 3290 Re-Admission of Expelled or Long-Term Suspended Students.

For complete copies of Mead School District policies, RCWs or WACs, contact the Administration Office at (509)465-6000.