



**Parent / Student Handbook**

**and**

**Activities Conduct**

## Preamble

Parents and other members of the public have the right to inspect and copy public records retained by the District, including records pertaining to employee discipline, unless the records are exempt from public disclosure under state law (RCW 42.17.310). At any time, you can ask: Whether the teacher met state qualifications and certification requirements for the grade level and subject he/she is teaching; Whether the teacher received an emergency or conditional certificate through which state qualifications were waived; and What undergraduate or graduate degrees the teacher holds, including graduate certificates and additional degrees, and major(s) or area(s) of concentration. You can also ask about paraprofessionals working with your student in reading, writing, and/or mathematics. We can tell you whether your student receives help from a paraprofessional and whether he/she meets state qualifications and/or licensing requirements.

Questions about the *Handbook* or records requests may be directed to the Assistant Superintendent for K-12 Education Programs by calling the Legal/Community Outreach Assistant (253) 530-1003. School Board policies referred to in this *Handbook* may be viewed from your home computer or at your school's office by referring to the District menu and Board of Directors link at the School District home page @ <http://www.psd401.net>

## INTRODUCTION

This *Handbook* sets forth the rules and regulations of Peninsula School District regarding student conduct, discipline, and rights and responsibilities. (See WAC 392-400-225) The rules, regulations, and due process procedures outlined in this *Handbook* are applicable to all students and are designed to protect all members of the educational community. It is important for parents/guardians to recognize their own rights and responsibilities addressed in this document, such as in the instance of financial damages caused by their children, compliance with compulsory attendance laws, etc. Parental support of the code of conduct is as important as the obligation to encourage respect for democratic processes and responsibilities. The student, as a member of the educational community, must accept his/her responsibilities of citizenship therein.

### *Possible Impact on Graduation Ceremony*

The Peninsula School District considers participation in commencement exercises and related activities as a ceremonial privilege granted to students and not a right to which they are entitled. Therefore, any student who is withdrawn from school and placed on suspension for exceptional misconduct during the fourth quarter of the senior year will not be allowed to participate in school commencement exercises. This additional consequence applies to exceptional misconduct on School District property or at a school sponsored-event. Credits to meet graduation requirements must be completed by graduation in order for seniors to participate in the commencement ceremony.

## Policy Statement

### Policy 3200

#### *Student Rights and Responsibilities*

It is the policy of the Peninsula School District that all students who attend the District's schools shall comply with the written policies, rules and regulations of the schools, shall pursue the required course of studies, and shall submit to the authority of the faculty of the schools, subject to such corrective action or punishment as the school officials shall determine. The District recognizes the student as a full citizen as defined by the constitution and laws of the United States and the State of Washington, with all Rights and Responsibilities in the exercise hereof. The Superintendent shall make available to all students, their parents, and teachers written statements pertaining to student rights, conduct, corrective action and punishment. The District's administration, school Principals and staff, and student and parent representatives shall confer annually to review and update this policy, student conduct standards, and the uniform enforcement of those standards.

### Cross-References

Policy 2161	Special Education and Related Services for Eligible Students
Policy 3239	Regulation of Dangerous Weapons on School Premises
Policy 3240	Student Conduct
Policy 3241	Classroom Management and Corrective Actions

**Nondiscrimination Statement:** The Peninsula School District does not discriminate on the basis of 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 a trained dog guide or service animal by a person with a disability in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Inquiries regarding compliance and/or grievance procedures may be directed to the District's Title IX and Compliance Officer, Dan Gregory, at (253) 530-1009, [gregoryd@psd401.net](mailto:gregoryd@psd401.net) or the Section 504 and ADA Coordinator, Dolorita Reandeau, at (253) 530-1080, [reandeaud@psd401.net](mailto:reandeaud@psd401.net). Mailing address: 14015 62nd Ave. NW, Gig Harbor, WA 98332.

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## **Rights, Responsibilities, and Authority of District Staff**

All certificated and classified staff shall share responsibility for supervising the behavior of students and for maintaining the standards of conduct, which have been established.

All School District staff shall have the right to expect students to comply with school rules and maintain good order in the classroom, in the school, on the playgrounds or other common areas of the school, while riding on the school buses, on field trips, and at all school-sponsored activities.

Principals shall distribute to students, parents, and staff a publication defining the rights, responsibilities, and corrective action relating to student behavior.

A complaint or grievance regarding imposition of corrective action should be routed first to the administrator who imposed the corrective action, second to that administrator's supervisor, third to the Superintendent or designee, fourth to the School Board.

Building administrators may question students concerning possible violation of school rules. Students will usually be interviewed separately.

Principals and Assistant Principals shall observe the rights of students; enforce the rules of student conduct fairly, consistently, and without discrimination; maintain accurate attendance records; remove a student from a session or student activity for sufficient cause; detain a student with due consideration for bus transportation; and impose discipline, suspension, or expulsion when appropriate.

Certificated staff shall have the authority to exclude a student from class for all or any portion of the period for up to two (2) school days or until the certificated employee has conferred with the Principal, whichever comes first. Generally, prior to excluding a student, the teacher, specialist, counselor, etc., shall have attempted one or more corrective actions. In no case shall an excluded student be returned for the balance of a period or the school day without the consent of the certificated employee. A student committing a violent offense against a teacher shall not be reassigned to that teacher's classroom. Principals shall notify certificated staff as to students convicted of certain severe offenses in adult court.

Hearing Officers shall preside over and make a record of all disciplinary hearings. Hearing decisions will be rendered in writing in a timely manner to student, parents and legal counsel. Hearing Officers shall be designated by the Superintendent of schools.

Use of force -- an employee may use such reasonable force as is necessary for maintenance of order, self-protection from attack, and prevention of injury to others.

Maltreatment of students -- it is unlawful for any employee to maltreat or abuse any student by administering any unreasonable corrective action or by inflicting corrective action on the head of a student.

Child abuse reporting -- any employee of the District who has reasonable cause to believe that a child has suffered neglect or abuse shall report such incident to the appropriate authorities pursuant to **Policy 3421**, Child Abuse and Neglect. Failure to do so is a misdemeanor. (See also **RCW 26.44.030**)

The Family Educational Rights and Privacy Act (FERPA) will be applied.

## **Student Rights and Responsibilities**

### **Student Drivers**

Each high school has rules which pertain to student drivers. All parents of students who drive vehicles to and from school and student drivers are expected to familiarize themselves with those rules.

Each high school requires students to obtain written parent permission to drive their personal car to school and each requires the students obtain parking lot permits. Associated Student Body (ASB) governing councils may impose student fines for parking violations. These fines are payable before certain educational records of the fined student may be released to third parties. Parents/students who choose to utilize this transportation option will be considered to have released the School District from any and all liability for consequences to the student driver or other students who may be harmed as a result of the choice to use personal vehicle transportation.

When school bus transportation is provided to events, athletic contests, and activities, students are expected to ride the school bus to and from the event, contest or activity unless written parental permission is obtained in advance, or personal contact between the parent and coach or advisor has been made resulting in prior approval. The release of the student must be approved by a designated school official. The student may then be released to a parent. Permission may be granted *only for that parent's student*.

### **Student Responsibilities**

Students who do not comply with the following student responsibilities will be referred to the Principal/designee who shall take appropriate administrative action resulting in discipline, emergency removal from class, Emergency Expulsion, Short-Term Suspension, Long-Term Suspension or Expulsion. The following acts are specifically prohibited on school grounds, on school-sponsored transportation, and at school events off school grounds:

*The conduct marked with an asterisk (\*) (identified as exceptional misconduct) has been judged by the ad hoc citizens' committee and Board of Directors to be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s), that students may be subject to a suspension for a first-time offense.*

#### **\* 1. Abuse of Computer including Abuse of Internet Access and E-mail Abuse**

Abuse of Internet access includes engaging in vulgar or obscene behavior by accessing and/or downloading vulgar or obscene materials, illegal downloading of software, using pirated software or possessing illegal or pirated software. Allowing access or communicating downloaded material to others will be treated as an aggravating circumstance. This offense also includes vulgar or obscene expression communicated to others by Internet access originating from school facilities. (Includes computer issues such as denial of service, causing computer to lock, or server to crash)..

E-mail is not private. E-mail is considered a "writing" as that term is defined at **RCW 42.17.020(48)** and may be discloseable to media or others. See **RCW 42.17.255 and 260**. In lawsuits, e-mail is often considered discoverable; (See CR 30,31,33,34,36, Civil Rules for Superior Court) Any form of harassment by e-mail violates this provision and policies dealing with such harassment. Students with e-mail access will be required to agree to an acceptable use agreement; as to those students, the terms of such an agreement are incorporated into this offense by reference. In

addition, it is a violation of this provision and law to e-mail copyrighted material (unless permission is granted by the holder), threatening or obscene material, or materials protected by trade secrets laws.

**\*2. Alcohol, Drugs or Drug Paraphernalia--Possession or Use**

A student shall not use any substance, legal or illegal, to induce mood or behavior changes. A student shall not possess, constructively possess, use, be under the influence of any narcotic drug(s), alcoholic beverage, legend drugs, anabolic steroids, hallucinogenic drug(s), amphetamine, barbiturates, marijuana, or any substance purported to be one of the above-described substances. Students shall not possess, or constructively possess any drug paraphernalia. Including but not limited to electronic, alternative smoking devices (electronic cigarettes and vapor pens) that are delivery systems for a variety of substances including but not limited to synthetic nicotine, and concentrated marijuana.

*The first violation of possession (including drug paraphernalia) or consumption of alcohol, or being under the influence of alcohol or controlled substances will result in a Long-Term Suspension (limited in duration to the school year in which the alleged misbehavior occurs) from school for fifteen (15) school days. All but five (5) school days of the penalty may be suspended if the student completes a drug/alcohol assessment within five (5) school business days of the violation after which the Long-Term Suspension will be converted to a Short-Term Suspension of five (5) school days without need for a request by the student. The student will be expected to then participate in the program of therapy specified by the student's assistance counselor. If the student fails to participate in a program within ten (10) school days of the recommendation, the Short-Term Suspension will be amended again to become a Long-Term Suspension of fifteen (15) school days, the unserved balance of which shall be immediately imposed upon the student (limited in duration to the school year in which the alleged misbehavior occurs). A second violation may result in expulsion from the Peninsula School District. Re-admission shall be upon the approval of the Superintendent of schools or his/her designee. When violations occur at or near the end of the school year, compromising the administration's opportunity to uniformly apply the foregoing requirements, the requirements will be imposed to the extent feasible; in extraordinary circumstances, the Hearing Officer may impose extraordinary in-lieu-of requirements on a student to be completed during the summer months.*

Proof of consumption, regardless of location where consumption occurred, shall be considered proof of possession when the interval between consumption and alleged possession at school or school activity (see paragraph following for complete jurisdictional definition) is, in the opinion of an administrator, a period during which some level of alcohol will remain in the student's system. A breathalyzer test or other quantitative test is not required to prove consumption. The administration need not prove a particular percentage of alcohol remains in the student's system or prove intoxication in order to prove consumption.

A student who chooses to remain at a location where alcohol is being consumed but who does not consume alcohol shall nonetheless be treated as having consumed alcohol when the student has had a reasonable opportunity to withdraw from the scene of alcohol consumption and has not done so. A student who is at a location where alcohol is located, including a vehicle, shall be considered in constructive possession of the alcohol even though the alcohol ostensibly belongs to someone else and even though the student has not

consumed any of it. A student will be treated as 'choosing to remain' when he/she has had a reasonable opportunity to withdraw and has foregone that opportunity. For example, when a student finds him or herself in a compromising situation regarding alcohol use in a moving vehicle he/she will have no duty to order the vehicle stopped. However, once the vehicle arrives at a destination, including an interim destination such as a restaurant, the student will be expected to either withdraw or suffer the same consequences as a student who is consuming alcohol. (See pgs. 17 & 39)

**Note:** Proof of intent to consume or use alcohol or drugs is not an element of this offense. However, if a student wishes to claim that he or she was tricked or misled into using a substance which he or she did not know was alcohol or a drug, the student may raise that issue as an affirmative defense-meaning the student has the burden of proof, provided that in order to raise this defense the student must have immediately reported the use to a school administrator as soon as he or she knew or should have known that an illicit substance was being consumed or used.

The foregoing restrictions on student use of or possession of alcohol apply during school time, on school property, during school-sponsored events or when in transport to or from school and/or any school-sponsored events, including field trips. These restrictions also apply while on location at school-sponsored field trips.

See **Activities Code of Conduct** beginning at page 17 which describes additional consequences which will be applied to students who are subject to that separate code of conduct as a result of a violation of this section.

The use of medication prescribed for the individual student as provided in **Policy 3416** and **Procedure 3416P** shall not be considered misconduct. (See **Policy 3416** and **3416P** "Medication at School" for additional considerations applied to over-the-counter medications).

Reference and Explanation: Except as provided in **Policy 3416** students may not be in possession of medications, including non-prescription medications such as aspirin, Advil, Motrin, and the like.

Special rules apply to the use of inhalers, auto-injectors and to diabetic monitoring and treatment. These policies are based upon **RCW 28A.210.260** and **RCW 28A.210.270**.

**\*3. Alcohol or Drugs--Sale or Delivery**

Students shall not distribute and/or sell alcoholic beverages, unlawful drugs, legend drugs, controlled substances, hallucinogens, or any substance, legal or illegal, used to induce mood or behavior changes, or other drugs, medications, or items that purport to be any of the preceding, during school time, on school premises, or during school-sponsored activities, including field trips.

*Penalties for sale or distribution range from a Long-Term Suspension of no less than 15 days (limited in duration to the school year in which the alleged misbehavior occurs) for the sale or distribution of alcohol or legend drugs to regular Expulsion from school for up to the remainder of the school year for sale or delivery of drugs classified in the Uniform Controlled Substances Act (Chapter 69.50 RCW) schedules(dangerous drugs). The offense includes the sale or delivery of imitation controlled substances (Chapter 69.52 RCW). For definitions of distribution & delivery see RCW 69.50.101(f) & (j) and for imitation drugs, see RCW 69.52.020*

(2).

**\*4. Arson/Reckless Burning**

Setting fire to a building or property.

**\*5. Assault/Threat of**

The use of excessive physical force or threatening the use of physical force against another person, including use of a weapon or other instrument for the purpose of inflicting injury.

**6. Attendance**

Failing to comply with building and/or District guidelines setting forth class and school attendance. See building handbooks for interpretations.

**\*7. Bomb Threat**

Threats to bomb or damage any public school building, facility or property.

**8. Cheating**

Cheating involves submitting work in any form or exam that is not your own. Cheating includes: Copying someone else’s work, allowing someone else to copy your work, having someone else complete your work for you, using unauthorized material to help you complete your work.

**9. Closed Campus Violation**

Leaving the school grounds during the school day prior to dismissal or without permission by school personnel. **Note:** All elementary campuses are closed.

**\*10. Damage, Destruction of Property**

**(Vandalism)** Intentional or careless damage to school property or private property of students, staff and patrons.

**\*11. Dangerous Weapons and/or Firearms**

The possession, use, transmission, or transporting of any object that could reasonably be considered a firearm or a dangerous weapon; and the possession of any exploding item or device that would be capable of producing bodily harm, damage to property, or disruption of the educational process. (Possession of a firearm on school property will result in a one year mandatory expulsion, subject to appeal with notification to parents and law enforcement. **RCW 28A.600.420**)

**\*12. Defiance**

Open disregard or contempt for school authority.

**13. Disobedience (no tolerance to violation of School District rules)**

Refusal to obey the instructions of any District personnel.

**\*14. Disruptive Conduct**

Use of violence, force, noise, light (e.g. laser light pen), coercion, threat, intimidation, fear, passive resistance, or any other conduct to cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school. (See also Offense 26)

**15. Disruptive Dress and Appearance**

Dress or appearance which is disruptive to the educational process and/or which threatens the health and safety of the student or others.

**\*16. Extortion**

The wrongful taking of a person’s money or property without his/her consent by the use of a threat or violence.

**17. False Accusations**

Untrue charges of wrongdoing.

**\*18. False Alarm**

Activating a fire alarm for other than the intended purpose of the alarm.

**\*19. Falsification/Forgery of Documents**

Altering or falsifying times, names, dates, grades or addresses.

**\*20. Fighting**

Intentionally causing or attempting to cause physical injury or intentionally behaving in such a way as could reasonably cause physical injury to another person.

**\*21. Gangs/Gang Activity**

The Board of Directors recognizes the existence of student gangs and recognizes that gangs may involve students in illegal, intimidating and harassing conduct. Therefore, the Board hereby determines that such gangs and the expression of gang membership cause or are likely to cause disruption in the school environment and therefore present a threat to the health and safety of students and school personnel. All such activity and expression by students is prohibited during such times as they are subject to the disciplinary control of the School District.

**\*22. Harassment**

**a. Intimidation and Bullying**

The District is committed to a safe and civil educational environment for all students, employees, volunteers and patrons, free from harassment, intimidation or bullying. “Harassment, intimidation or bullying” means any intentional written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in **RCW 9A.36.080(3)**, (race, color, religion, ancestry, national origin, gender, sexual orientation or mental or physical disability), or other distinguishing characteristics, when the intentional written, verbal, or physical act:

Physically harms a student or damages the student’s property; or has the effect of substantially interfering with a student’s education; or is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or has the effect of substantially disrupting the orderly operation of the school.

**Note:** ‘Student Harassment’ (commonly referred to as “bullying”) means a knowing and willful course of conduct by a student directed at another specific student (or students) which seriously alarms, annoys, harasses, or is detrimental to the harassed student(s) and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the student. The term “course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. “Course of conduct” may include sending an electronic communication. Constitutionally protected speech or expression is not included within the meaning of “course of conduct.”

**b. Unlawful Discrimination**

Harassment or discrimination of an individual(s) on the basis of age, disability, national origin, race, marital status, religion, sex, sexual preference, or social-economic status by words, in writing, by gestures, or actions.

**c. Sexual Harassment**

Sexual harassment does not refer to casual conversations or compliments of a socially acceptable nature. It refers to behavior which is unwelcome, and/or offensive, and/or which interferes with effectiveness, and/or creates uneasiness in the educational or work environment. For the purpose of this definition, sexual harassment may include conduct or communication

that involves adult-to-student, student-to-adult, student-to-student, adult-to-adult, male-to-female, female-to-male, male-to-male, and female-to-female.

Sexual harassment consists of unwelcome and/or inappropriate sexual advances, and/or requests for sexual favors, and/or sexually motivated physical contact, and/or verbal or physical conduct or communication of a sexual nature if:

1. submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment; and/or
2. submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; and/or
3. such conduct or communication has the purpose or effect of unreasonably interfering with an individual's educational or work performance or creating an intimidating, hostile, or offensive educational or work environment.
4. welcomeness is a term which connotes maturity and interaction between specific persons. Due to lack of age and maturity, welcomeness does not justify conduct at the elementary or middle school levels. Even conduct which is legitimately welcomed may be offensive to others in the educational or work environment. Similarly, conduct which is not intended to be sexually motivated or sexually gratifying to anyone involved may be either inappropriate or offensive to others.
5. reactions to alleged sexual harassment must be reasonable. When the offended person is someone other than an administrator (someone who claims personal offense), the conduct in question must be reasonably offensive to others in that environment of the same general age, level of maturity, and as appropriate, the same sex as the complainant.
6. Such conduct, whether committed in the educational environment or District workplace by employees, students, volunteers, parents or guardians, is specifically prohibited. This may include, but is not limited to: **making** sexually suggestive remarks, gestures, jokes or teasing; **pressure** for unwanted companionship, contact, dates or sexual activity; **disparaging** remarks about one's gender or sexually demeaning terms for females and males; **hazing**, pranks or other intimidating behavior toward others because of gender; **deliberate** and/or unwelcome touching such as impeding or blocking movement, cornering, pinching, pulling of clothing, kissing or fondling; **displaying** or distributing printed or pictorial, derogatory and/or offensive sexual materials such as posters, cards, pictures, cartoons, graffiti, drawings, or clothing; **using** the media for unwanted communications such as letters, phone calls, e-mail, fax, or other technology; **spreading** rumors about a person's private sex life; **unwanted** communications about personal sexual experiences; **requests** for sexual favors in exchange for rewards such as grades, promotions, money, and/or personal gain.

**Note: How to report any form of harassment:** Reports may be made either orally or in writing, with forms available at building level, (students are not required to make a written complaint). Students may report harassment to anyone of the following school officials: Assistant Superintendent for K-12 Educational Programs (District Office); Director, Student Services (District Office); Building

Principal or Assistant Principal; Classroom teacher, Counselor, sport or activity supervisor; any other responsible person in the building (e.g. a bus driver).

**\*23. Hazing (Froshing)**

This offense involves any sort of selection process whereby certain persons within a clearly defined group (e.g. all incoming freshman students or all incoming students of a single gender) are asked, encouraged or coerced into participating in activities which are not a part of regular school activities or a part of the program for any school sponsored activity. The ultimate victim of the offense is the educational process. Therefore, the offense is actionable whether the individual student(s) submitting to the hazing are offended by it or not. Hazing is never a school sanctioned activity. Actionable hazing may include activities at school and/or school activities and activities occurring during non-school hours in non-school settings.

**24. Inappropriate Displays of Affection**

Acts or expressions which are objectionable to staff and/or students.

**25. Inappropriate Language/Verbal Abuse**

The use of vulgar or profane language by students on school property or at school-sponsored activities, whether spoken, written, or gestured.

**26. Inappropriate use of Electronic Devices**

Electronic devices (including, but not limited to, beepers, cell phones, pagers, laptops and personal digital assistants) may only be used in the classroom with the permission of the teachers or as provided for in an IEP or accommodation plan. Use of such devices during class, such as using the cell phone, checking/sending e-mail, playing games and surfing the Web, are considered disruptive activities and may result in the device being confiscated.

**\*27. Intentional Misuse of School Equipment/Supplies/Facilities**

Deliberate abuse and/or misuse of school equipment, supplies, or facilities, including failure to follow safety rules for laboratory instructional areas.

**\*28. Intimidation**

To force into or deter from some action by inducing fear.

**\*29. Lewd Behavior/Sexual Misconduct/Indecent Exposure**

Indecent liberties, obscene acts or expressions of or involving sex, including rape or indecent exposure.

**\*30. Negligent/Reckless Driving**

Driving in an unsafe manner on school grounds.

**\*31. Obscene or Disruptive Material**

Possessing, publishing or distributing on school grounds or at school activities libelous, tasteless, obscene, or disruptive materials. (See also Offense 3)

**\*32. Occupation of School Property**

A student shall not occupy a school building or school grounds in order to deprive others of its use, exit or entry, or block normal pedestrian or vehicular traffic on school property.

**33. Occupying Unauthorized Area**

A student shall not be present in an unauthorized area(s) without permission of school authorities.

**34. Plagiarism**

Plagiarism is tantamount to theft. It may be defined as using the words or ideas of others as one's own. This can be done in two ways, either by

copying exactly what the writer has said or by summarizing or paraphrasing the ideas as your own. Copying the words or ideas of another without acknowledgment in a piece of written work amounts to an attempt to claim them as one's own.

**\*35. Possession or Use of Explosive or Ignition Devices**

Possession or use of any explosive device or component of an explosive device, including fireworks, firearm projectiles or components, and flammable or explosive charges, including incendiary ignition devices which may, depending on circumstances of possession or use, include any item or substance which may be used to ignite a fire. (e.g. matches or lighter) Possession of devices reasonably perceived by others to be potentially explosive or incendiary in nature is included. (e.g. items reasonably perceived by others to be explosives)

**\*36. Possession or Use of Tobacco**

A student shall not carry or smoke any kind of pipe, cigar, cigarette, or any other smoking equipment or material, nor shall a student chew or sniff tobacco products at school or school-sponsored events/activities, or while a passenger in District vehicles, or on school property, or on field trips. Possession of a lighter or matches will be treated as evidencing use of tobacco.

**\*37. Robbery**

The taking of the property of another by violence or intimidation.

**38. Simple Assault (deleted from secondary)**

Unwelcomed touching or application of undue force to another person.

**\*39. Theft / Possession of Stolen Property**

A student shall not carry away the personal goods or property of another person or the School District, or be in possession of stolen property.

**\*40. Trespass**

A student shall not gain unauthorized entry upon the property of the School District.

**41. Unauthorized Gatherings**

The assembly or meeting of students and/or non-students on school property without permission of school authorities.

**\*42. Unauthorized Use of Technology**

Tampering with or disabling electronic hardware, data files, or software, unauthorized network access, malicious harassment by use of technology or unauthorized access to or use of such technology. This offense may occur away from school; when this occurs and the student conduct materially and substantially interferes with the educational process or is threatening to students or staff, the school may assert jurisdiction and impose corrective action.

**C. General Disciplinary Procedures**

**Progressive Discipline:** Except as previously noted where exceptional misconduct may result in a suspension or expulsion, discipline is generally progressive. District staff members are expected to use only that degree of corrective action that is reasonably calculated to modify inappropriate student behavior. If student behavior is not then modified in an appropriate fashion, staff may employ actions or sanctions not previously imposed in order to correct behavior.

**Parental Notification:** Whenever a student is involved in any activity that may lead to discipline, suspension or expulsion of any party, whether or not any penalty is administered, the parent or guardian will be notified in a timely manner.

**School Year Limitation:** With few exceptions, the discipline sanctions imposed upon a student during one school year do not carry over and affect discipline in succeeding years. However, some exceptional misconduct violations may be cumulative from school year to school year.

**Disciplinary Transfer:** In extraordinary circumstances, a student may be involuntarily transferred from the school serving his or her geographical attendance area provided that in such circumstances, he or she must be provided with a legally adequate free and appropriate education.

**Disciplinary Files & Impact on Transfer Options:** Student discipline files are part of the academic record and are maintained on all students during their enrollment at all District schools. Generally, a student may not avoid student discipline or activities discipline consequences by transferring to another building.

**Principles of Liability:** A student is an accomplice to another person if with knowledge that it will promote or facilitate the misbehavior he (1) solicits, commands, encourages, or requests such other person engage in the misbehavior; or (2) aides or agrees to aid such other person in planning or committing the misbehavior. A student is not an accomplice if he or she is the victim or complicity is terminated prior to the misbehavior *and* timely warning is given to school officials that the misbehavior may occur.

**Threatening Behavior:** The School District has a no tolerance policy towards threatening behavior. A threat may be communicated directly or indirectly; an actionable threat may threaten immediate physical injury or future physical injury to others; an actionable threat may be one that threatens either immediate or future physical damage to the property of another person or the School District.

**Bullying:** See the note following Offenses 22.(a) Bullying may constitute offenses 5, 14, 20, 21, 22, 25, 28, 29, or 38.

To be actionable, the alleged threat must be deemed reasonably threatening; the perception of the person or persons allegedly threatened will be considered in evaluating reasonableness of the alleged threat. The evaluation of reasonableness shall reflect the general perceptions of the local community of students, staff or patrons, as the case may be, at the time the alleged threat is uttered.

**Jurisdiction:** Student rights and responsibilities extend to conduct in the school, on the playgrounds and other common areas of the school, while riding on a school bus, on field trips, and at all school-sponsored activities. In extraordinary circumstances, the school may assert jurisdiction over an event occurring off school premises and away from school activities. To do so, there must be a nexus (connection) between the event and school, for example. When away-from-school jurisdiction is asserted, a crime must be reported to the law enforcement agency with geographical jurisdiction over the location where the event took place.

**E. Student's Rights**

**FREEDOM FROM DISCRIMINATION:** The District shall provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without regard to race, religion, creed, color, or national origin, age, honorably-discharged veteran or military status, sex, sexual orientation, gender expression or identity marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The District will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment. (See **Policy and Procedures 3210 and 3210p**)

**SEARCHES OF STUDENTS AND PERSONAL**

**PROPERTY:** All students shall be free from unreasonable searches of their persons, clothing, and other personal



property. However, a student is subject to search by school officials if reasonable grounds exist to suspect that the search will yield evidence of a student's violation of the law or school rules governing student conduct. (See **Policy 3230**).

#### **Physical Search**

Prior to conducting a search, school officials shall ask that the student consent to be searched by removing all items from pockets or other personal effects. If a student refuses to consent to the search, and if school officials conclude that delay associated with contacting parents or guardians presents an unreasonable delay which may increase risk of loss of the contraband being sought or unreasonably affect the educational process, school officials may proceed to search the student and the student's personal belongings. In all circumstances, the following considerations shall apply:

Any search of a student conducted by a School District employee must be reasonably related to the discovery of contraband or other evidence of a student's violation of the law or school rules. A search must be justifiable at inception: Reasonable cause to search is required. Reasonable cause is less than probable cause and more than a mere suspicion. To the extent possible, reasonable cause should be individualized to the particular student or focus on a relatively small number of students. A search must be justifiable at inception. School officials need not get a search warrant prior to conducting a search based on reasonable suspicion. Staff shall conduct searches in a manner which is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction. For example, students should be searched away from other students, when possible an adult witness of the same sex as the student being searched should be present, and beyond early elementary grades, the staff person conducting the search will be of the same sex as the student being searched. Degree of intrusiveness must be given thoughtful consideration; for example, if the contraband being sought is a weapon or item potentially injurious to student health, safety and welfare, a search can generally be more intrusive than one being conducted to find an item which is not potentially dangerous, such as another student's lost or stolen money or jewelry. Searches wherein a student removes outer clothing or the staff person conducting the search puts hands underneath student clothing may be conducted only by a Principal or Assistant Principal or designee of the same sex.

No search will be conducted in a manner requiring a student to remove underwear. A reasonable effort must always be made to notify parents/guardians of the search process, but when the item being searched for is thought to be a weapon or other item potentially injurious to student, health, safety and welfare (including drugs), the search need not be delayed until after parents are contacted.

Within a reasonable time, the student's parents will be notified if such a search is required and will be advised of the outcome of the search.

No student shall be subject to a strip (to skin) search or body cavity search by school staff. School officials may consult with local law enforcement officials regarding the advisability of a search on school premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

#### **Identification of Student Chemical Abuse**

Use of alcohol and other drugs is a serious physical and psychological risk to students. Students who are impaired by alcohol and other drugs are a danger to themselves and others. Additionally, we recognize that students suffering from untreated chemical abuse and dependency impair the

educational environment by serving as a conduit of substances into the school population and by rationalizing substance consumption to other impressionable children and adolescents.

When there is a reasonable cause to believe that a secondary school student illegally uses, distributes or possesses alcohol the student will be subject to the procedures contained in this regulation and may be asked to submit to an alcohol test. When reasonable cause exists to justify the request for the test, a student's refusal to submit to such a test may be treated as defiance of authority.

As used in this regulation, reasonable cause shall mean evidence of possession or the existence of one or more of the following observable appearances or behaviors: Unexplained erratic behavior; sudden mood swings; risk-taking that jeopardizes the health, safety, or welfare of the particular student or others; dilated or constricted pupils; flushed face; slurred speech; odor associated with consumption of alcohol; staggering or unsteady gait; stumbling or falling; frequent mistakes or repetitive mistakes of the same sort.

**NOTE:** Proof of consumption, regardless of location where consumption occurred, shall be considered proof of possession when the interval between consumption and alleged possession at school or school activity (see paragraph following for complete jurisdictional definition) is, in the opinion of an administrator, a period during which some level of alcohol will remain in the student's system. A breathalyzer test or other quantitative test is not required to prove consumption. The administration need not prove a particular percentage of alcohol remains in the student's system or prove intoxication in order to prove consumption. A student who chooses to remain at a location where alcohol is being consumed but who does not consume alcohol shall nonetheless be treated as having consumed alcohol when the student has had a reasonable opportunity to withdraw from the scene of alcohol consumption and has not done so. See \*1. Possession or Use, Alcohol, Drugs or Drug Paraphernalia, pp. 4-6, as to reasonable opportunity to withdraw. A student who is at a location where alcohol is located, including a vehicle, shall be considered in constructive possession of the alcohol even though the alcohol ostensibly belongs to someone else and even though the student has not handled the container or consumed any alcohol.

The District will train administrators and their designated staff in the identification of alcohol use. Staff will refer such information through appropriate building procedures. To develop reasonable cause for taking action, observable evidence of behaviors as indicated in this regulation shall be documented. If a portable breath tester is to be used, the following steps must be followed: The school administrator must have reasonable cause. A student cannot, for example, be sought out based solely upon prior experience. If a student disagrees with the decision that he/she has consumed alcohol, he/she may elect to be tested by a portable breath-tester. High school: Prior to a portable breath-tester test, representatives of the School District shall make reasonable efforts to notify the student's parents or guardian. Middle school: Prior to a portable breath-tester test, parents or guardian will be notified. Refusal to submit to a reasonable request by a building administrator or designee to the procedures in this regulation shall serve as a basis for disciplinary action. In addition, law enforcement authorities may be called. (See offenses 12 and 13)

The student's parent(s) will be notified if such a search has been required and will be advised of the outcome of the search. If, after reasonable attempts, parents cannot be

notified and if the search has indicated the use of alcohol, law enforcement shall be called.

#### **Locker Searches**

Students may be assigned lockers for storing and securing their books, school supplies, and personal effects. Lockers, desks, and storage areas are the property of the School District. No right or expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by the school.

No student may use a locker, desk, or storage area as a depository for any substance or object which is prohibited by law or school rules, or which poses a threat to the health, safety, or welfare of the occupants of the school building or the building itself.

Any individual student's locker, desk, or other storage area shall be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or school rules.

A general search of all student lockers may be conducted at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules. If the school official conducting such a search develops a reasonable suspicion that any container inside the locker, including but not limited to a purse, backpack, gym bag, or an article of clothing, contains evidence of a student's violation of the law or school rules, the container may be searched according to Board policy governing personal searches.

#### **Student Expectations of Privacy**

A student enjoys a reasonable expectation of privacy in his/her person, clothing, and personal effects (a purse or wallet). A student enjoys a limited expectation of privacy in containers used at school, such as book bags and student desks.

#### **STUDENT EXPRESSION**

As between themselves and subject to reasonable time-place restrictions which may be imposed by the administration, all students possess the constitutional right to freedom of speech and press. Students are entitled to express their personal opinions verbally and in writing, provided such opinions do not interfere with the freedom of expression of others. Libel, obscenity, personal attack, harassment and advocacy of the violation of existing ordinances, established laws, official school rules or regulations, are not considered protected speech and are therefore prohibited. (See **Policy 3220**) No material is to be distributed on school property by elementary or middle school students without the express permission of the Principal/designee. Secondary students (grades 9-12) are entitled to distribute printed or written materials at reasonable times and places (set forth by the school administrator) provided that the name of the author or person responsible for the material is noted thereon. (See **Policy 3222**) School sponsored or funded student publications are subject to additional requirements. (See **Policy 3221**). No commercial solicitation will be allowed on school property at any time unless approved by the Superintendent or designee.

#### **ASSEMBLY**

All students possess the constitutional right to peaceably assemble and to petition the government and its representatives for redress of grievance, subject to reasonable limitations upon the time, place, and manner of exercising such rights. Students have the right of peaceful assembly in school facilities generally available to the public--at convenient hours that do not conflict with school functions or require staff on duty beyond regular hours.

Assembly shall be related to the educational process and applicable to school policies and educational objectives. It

shall be conducted in an orderly manner and cannot interfere with the educational process. The assembly cannot impede the free movement of traffic in any way. When students participate as members of approved student body organizations, they shall assemble as authorized by the Principal/designee.

#### **READMISSION PROCEDURES**

A student who has been suspended (Long-Term) or expelled from a school in Peninsula School District may apply for readmission at any time by making written application to the Principal of that school which he/she last attended. Any such application should state reasons therefore and should include such assurances as may be appropriate concerning the non-recurrence of the problem which led to such suspension or expulsion. Students who wish to re-apply following a violation of the weapons policy will be subject to the re-application procedures described in **Policy 3239**.

The Principal shall forward the readmission application with his/her recommendation to the Assistant Superintendent K-12 Programs within five (5) school days. The Assistant Superintendent will, in writing, advise the student and the student's parent/guardian/custodian of his/her decision within five (5) days of receipt of the readmission application and Principal's recommendation. The Assistant Superintendent may (but need not) schedule an in-person hearing.

#### **STUDENT RECORDS**

Student records are developed and maintained by the School District for the educational welfare of students, for orderly and efficient operation and as required by law. The content of such records, accessibility, destruction of such records, and a hearing/review process are set forth in **Policy 3231**, Student Records. (See also FERPA 20 USC Sec 12329 and **WAC 392-172A** et seq. Student Records as to records of students with disabilities).

**Note:** When the District refers a special education student to law enforcement as a suspect, the District must ensure that copies of pertinent special education records (defined as the most recent assessment and most recent Individualized Education Plan) and copies of the student's disciplinary records are forwarded to law enforcement. (See 34 CFR 300.529) When the student is under 18 years of age, the student's parents shall be contacted and when the School District reports a crime committed by an IDEA-qualified student, the parents shall be asked to give permission to make this release. See the Federal Family Education Rights and Privacy Act (FERPA).

#### **Corrective Actions**

All students shall submit to the policies, rules, and regulations of the School District. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension, or expulsion. "**Discipline**" shall mean all forms of corrective action other than suspension and expulsion and shall include the exclusion of a student from class by a teacher or administrator for a period of time not exceeding the balance of the immediate class period; 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 the School District. "**Suspension**" shall mean a denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) at any single subject, class, or activity, 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, rented, or controlled by the School District. "**Short-Term Suspension**" shall mean a suspension for any portion of a school day up to and not exceeding ten (10) consecutive

school days. **"Long-Term Suspension"** shall mean a suspension that exceeds a "Short-Term Suspension" as defined (limited in duration to the school year in which the alleged misbehavior occurs). **"Expulsion"** shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes not to exceed one calendar year from the date of removal. However, the superintendent may authorize an extension of an expulsion beyond one calendar year in response to a petition by a school. The superintendent's decision may be appealed to the school board. An Expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the School District. **"School business day"** shall mean any calendar day, exclusive of Saturday, Sunday, and any federal and school holidays, upon which the office of the Superintendent of the School District is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for said calendar day.

#### **STUDENT DISCIPLINE**

The methods employed in enforcing the rules of the school involve professional judgment. Such judgment should be: consistent from day to day and student-to-student; balanced against the severity of the misconduct; appropriate to the student's nature and prior behavior. Since these criteria may be in conflict, established procedures must be followed in correcting misbehavior. 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 School District personnel. In order to develop an environment conducive to effective teaching and learning, the Principal shall confer with certificated staff members 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.

Discipline means all forms of corrective action other than suspension or 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 period, 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 on behalf of the School District. (See **WAC 392-400-225**) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the Principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher must attempt one or more alternative forms of corrective action, including at a minimum an attempt at the first reasonable opportunity, to contact and confer with the student's parent. 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 or designee and the teacher have conferred. (See **RCW 28A.600.020**)

When a student commits an offense defined in Chapter 9A.36 (assault), 9A.40 (restraint, kidnapping), 9A.46 (harassment) or Chapter 9A.48 (arson, reckless burning and malicious mischief), and such criminal conduct is reported to appropriate law enforcement officials and determined to be criminal misconduct, and the criminal conduct is directed toward the teacher, the student *shall* not be assigned to that

teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned. When such criminal activity is directed toward a fellow student, the offending student *may* be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. This paragraph is not intended to limit the authority of school officials to otherwise expel or suspend a student for misconduct or criminal behavior. (See **RCW 28A.600.460**)

A student who defaces or otherwise injures property of the school, a contractor, a school employee is subject to suspension and corrective action. In certain circumstances, grades, diploma or transcript may be withheld until the responsible pupil or his/her parents or guardian has paid for the damages. When a student is suspended for such misconduct, the student may not be readmitted until the student or parents or legal guardian has made payment in full, or until directed by the Superintendent, provided that when the pupil and parents or guardian are unable to pay for the damages, the School District shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the prescribed work, the grades, diploma and transcripts of the student shall be released. The parents or guardian of such pupil shall be liable for damages as otherwise provided by law. (See **RCW 28A.635.060**)

#### **GRIEVANCE PROCEDURE (See separate procedures following for processes applicable to suspension/expulsion)**

Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building Principal or his/her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible.

During such conference the student, parent, or guardian shall be subject to questioning by the building Principal or his/her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two (2) school days prior notice, shall have the right to present a written and/or oral grievance to the Superintendent of the District or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two (2) school business days prior notice, shall have the right to present a written and/or oral grievance to the Board of Directors during the Board's next regular meeting. The discipline action shall continue, notwithstanding the implementation of the grievance procedure set forth in this section, unless the Principal or his/her designee elects to postpone such action.

Any student, parent, or guardian who is aggrieved by the manner in which discipline or other corrective action was imposed or the manner in which a student, parent or guardian was dealt with, he/she may grieve directly to the Superintendent, or designee. When and if this occurs, the Superintendent may elect to refer the grievance to an appropriate compliance officer or other designee for investigation and preliminary recommendations.

### **CORPORAL CORRECTIVE ACTION**

The use of corporal corrective action is prohibited in Peninsula School District. No student will be subject to the infliction of corporal corrective action by any teacher, other student, administrator, or other school personnel.

No teacher, administrator, student, or other person will subject a student to corporal corrective action or condone the use of corporal corrective action by any person under his/her supervision or control. Permission to administer corporal corrective action will not be sought or accepted from any parent, guardian, or school official.

Corporal corrective action is not limited to spanking a student; it includes any number of forms of physical or bodily corrective action. Certain specified actions are presumed unreasonable and thus unlawful including throwing, kicking, burning, cutting, striking with a closed fist, shaking a child under three, interfering with breathing, threatening with a deadly weapon, and causing greater than transient pain or minor temporary marks. (See comment, **WAC 392-400-235**, as amended 1990) In addition, no teacher or administrator will unnecessarily demean, degrade, or humiliate a student.

### **DETENTION**

For minor infractions of school rules or regulations or for minor misconduct, administrators and teachers may detain students outside of school hours, for not more than one hundred (100) minutes on one or more days. Saturday work assignments up to five hours or other after-school-hour service projects may be assigned by the Principal/designee as alternatives to suspension or other discipline. In all cases in which detention is to be used, notice shall first be given to the parent to inform that person of the basis and reason for such action and to permit arrangements for the necessary transportation of the student. The parent, if the student is a minor, shall be responsible for the transportation of the student when he/she has been detained after school hours for corrective action. All students detained for corrective action shall be under the direct supervision of a School District employee.

### **EMERGENCY REMOVAL**

A student may be removed immediately from a class or subject by a teacher or administrator and sent to the 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 threat of substantial disruption of the class, subject, or educational process of the student's school. The removal shall continue only until: The danger or threat ceases; the Principal acts to impose discipline; a Short-Term Suspension or Expulsion, or an Emergency Expulsion. Because the removal shall remain in effect until the meeting takes place, the Principal/designee shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action, provided in no case shall the student's opportunity for such meeting be delayed longer than two school days. The teacher or administrator who removed the student shall be notified of the action which has been taken or initiated. (See Policy 3241)

### **SUSPENSION AND EXPULSION (PURPOSE AND GUIDELINES)**

For the purposes of the District's policies relating to corrective actions: "**Expulsion**" is the exclusion from school or from individual classes or activities for an indefinite period; "**Suspension**" is the exclusion from school or individual classes/activities for a specific period of time, after which the student has the right to return. Students may

be assigned to in-school suspension for a specific period of time as an alternative.

A suspension is "short term" if it is for a period of ten (10) consecutive school days or less. Separate Short-Term Suspensions shall not total more than ten (10) school days in a semester for any student in grades kindergarten through four. Separate Short-Term Suspensions shall not total more than fifteen (15) days in a semester for a student in any other grade.

Suspensions which exceed ten (10) consecutive days are Long-Term Suspensions. They are limited in duration to the school year in which the alleged misbehavior occurs. The Superintendent will annually appoint an ad-hoc advisory committee representing students, parents, citizens, and educators to review and recommend to the Board of Directors the list of offenses to be contained in this Handbook providing for the immediate resort to Short-Term Suspension or Long-Term Suspension in cases involving exceptional misconduct (misconduct other than absenteeism) that is: (a) of such a frequent occurrence as to warrant immediate Short-Term Suspension or Long-Term Suspension and/or (b) so serious in terms of disruptive effect upon the operation of the school as to warrant an immediate resort to Short-Term Suspension or Long-Term Suspension.

### **SHORT-TERM SUSPENSION**

Short-Term Suspension may be used as a form of corrective action to modify student conduct that is recurring, cumulative, or so serious in terms of disruptive misconduct as to effect optimum learning environment and/or the orderly and safe operation of the school.

In the event the proposed corrective action (in-school or out-of-school suspension) of a student is to include the denial of the right of school attendance from any single class or full schedule of classes or activities for more than one (1) and up to ten (10) consecutive school days, a disciplinary conference shall first be conducted with the student as follows: An oral or written notice of the charges shall be provided to the student, then to the parent/guardian when practical; an oral or written explanation of the evidence in support of the charges shall be provided to the student; an oral or written explanation of the suspension which may be imposed shall be provided to the student; the student shall be provided the opportunity to present his/her explanation.

**Note:** This entire process may occur before the parent is notified.

In the event a Short-Term Suspension is to exceed one (1) day, and the student will be excluded from school, the administrator will first notify the parent of the student of the reason for the suspension and the duration of the suspension orally or by U.S. mail.

Any student subject to a Short-Term Suspension shall be provided the opportunity upon return to make up assignments and tests within a reasonable length of time. Any student who has been suspended shall be allowed to make application for readmission at any time. **Grievance Procedure:** Imposition of a Short-Term Suspension may be appealed, first to the building Principal. The parent and student after exhausting this remedy shall have the right to appeal, upon two (2) school business days' prior notice, to the Office of the Assistant Superintendent for K-12 Educational Programs. If the grievance is not resolved, the parent and student, upon two (2) school business days' prior notice, shall have the right to present a written grievance to the School Board at the next regular meeting. A closed meeting may (but need not) be held for the purpose of considering the grievance. The

suspension shall remain in effect during the appeal process unless the building Principal elects not to impose the suspension pending appeal.

**Limitation on Use K-4:** Kindergarten through grade four -- No student in grades kindergarten through four shall be subject to a Short-Term Suspension for more than a total of ten (10) 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. (See **WAC 392-400-245**). Grade five and above -- No student in grades five and above shall be subjected to a Short-Term Suspension for more than a total of fifteen (15) school days during any single semester.

**Reengagement meeting:** Should be convened when a long-term suspension or expulsion is issued. The purpose of this meeting is to discuss a reengagement plan with the student and parent. A reengagement meeting should be convened within 20 days of a long-term suspension or expulsion, and no later than five days before the student's reentry or reenrollment.

**Reengagement plan:** A written plan developed between the District, student, and parent to aid the student in taking the necessary steps to remedy the situation that led to the corrective action and return the student to an educational setting as soon as possible. The District is required to make reasonable efforts to assist students in returning to the educational setting prior to, and no later than, the end date of an expulsion.

#### **LONG-TERM SUSPENSION**

A Long-Term Suspension may be imposed upon a student for violation of School District rules and policies. It is limited in duration to the school year in which the alleged misbehavior occurs. A Long-Term Suspension will not be established as the corrective action for a student's first time offense other than for offenses involving exceptional misconduct.

**Limitation on Use K-4:** Kindergarten through grade four -- No student in grades kindergarten through four shall be subject to a Long-Term Suspension during a single semester, and no loss of academic grades or credit shall be imposed by reason of the suspension. Grade five and above -- No single Long-Term Suspension shall be imposed upon a student in grades five and above in a manner which causes the student to lose academic grades or credit in excess of one semester, during the same school year.

**EXPULSION:** A student may be expelled for violation of the School District's rules when: (1) the nature and circumstances of the violation reasonably warrants the harshness of Expulsion; and (2) it meets the condition for Expulsion set forth in **WAC 392-400-275**. In accordance with state law, possession of a firearm (See RCW Chapter 9.41 and Policy 3239) must result in immediate expulsion.

**EMERGENCY EXPULSION:** A student may be excluded from school prior to a hearing if the Principal reasonably believes the student is 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 10 school days of the date of the emergency removal from school. If a request for a hearing is not received within the required ten (10) school-day period, the School District may deem the student and his/her parent(s), guardian(s), or custodian(s) to have waived the right to a hearing. If the emergency expulsion is converted to another form of corrective action, notice and

due process rights appropriate to the new corrective action must be provided.

The provisions governing notice and hearing of a regular Long-Term Suspension, Emergency Expulsion, or Expulsion shall apply except: Written notice of the Emergency Expulsion shall be personally delivered or sent by certified mail within 24 hours of expulsion; **Emergency Expulsion Grievance Procedure:** The parent shall have three (3) school days after receipt of notice during which to request a hearing; The Hearing Officer can affirm the expulsion, modify or reverse it; The Hearing Officer shall render the decision within one (1) school day after the conclusion of the hearing. **Note:** When the student's offense is "exceptional misconduct" (see offenses 1-42 with \*, at C. Student Responsibilities) an "Emergency Expulsion" notice may be combined with a "Long-Term Suspension" notice, meaning that the student may be removed from school at the time the offense occurs rather than waiting three (3) school days (See following 11.e. 1 & 2).

#### **NOTICE OF HEARING / WAIVER OF HEARING FOR LONG-TERM SUSPENSION AND EXPULSION**

**Long-Term Suspension/(Regular) Expulsion Grievance Procedure:** 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 notice shall: Be provided in the predominant language of student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible; Specify the alleged misconduct and the School District rule(s) alleged to have been violated; Set forth the corrective action proposed; Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegations; and Set forth the facts that: A request for a hearing, made orally or in writing, must be received by the School District employee designated, or by his or her office, on or before the expiration of the second school business day after receipt of the notice of opportunity for a hearing, and if such a request is not received within the prescribed period of time, that the right to a hearing may be deemed to have been waived and the proposed Long-Term Suspension or Expulsion may be imposed by the School District without further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice. With the verbal consent of the parent or guardian, a Long-Term Suspension or Expulsion may begin before the two-day period elapse. In exceptional circumstances, the School District may elect to combine a Long-Term Suspension (otherwise calling for a three day delay in imposition) with an Emergency Expulsion in order to impose the suspension effective immediately.

The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three (3) school business days after the date of receipt of notice. A request for a hearing shall be provided to the School District employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted orally or in writing. If a request for a hearing is not received within the required three (3) school-business-day period, the School District may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing, and the proposed Long-Term Suspension or Expulsion may be imposed.

### **LONG-TERM SUSPENSION AND EXPULSION PREHEARING AND HEARING PROCESS**

If a request for a hearing is received pursuant to **WAC 392-400-270** (Long-Term Suspension) or **WAC 392-400-280** (expulsion) within the required three (3) school business days, the School District shall schedule a hearing to commence within two (2) school business days after the date upon which the request for hearing was received.

The student and his or her parent(s) or guardian(s) shall have the right to: Inspect in advance of the hearing any documentary and other physical evidence which the School District intends to introduce at hearing; be represented by retained legal counsel; question and confront witnesses, provided that the administration may elect not to call student witnesses, relying instead upon staff witnesses to report as to what student witnesses have earlier said.

**Note:** The following rule was adopted by the Washington State Board of Education establishing parameters on the student's right to confront witnesses:

Washington Administrative Code 180-40-270

The student and his or her parent(s) or guardian(s) shall have the right to: Inspect in advance of the hearing any documentary and other physical evidence which the School District intends to introduce at the hearing; be represented by legal counsel; question and confront relevant witnesses unless a School District witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the School District. The evidence submitted by the School District must at a minimum establish either: That the District make a reasonable effort to produce the witness and is unable to do so; or that it is not advisable for the student to appear due to an expectation and fear on the part of the responsible District official(s) or the student of retaliation against the student if he or she appears as a witness; present his or her explanation of the alleged misconduct, and make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires. The person(s) hearing the case shall not be a witness, and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

a. Exercise the option to "present his or her explanation." Also, when a student is in attendance at hearing, the Hearing Officer may ask the student questions and the student will then be expected to respond. Although students are not required to testify in their own behalf, it is the expectation of the Board of Directors that affected students will fully and completely exhaust the administrative hearing process, including opportunity to testify. When a student fails to exercise this right and later appeals to the Board of Directors, the Board may consider the student's earlier election not to testify.

b. Make such relevant showings by way of other witnesses and the introduction of documentary and other physical evidence as he or she desires.

The designee(s) of the School District assigned to present the District's case shall have the right to inspect in advance of the hearing, any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

Either a tape-recorded or verbatim record of the hearing shall be made.

A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

The Hearing Officer will generally determine only student culpability, then communicate that tentative decision to the building Principals, or designee, for determination of sanction. The sanction imposed will generally be determined by the building Principal, or designee. When the sanction involves student disenrollment at his/her building of enrollment and opportunity to enroll at another school within the School District, the ultimate sanction will be determined by the Superintendent.

When the Hearing Officer finds the student culpable and a Long-Term Suspension, Expulsion or Emergency Expulsion is the consequence, the student and his/her parent or guardian shall have three (3) school days after receiving the hearing decision to appeal that decision to the Board. If an appeal is made to the Board, the imposition of this corrective action may be stayed until such appeal is decided, or the suspension or Emergency Expulsion may be imposed for no more than ten (10) consecutive school days or until the appeal is decided by the Board, whichever is the shorter period.

#### **STUDENTS WITH A DISABILITY**

The following student and parent rights and responsibilities are based on the final regulations implementing the 1997 amendments to the Individuals with Disabilities Education Act (IDEA, Section 504 of the Rehabilitation Act of 1973, and Chapter 392-172 of WAC).

**Special Education Eligible Students:** Federal regulations are located in 34 C.F.R. Parts 300 AND 301. Specific regulations include 300.121 and 300.519 through 300.529. Implementing procedures are detailed in the Peninsula School District *Student Services Procedures Manual* and summarized below.

School authorities may remove special education students from their current educational placement up to ten (10) consecutive days or ten (10) cumulative days if the same removal would apply to students without disabilities.

Special education students may also be removed from their current educational placements for additional periods of up to ten (10) consecutive days if the removals do not constitute a pattern of exclusion that would result in a change of placement.

School personnel may remove special education students from their current educational placements and place them in an interim alternative educational placement for up to forty five (45) days (a) if a student possesses or carries a weapon (as defined by federal regulations) to school or school function or (b) the student knowingly possesses or uses illegal drugs (refers to schedule drugs defined at Chapter 69.50 of RCW, "Uniform Controlled Substances Act") or sells or solicits the sale of a controlled substance at school or school function.

If the school believes a student is likely to harm him/herself or others, the student may be placed in an interim alternative

education placement for up to forty five (45) calendar days through one of the following procedures: (a) expedited due process hearing, (b) IEP process, and/or (c) court injunction.

A school does not have to provide educational services to a special education student for the first ten school days a student is removed in a school year if the school would not provide educational services to a student without disabilities.

After any special education student has been removed for ten days in a school year, the school must provide services that will allow the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP according to the regulations governing change of placement, interim alternative educational placement and manifestation determination.

School personnel need to consult with the special education teacher and building administrator to make the decision regarding the level of services needed if a student is to be suspended beyond ten (10) cumulative or consecutive days and the suspensions have been determined not to be a change in placement.

The IEP team must meet no later than ten business days after beginning a removal that is considered a change of placement in order to develop a plan to conduct a functional behavioral assessment. After developing the assessment plan and completing the assessments, the IEP team shall meet to develop appropriate behavior interventions and implement those interventions.

If the student already has a behavior plan in his/her IEP then the school must convene the IEP team to review the behavior plan contained in the IEP no later than ten (10) business days after first removing the student for ten (10) school days in a school year, or no later than ten business days after beginning a removal that is a change of placement. The team must consider whether the plan should be modified and a new IEP implemented to address behavior.

If there are any further removals in a school year that are not considered a change of placement, the IEP team members may individually review the behavior plan to determine whether modifications are necessary. If one or more members believe changes are necessary the team shall meet to modify the plan and its implementation.

Immediately, if possible, but no later than ten school days after the decision to change the student's placement, the school must convene the IEP committee and other qualified personnel to conduct a review to discuss the relationship between the student's disability and the behavior subject to disciplinary action. The team must consider all relevant information and determine whether (a) the IEP, placement and/or services were appropriate and/or being provided consistent with the IEP; (b) the student disability did not impair the ability of the student to understand the impact and consequences of the behavior; and (c) the student's disability did not impair the ability of the student to control the behavior.

If the team determines that the student's behavior is related to the disability or program/services, the student may not be suspended or a suspension in progress must cease. School staff must take immediate action to remedy any deficiencies in programs and/or services being offered.

If the team decides the behavior was not a manifestation of the disability, then the student may be disciplined consistent

with discipline of students without disabilities. During the removal from the student's current placement, educational services must continue and allow the student to progress in meeting the goals of the IEP. The meeting conducted for a manifestation review may occur at the same time the team reviews the behavior plan.

Parents and/or adult students have the right to request a due process hearing to appeal the disciplinary placement decision or if they disagree with a determination that the student's behavior was not a manifestation of the student's disability. The hearing is requested by filing a due process hearing request pursuant to **WAC 392-172A-05080** and **392-172A-05085**.

Parents may also challenge disciplinary actions on behalf of students who are not yet determined eligible for special education if the school district had knowledge that the student was a student eligible for special education before the behavior that precipitated the disciplinary action occurred. A school district is deemed to have this knowledge (a) if the parent of the student expressed concern in writing to supervisory or administrative personnel of the district that the student is in need of special education; (b) the parent of the student requested an evaluation of the student pursuant to **WAC 392-172A-03005**; (c) the teacher of the student expressed specific concerns about a pattern of behavior demonstrated by the student directly to special education administrators or other supervisory staff.

**Section 504 Eligible Students:** Discipline of students protected under a Section 504 plan requires careful consideration of whether the student's behavior is related to the disabling condition. Federal regulations are located at 34 C.F.R. part 100. Implementing procedures are detailed in the Peninsula School District *Student Services Procedures Manual* and summarized below.

Prior to the removal of a Section 504 student from his/her current placement for disciplinary reasons, the Section 504 Committee will convene to determine whether the student's behavior is causally related to the disability. A change in placement may occur after ten (10) school days.

If the student's behavior is determined to be related to the student's disability, the Section 504 Committee will reevaluate to determine whether the student's current placement is appropriate.

If the Section 504 Committee determines that the student's current placement is not appropriate, it will determine the changes in placement necessary to appropriately serve the student in the educational setting.

Section 504 students who are recommended for suspension or expulsion solely on the basis of the current use or possession of illegal drugs, alcohol, or substances are not entitled to a Section 504 Committee placement re-evaluation or determination of relationship between such use or possession and the students' disabilities, or to the procedural safeguards afforded to students with a disability by Section 504 procedures.

Parents/guardians shall be notified in writing of all District decisions concerning the educational placement of their student and provided a copy of the procedural safeguards.

Parents and/or adult students have the right to appeal if they disagree with any disciplinary placement decision or if they disagree with a determination that the student's behavior was not a manifestation of the student's disability.

### **Family Rights and Privacy Act FERPA**

Peninsula School District is required by 34.C.F.R. 99.7 to provide parents the following annual notification of their FERPA rights; if parents have a primary or home language other than English, the District will effectively notify them of their rights under this section. The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are: The right to inspect and review the student's education records within 45 days of the day the District receives a request for access. Parents or eligible students should submit to the school Principal a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

The right to request the amendment of student's education records that the parent or eligible student believes is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. In addition, FERPA allows the School District to release "directory information" without prior parental consent. See 20 U.S.C. sec. 1232g(b)(1). Parents may object to disclosure of "directory information" by written request addressed to: Assistant Superintendent for K-12 Educational Programs, Peninsula School District No. 401, 14015 62<sup>nd</sup> Avenue N.W., Gig Harbor, Washington 98332.

Such a request must be received no later than September 15 of the current school year. Such a notice should indicate that "directory information" should not be released without prior parental consent. See 20 U.S.C. sec. 1232g(a)(5)(B). Unless a written notice of that sort is received by September 15 of the current school year "directory information" concerning the student may be released without prior parental consent during the current school year. Directory information shall include the student's: name, address, email address, telephone listing, Participation in officially recognized

activities and sports, weight and height of members of athletic teams, and dates of attendance.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington DC 20202-4605.

### **APPEALS--LONG-TERM SUSPENSION AND EXPULSION**

Appeals from a decision rendered pursuant to **WAC 392-400-270, WAC 392-400** and **WAC 392-400-305** which imposes either a Long-Term Suspension or an expulsion upon a student shall be governed as follows: following issuance of a Hearing Officer's decision adverse to a student, the student and his/her parent(s) or guardian(s) shall have the right to appeal. An appeal request shall be made orally or in writing and must be provided to either the office of the School District Superintendent or the office of the person who rendered the decision within three (3) school business days after receipt of the decision. Appeal is to the Board of Directors unless the Board itself heard the matter in the first instance, in which case appeal is to the courts and governed by **RCW 28A.645.010** et seq.

If an appeal is not taken to the Board of Directors within the required three (3) school-business-day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three (3) school-business-day period.

If a timely appeal is taken to the Board of Directors, the imposition of the suspension or expulsion ordered by the Hearing Officer may be stayed by the Hearing Officer until the appeal is decided, or the suspension or Emergency Expulsion may be imposed for no more than ten (10) consecutive school days or until the appeal is decided by the Board, whichever is the shorter period. See **WAC 392-400-310**.

When the Hearing Officer has ordered continuation of an Emergency Expulsion, unless the Hearing Officer directs otherwise, the expulsion will not be waived pending appeal. See **WAC 392-400-310**. [When the Hearing Officer has ordered continuation of an Emergency Expulsion, unless the Hearing Officer directs otherwise, the imposition of the expulsion will not be waived pending appeal. See **WAC 392-400-310**] When the Hearing Officer has ordered a regular Expulsion or a Long-Term Suspension, the imposition of the removal will be imposed for no more than ten (10) consecutive school days or until the appeal is decided by the Board of Directors, whichever is the shorter period, unless the Hearing Officer directs otherwise in his/her decision. See **WAC 392-400-310**.

Unlike Long-Term Suspension or Emergency Expulsion, imposition of Short-Term Suspension continues, pending appeal. The Principal of the building where the Short-Term Suspension was imposed may waive this requirement; his or her decision as to imposition of the suspension pending appeal is not appealable. No reasons need be given for denial of a requested waiver pending appeal. See **WAC 392-400-255**.

An appeal from any decision of the Board of Directors to impose or to affirm the imposition of a Long-Term Suspension or an expulsion shall be to the courts. Whether or not the decision of the Board of Directors shall be postponed pending an appeal to Superior Court shall be



discretionary with the Board of Directors except as ordered otherwise by a court.

#### **APPEALS BEFORE BOARD OF DIRECTORS**

The Board of Directors, by approval of this Handbook, opts to hear cases itself. If a notice of appeal to the Board of Directors is received, orally or in writing, pursuant to **WAC 392-400-310** within the required three (3) school days, the Board, at the option of the Board President shall schedule and hold an informal conference to review the matter within ten (10) school days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be granted the opportunity to present such witnesses and testimony as the Board deems reasonable. The Board shall agree to one of the following procedures prior to adjournment or recess: study the hearing record or other material submitted and render its decision within fifteen (15) school days after the date of the informal conference; or schedule and hold a meeting to hear further arguments based on the record before the Board and render its decision within fifteen (15) school days after the date for the informal conference; or schedule and hold a meeting within ten (10) school days after the date of the informal conference for the purpose of hearing the case *de novo*. In the event the Board of Directors elects to hear the appeal *de novo*, the student or his/her parent(s), guardian(s), or custodian(s) shall have the right to: inspect in advance of the hearing any documentary and other physical evidence which the School District intends to introduce at the hearing; question and confront witnesses; present his/her explanation of the alleged misconduct; and make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

The designee(s) of the School District assigned to present the District's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his/her parent(s), guardian(s), or custodian(s) intend to introduce at the hearing; and

Either a tape-recorded or verbatim record of the hearing shall be made.

#### **BOARD OF DIRECTORS DECISIONS**

Any decision by the Board of Directors pursuant to this chapter to impose or affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made: only by those Board members who have heard or read the evidence; only by those Board members who have not acted as a witness in the matter; only at a meeting at which a quorum of the Board is present and by majority vote.

### **Rules for Riding the School Bus**

These transportation rules describe additional expectations for students riding school buses.

#### **BUS RULES:**

The driver is in full charge of the bus and passengers and is authorized to assign seats. Students will remain seated while the bus is in motion. Students will speak with a conversational voice and will refrain from the use of vulgar and abusive language. Students will dispose of trash in an appropriate waste receptacle. Students will keep windows closed unless given permission by the driver. Students will keep their head, hands, feet, and all personal possessions to

themselves, inside the bus, and out of aisles. Students will keep objects that injure or anything that may be used as a weapon off the bus (matches, glass, sticks, etc.). All articles must be contained safely. Animals and insects are prohibited. Oversized items will not be transported without advance prior approval from the bus driver. Students will treat the bus driver and other passengers with respect. Students will refrain from all eating or drinking on the bus.

#### **BUS STOP BEHAVIOR STANDARDS:**

Students will cross in front of the bus to enter and exit. Students will wait at the roadside, not in the roadway, while waiting for the bus.

#### **THE DISCIPLINE PROCESS AND MISCONDUCT CONSEQUENCES**

**FIRST REFERRAL:** Student is issued a first conduct report. Student will have a conference with the Principal. Parents will be notified. Student is warned of the consequences of a second offense. Other consequences may include detention or public service.

**SECOND REFERRAL:** Student is issued a second conduct report. Student will have a conference with the Principal. Parents will be notified. Student will lose all bus riding privileges for a minimum of one (1) school day. Student is warned of the consequences of a third offense.

**THIRD REFERRAL:** Student is issued a third conduct report. Student will have a conference with the Principal. Parents will be notified. Student will lose all bus riding privileges for a minimum of five (5) school days. Student is warned of the consequences of a fourth offense.

**FOURTH REFERRAL:** Student is issued a fourth conduct report. Student will have a conference with the Principal. Parents will be notified. Student will lose all bus riding privileges for a minimum of ten (10) school days. Student is warned of the consequences of a fifth offense. **FIFTH REFERRAL:** Student is issued a fifth conduct report. Student will have a conference with the Principal. Parents will be notified. Student will lose all bus riding privileges for the remainder of the school year.

**NOTE:** The foregoing process is routinely progressive but in exceptional circumstances steps may be skipped, meaning, for example, the student might lose all bus privileges for five (5) school days at the first offense if the offense is exceptional misconduct. When a student loses bus privileges for more than ten (10) school days, the student is afforded the same hearing rights applied to regular corrective action.

A student who engages in exceptional misconduct while subject to bus transportation rules is subject to discipline provided for in the **RULES FOR STUDENTS RIDING THE SCHOOL BUS** and may also be subject to discipline provided for in the Student Code of Conduct for the same offense. As defined in **Policy 3200** and **3241**, exceptional misconduct may result in immediate suspension of bus riding privileges.

**Bus Appeal Procedure:** Once a student loses his/her bus riding privileges an appeal may be made through the building Principal in writing within three (3) school business days following the date of the notice privileges have been lost. If the outcome of the meeting is not satisfactory to the student and/or parents, they can appeal the decision to the District level. This appeal will be made to the Academic Officer for K-12 Educational Programs; the appeal must be made in writing within three (3) school business days following the decision of the building Principal. A hearing will then be set with the District Hearing Officer, parents, student, bus driver,

transportation director, and others as appropriate. The Hearing Officer will endeavor to decide the matter at the hearing with written confirmation of the decision to follow promptly; otherwise, a written decision will be made by the Hearing Officer within 24 hours following date of hearing.

In the event the student has been denied bus privileges *and* a school suspension or expulsion has also been imposed for the same reasons leading to the denial of bus privileges *and* a due process hearing has been scheduled to deal with the broader suspension or expulsion, the Hearing Officer will determine the bus privileges component at the same hearing which deals with the broader suspension or expulsion.

#### **Regulation of Dangerous Weapons on School Premises**

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. 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.

#### **Possession of a firearm by a student on school property will result in a one year mandatory expulsion, subject to appeal with notification to parents and law enforcement. RCW 28A.600.420**

"Possession" includes, but is not limited to, having a weapon on District property or at a District-sponsored event located: (a) in a space assigned to a student such as a locker or desk; (b) on the student's person or property (such as on the student's body, or in his/her clothing, purse, backpack, gym bag or vehicle); or (c) under the student's control or accessible or available, such as hidden by the student.

In extraordinary circumstances, the school may assert jurisdiction over a possession event occurring off school premises. To do so, there must be a nexus (connection) between the possession event and school, for example, a student who possesses (or constructively possesses) a weapon by having it in a vehicle which is used for transport to and from school and which is parked during the period of school attendance at an off-school premises location. When jurisdiction is asserted, a crime must be reported to law enforcement.

A weapon includes, but is not limited to: (a) a firearm or destructive device (see c. following); an air gun, which includes any air pistol or air rifle designed to propel a BB, pellet, or other projectile by discharge of compressed air, carbon dioxide or other gas; or any items which appear to others to be realistic firearms or air guns; or (b) a bow and arrow or cross bow; (c) any instrument for shooting small objects and projectiles including a sling shot, straws, tubes, elastic bands; or (d) a sand club, sling shot, chains, or metal knuckles; or (e) a device commonly known as "throwing stars," multi-pointed metal objects designed to embed upon impact from any aspect; or (f) any knife which is a cutting or stabbing instrument with a sharp blade set in a handle including, but not limited to, a spring blade knife; or any knife the blade of which is automatically released by a spring mechanism or other mechanical device; or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement; or (g) a dirk, which is a type of dagger; or (h) any device commonly known as "nun-chu-ka-sticks"

consisting of two or more lengths of wood, metal, plastic or similar substance connected with wire, rope or other means; or (i) any explosive or incendiary devices, such as fireworks, which do not otherwise come within the definition of "destructive device" at c.(d) following; and such other tangible item which may be designed to cause injury or intimidation or used to cause injury or intimidation to others. In certain circumstances a laser light pen *may* be a weapon. See Chapter 180 SHB 2086, 1999 Laws of the State of Washington, effective July 1999.

The term "firearm" means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device, including any explosive, incendiary, or poison gas, or a bomb, grenade, or rocket having a propellant charge of more than four ounces, or a missile having an explosive or incendiary charge of more than one-quarter ounce, or a mine or devices similar to any of the devices just described.

It is unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife, or other cutting or stabbing instrument, club, or any other 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 or that warrants alarm for the safety of other persons.

A person possessing a weapon or a firearm may be guilty of criminal misconduct. Possession of a firearm by a student constitutes grounds for expulsion from the state's public schools in accordance with **RCW 28A.600.010** and **RCW 28A.600.420**. Appropriate school authorities shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

The following persons may carry firearms into school buildings, as necessary, although students engaged in these activities are restricted to the possession of rifles on school premises: 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; persons competing in school-authorized firearm or air gun competitions; 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.

Persons may bring dangerous weapons, other than firearms, onto school premises if the weapons are lawfully within the person's possession and are to be used in a school-authorized martial arts class.

#### **Personal Protection Spray Devices**

Persons over fourteen years of age and between fourteen and eighteen years of age, with written parental or guardian permission, may possess personal protection

spray devices on school property. No one under eighteen years of age may deliver such devices, nor may anyone eighteen years or older deliver a spray device to anyone under fourteen or to anyone between fourteen and eighteen who does not have parental permission. 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. School officials shall notify the appropriate law enforcement agency of known or suspected violations of this policy.

### **Student Weapons Violations**

The Board of Directors has a no-tolerance policy toward students who are in any way involved with a weapon on school property or at a school activity. When an alleged weapons incident occurs, the suspected student may be removed from contact with other students while a preliminary investigation is conducted. This removal may be considered for purposes of investigation rather than disciplinary in nature. Within a period of three (3) school days from the commencement of the investigation, the student must be disciplined or returned to regular student status.

When, following an investigation by the Principal or designee, it is determined that there has been a violation of the District weapons policy, the student may be deemed an immediate and continuing danger, placed on Emergency Expulsion status, and law enforcement notified. A written notice will then be issued to the student and parent(s) advising that a hearing will be held. When, at hearing, it is determined that the violation involves a firearm, the Emergency Expulsion will be converted to a regular Expulsion, subject to the provisions of Paragraphs 1 through 6 following. When, following hearing, it is determined that there has been a violation of the District weapons policy but the weapon involved was not a firearm, as that term is defined herein, the Hearing Officer may continue the Emergency Expulsion, or convert the Emergency Expulsion, as the case requires, to either a Long-Term Suspension or an Expulsion. As appropriate, Rehabilitation Act of 1973 (Sec. 504) and the Individuals With Disabilities Education Act (IDEA) shall be applied. The minimum length of the expulsion will be until there is documented achievement of guidelines for readmission. These guidelines will be developed by the building administrator and shared with the student and parent(s) after the hearing with the Board of Directors Hearing Officer, or when the time limitations for a hearing have passed without a request for a hearing. Provided, when the weapon involved is a firearm, as that term is defined at **RCW 9.41.010**, the minimum period of expulsion shall be from the date of the expulsion to the beginning of the grading period closest to the end of one chronological year.

Upon application to return, the student appeal shall be directed to a Faculty Review Committee. Such committee shall make a non-binding recommendation to the Superintendent's designee. The Superintendent will make the final decision on readmission.

The Faculty Review Committee shall generally be composed of: The building Principal; one (1) counselor; two (2) or more teachers selected by the building faculty, including one (1) from the student assistance team; one (1) classified employee selected by the building classified staff; and parent(s) as designated by the Academic Officer for Learning and Teaching.

Should the student apply for admission to another school within the Peninsula School District, the Faculty Review Committee will be expanded to include the Principal and two (2) teachers from the new school. This procedure applies to a lateral transfer. When a student is moving from one level to another (middle school to high school, for example), the persons designated in Item 3 above shall be selected by the building the student wishes to attend. The persons designated in this section will come from the building the student last attended.

Prior to making its recommendation, the Faculty Review Committee will complete a comprehensive study of the student, intended to evaluate the potential future danger or threat posed by the student's readmission. Factors considered by the Committee will include, at a minimum, the following: successful completion of the guidelines for readmission plan; attitude and remorse of the student; student behavior since the expulsion; student's cooperation in designing a successful reintegration plan; willingness of the student and parent to agree, as appropriate, to a reasonable behavior contract; the burden shall be on the student and parent(s) to propose a plan for the student to return to school. The plan shall, to the extent possible, minimize future risk to students, staff, and the educational process.

The vote of the Faculty Review Committee shall be done in writing. Each member will submit a written statement/reaction to the Principal at the conclusion of the hearing. The Principal will submit a summary of the Committee's decision to the Superintendent's designee.

A student or parent who objects, in whole or in part, to the Principal's decision after investigation or the Faculty Review Committee determination, shall be entitled to appeal to the Board of Directors. Any such appeal must be submitted to the Superintendent in writing. Unless requested by the Board of Directors, no oral argument or comments will occur. The Board of Directors will make a decision on the grievance within ten (10) days following consideration.

All appeals may be made orally or in writing. Appeals to the Principal's decision must minimally address the issues listed below:

### **STUDENT WEAPONS VIOLATION APPEAL**

Students appealing a disciplinary decision for a weapons violation must respond in writing to the following statements. Any additional written information may also be submitted: student's name, today's date; school attended; and date of birth plus the following:

1. Your description of the incident: When did it occur? Where? Who observed it? How were you apprehended? What was the weapon involved?
2. How was the weapon obtained? Who is the owner? Why did you possess the weapon? What did you plan to do with the weapon after the incident in question?
3. Are you aware of the School District's no-tolerance policy towards weapons? How were you informed?
4. Clearly state your reactions to the facts of the incident as presented by the Principal.
5. Why are you appealing?

### **GRADE APPEAL PROCEDURE**

1. The classroom teacher is responsible for assigning a student grade.

2. If a parent or student wishes to appeal a grade, they must:

a. Provide a written request to the teacher who assigned the grade presenting the claim for a grade change. The teacher should make a prompt written response.

b. When the parent or student remains dissatisfied with the teacher's response they may next contact the building administrator (Principal or Assistant Principal) responsible for supervision of the department, which issued the grade. No claimed justifications for grade change can be offered at this level unless previously offered in the request to the teacher.

c. When the teacher is dissatisfied with the building administrator's decision to change a grade, the teacher may ask the Superintendent to review the decision. This request should be made in writing.

**Peninsula School District's**  
**Parent/Student Rights & Responsibilities Handbook**  
**Activities Code of Conduct**  
rev. 4/1/2010

### 1. CO-CURRICULAR ACTIVITIES DEFINED

Co-curricular activities require a great commitment from students, advisers, coaches and parents. Programs at this level stress personal dedication, drive and determination, while teaching the student participant to accept obligations to the group, teammates, advisers, coaches, the student body and the community. Co-curricular activities are a privilege, and participation is completely voluntary. They promote enjoyment, a high level of motivation, and the pursuit of excellence. Co-curricular activities shall include all school-approved student activities which occur outside of the normal school day.

Students participating in co-curricular activities in the Peninsula School District are considered to be in positions of leadership. They represent the school and community. Goals for participants are to:

- a. Promote and contribute to the goals of the total education program;
- b. Achieve optimum physical and emotional health and wellness;
- c. Exhibit sportsmanship and fair play; and
- d. Encourage participation and develop self-esteem.

This Activities Code is designed to establish a reasonably high standard for participants in co-curricular activities rather than to be punitive and deny access to such activities. Such a standard is a necessary method to help students prevent and solve behavioral problems relating to tobacco, alcohol and other drugs. The Code is designed to support students in their choice to avoid participation in illegal and unhealthy activities, and to support parents in their efforts to guide children into healthy lifestyles. These rules incorporate by reference the Washington Interscholastic Activities Association (W.I.A.A.) 2001-2002 Handbook.

A student who engages in exceptional misconduct (exceptional misconduct is defined as so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s), that students may be subject to a suspension for a first-time offense) while involved in school athletics or activities is subject to discipline provided for in the Activities Code *and* may also be subject to discipline provided for in the Student Code of Conduct for the same offense.

Students in grades 6-12 participating in co-curricular activities shall abide by the following rules during the calendar year, effective on the first day of the co-curricular activity. Participating students must be regular members of the school they represent in order to participate in an interscholastic athletic activity. Students are a "regular member" of a school if they are enrolled half time or more, exclusive of interscholastic athletic activities. (See W.I.A.A. rule 18.5.0)

1. As a condition of participation in co-curricular activities, participants will agree in writing to abide by all rules set forth below. Parents, guardians and/or legal custodians shall indicate in writing that they have received a copy of the rules and understand and accept them.

2. Participants will maintain satisfactory academic progress by earning a minimum 2.0 grade point average and by passing all but one class for the semester preceding the co-curricular activity.

3. Participants will be present the entire school day on which a co-curricular activity is scheduled. Exceptions will be made for family bereavement or emergencies; pre-arranged, school-related or school-approved activities; and doctor, dental or legal appointments (written documentation from the physician, dentist, etc., must be provided prior to the activity). The student is expected to attend all classes on the day following the activity.

4. Participants will abstain from the use, possession, transmission or illegal sale of any tobacco product throughout the calendar year.

5. Participants will abstain from the use, possession, transmission or illegal sale of alcohol or other illegal drugs or substances purported to be alcohol or other illegal drugs throughout the calendar year.

6. Participants will not engage in behavior which enables or condones the illegal use of alcohol or other drugs by other students. Examples include:

- Serving as a pre-arranged driver in order that others may participate in illegal activities;
- Attending or knowingly remaining at parties, events, or in proximity when illegal activities occur; *Note:* The term "knowingly" is interpreted to mean knowingly remaining in surroundings with a reasonable suspicion that illegal activity *may be* occurring. In that circumstance, a student has a duty to either withdraw or thoroughly investigate and rule out occurrence of illegal activities.
- Promoting illegal parties or activities.

7. Participants will abstain from the use, possession, transmission or sale of anabolic steroids or other legend drugs throughout the calendar year.

8. A participant is expected to attend all scheduled practices, meetings, contests and performances, whether or not school is in session. If it is found necessary to miss such, prior arrangements must be made with the adviser/coach.

9. School-owned equipment checked out by a participant in any co-curricular activity is his/her responsibility. The loss or misuse of this equipment will be the financial obligation of the participant. Individuals will not be allowed to participate in any co-curricular activity or receive awards until this obligation is fulfilled.

10. An athlete who has been injured and has had medical treatment cannot participate until a signed medical release is presented to the Head Coach. The release will be kept on file by the Athletic Director.

11. Completion of the activity season is required in order for the student to be eligible for a letter or other team individual awards (exception: injury which limits participation). No awards shall be given to any student suspended for the remainder of the season as the result of an Activity Code of Conduct violation or a suspension from school.

12. Participants are required to travel to and from contests with the team/group when transportation is provided for this purpose. When transportation is provided by the school, the only permitted exceptions to traveling via school transportation include:

- Injury to a participant which would require alternate transportation; and
- Written parental permission is obtained in advance, or personal contact between the parent and coach/advisor has been made resulting in prior approval. The release of the student must be approved by a designated school official. The student may then be released to a parent. Permission may be granted only for that parent or guardian's student.

13. Participants will not engage in any "exceptional misconduct," as defined by the Board at Student Responsibilities **Policy 3200P, Sub-Section B**.

The following procedures are established related to private coaches:

- **Any student athlete** who joins a school team must accept the full authority of the coaches who are employed by the school district and are expected to take his/her direction. Each athlete is subject to the rules and guidelines established by the team coach at the beginning of every season. Failure of an athlete to follow such instruction could result in loss of eligibility, letter points or possible dismissal from a school team.
- **Private coaches** may not participate in either school practices or school competitions. The private coach may be a spectator at any practice or competition, but will not be allowed to communicate with any athlete for

any reason while the student is under the authority of the school coach. Failure to comply may result in removal from the practice or competition by school officials.

- **The school coach**, the private coach, and the parents of the student athlete are encouraged to discuss any issues of disagreement regarding the student's training, preparation and performance. However, the school coach has the final authority to make decisions on any issue dealing with the school team.

## 2. ACTIVITIES CODE OF CONDUCT VIOLATIONS

### a. General Consequences

Students participating in co-curricular activities who violate rules of student conduct will be suspended from competition or performance as a consequence. If necessary, the suspension will carry over to the next activity or season in which the student participates. Parents or guardians will be notified of action(s) taken.

### b. Satisfactory Academic Progress

A student shall have passed 5 out of 6 classes (WIAA 18.7.0) in the immediately preceding semester/trimester in order to be eligible for competition during the succeeding semester/trimester. The record at the end of the semester/trimester shall be final, except for those credits earned in a regular, accredited summer school program or alternative educational program accepted by the school district.

**Academic Suspension Period** (WIAA 18.7.6) - A student who failed to make the grade requirements shall be placed on suspension. The student shall be ineligible during the suspension period. If, at the end of the suspension period, the student is passing in the minimum number of classes required above, the student may then be reinstated for interscholastic competition.

A. The suspension period for high school students shall be from the end of the previous semester through the last Saturday of September in the fall or the **first five**

**(5) weeks** of the succeeding semester/trimester.

B. The suspension period for middle level students shall be from the end of the previous semester through the **first three (3) weeks** of the succeeding semester/trimester.

C. Each student is eligible on Monday of the week following the end of the suspension period. Three or more teaching days shall constitute a week.

Support will be available to students to assist their return to academic compliance and reinstatement to competition or performance. Each student is eligible on the day following successful completion of the probation period. School holidays do not count as class minutes.

Schools may choose to use weekly progress reports as one method to determine academic eligibility of co-curricular participants for their return to competition or performance.

Schools shall monitor the academic progress of co-curricular participants during the co-curricular activity period.

#### **c. Exempting Considerations**

Students may be allowed to participate on a probationary status under conditions established by the student's IEP, IAP, multi-disciplinary team, or SFAT and administrative team.

#### **d. Tobacco Use**

When it is determined by the administrative team that a student has used, possessed, sold or transmitted any tobacco product, the following consequences will occur:

1st Offense: Suspension from co-curricular competition or performance for the next event or activity, or a comparable suspension for non-athletic activities. The student is required to attend a tobacco-cessation program.

2nd Offense: Suspension from co-curricular competition or performance for the next two events or activities, or a comparable suspension for non-athletic activities. A student who is participating in an approved tobacco-cessation program may be reinstated after serving the suspension as long as he/she continues to follow the provisions of the program. \*

Subsequent Offense: Suspension from co-curricular activities, competition or performance for the next four events or activities, or a comparable suspension for non-athletic activities. A student who is participating in an approved tobacco-cessation program may be reinstated after serving the suspension as long as he/she continues to follow the provisions of the program and on approval of the Principal. \*

*\* This encourages participation in a tobacco-cessation program while clarifying the consequence to be served.*

#### **e. Attendance Consequences**

The consequences of unexcused absence are the following:

1st Offense: Suspension from co-curricular competition or performance for the next event or activity, or a comparable suspension for non-athletic activities.

2nd Offense: Suspension from co-curricular competition or performance for the next two events or activities, or a comparable suspension for non-athletic activities.

Subsequent Offense: Suspension from co-curricular activities, competition or performance for the next four events or activities, or a comparable suspension for non-athletic activities.

#### **f. Illegal Use, Sale and/or Possession of Legend Drugs (RCW 69.41.020-050) and Controlled Substances (RCW 69.50)**

When it is determined by the administrative team that a student who is found to use, sell and/or be in possession of one or more legend drugs or alcohol in the manner defined in the PSD Student Responsibilities Handbook (Possession or Use, Alcohol, Drugs or Drug

Paraphernalia and/or Student Rights, Searches of Students and Personal Property, Identification of Student Alcohol Use), or has abused alcohol or drugs in such manner at any other time or place during the chronological (not school) year, the student shall immediately become ineligible for competition/activity in the current sports/activity program and will be subjected to the following consequences:

1st Offense: Suspension from co-curricular competition or performance for 40% of the season of athletic competition or one activity (e.g. band, choir) performance. This suspension may be modified to 20% with alcohol and drug treatment if the student agrees to submit to substance abuse assessment and follow the approved treatment plan prior to returning to the co-curricular activity. When an assessment is conducted, the administrative team shall consider the recommendation of the substance abuse counselor. Parents will be invited to attend a post-assessment conference, if permissible under state law and regulations.

Subsequent Offenses: Suspension from all co-curricular activities for one calendar year beginning on the date of the second offense. The student will be required to retake a substance abuse assessment and follow the treatment plan designated by the administrative team. The administrative team shall consider the recommendations of the assessment counselor. If a participant provides ongoing verification of compliance with assessment and treatment recommendations he/she may be reinstated on probation contingent upon continuing compliance. Reinstatement will be only by approval of the Principal. The affected student may request the Principal to consider probation but the Principal need not do so. The Principal need not express specific reasons for refusing to allow probation. When probation is granted, all other similarly situated students must be offered the same opportunity. When the Principal intends to offer probation, he must notify both the Superintendent and the District Athletic Director, of the terms and conditions of probation prior to implementation. The terms of probation shall be developed collaboratively by the Principal, District Athletic Director, and Superintendent or designee. The probation, if granted, may include some suspensions from co-curricular activities or none at all. When probation is granted and when a violation of the probation occurs, the Principal may amend the probation or revoke it altogether. The student has no appeal from a Principal's choice to deny probation, choice of terms of probation or length of probation or decision to revoke probation. The foregoing provisions as to first and subsequent offenses carry over from year to year from the student's sixth grade year through the student's 8th grade year and from the students 9th grade year through their 12th grade year or last year in this school system.

#### **g. Anabolic Steroids**

When it has been determined by the administrative team that a student has used, possessed, sold or transmitted anabolic steroids, the provisions of this code will apply in addition to the eligibility regulations determined by the WIAA.

1st Offense: The participant will be ineligible for co-curricular participation for the current co-curricular

activity season. The student must take a substance abuse assessment and follow the treatment plan designated by the administrative team prior to returning to co-curricular activities. The administrative team shall consider the recommendations of the assessment counselor. Parents will be invited to attend the post-assessment conference if permissible under state law and regulations.

2nd Offense: The participant will be ineligible and prohibited from participation in any WIAA member school co-curricular activity for a period of one calendar year from the date of the second offense.

3rd Offense: The participant will be permanently prohibited from participation in any WIAA member school co-curricular activity.

#### **h. Enforcement**

All members of the community should be alert and aware of the behavior of students, and should follow up on concerns brought to their attention by reporting to District personnel. District personnel shall report alleged violations to building administration, who will be responsible for reporting to a designated District office administrator. In cases of exceptional misconduct or a violation of the activities/athletic code, schools of similar level will coordinate consequences for the purpose of consistency. If the school disagrees with another school's interpretation of a violation or consequence, building administrators may seek an interpretation/decision from the District administration.

#### **i. Voluntary Reporting/Treatment**

Students who recognize they have a drug, alcohol, tobacco, or anabolic steroid problem, and of their own volition (and prior to any informal or formal report of their first drug, alcohol, steroid, or tobacco offense) seek counseling or assessment, and follow the provisions of the treatment program, will generally be allowed to maintain their eligibility. The intent of this "self-reporting" policy is not to create a means by which students may avoid discipline. If the administrative team deems the "self-reporting" is or was being used to avoid discipline, the student will be disciplined according to Board policy.

#### **j. Administrative Team**

For purposes of enforcement of the Activities Code of Conduct, the administrative team will consist of a building administrator and other personnel as designated by the Principal.

#### **k. Reporting**

Building administrators will submit an end-of-semester report of all activity under this Code to the Superintendent and the Board. The reports will be of sufficient scope and detail to satisfy the Superintendent and the Board.

#### **l. Notice and Due Process**

When parents and/or students are notified of an alleged violation of the Activities Code of Conduct and the consequence(s), such notice shall be in writing and include a description of the disciplinary grievance procedure. The building Principal, following recommendations from the coach or activities adviser and/or Athletic Director, will impose Activities Code of Conduct discipline. Activities Code discipline (or

suspension) will remain in effect pending appeal. The Assistant Superintendent for Education Programs, or designee, will hear any appeal of Activities Code discipline.

(Electronic Resources begins on the next page.)

## Electronic Resources (updated June 2012)

The Electronic Resources Policy of the Board is designed to promote positive and effective digital citizenship among students and staff. Digital citizenship represents more than technology literacy. Successful, technologically-fluent digital citizens live safely and civilly in an increasingly digital world. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on the individual's life and career. Expectations for student and staff behavior online are no different from face-to-face interactions.

We expect your child to use District computing devices as well as any personal devices to access digital resources responsibly and appropriately. Our Policy and Procedures summarize that use for educational purposes only and specifically prohibits harassment and bullying. We will provide appropriate Internet safety instruction, direction and supervision to make that experience both safe and educationally enriching.

It is important to note, anyone using any personal computing device and/or cell phone to access digital resources and/or the Internet on District property must comply with all the acceptable and responsible use provisions in place under **Policy 2022** and **Procedures 2022P**. Read the entire Policy <http://sl.psd401.net/2022> and Procedures <http://sl.psd401.net/2022P> on our website <http://psd401.net>.

The District network includes wired and wireless computers and peripheral equipment, files and storage, e-mail and Internet content (blogs, web sites, web mail, groups, wikis, etc.). The District reserves the right to prioritize the use of, and access to, the network. All use of the network must support education and research and be consistent with the mission of the District.

1. Annually, it is assumed that parents grant their child the right to access the network and maintain a desire to have their child use the Internet as an educational resource unless the parent signs and returns the opt out form that is included as part of the annual enrollment form.
2. Annually, students will receive grade level instruction on digital citizenship and Internet Safety educating them about appropriate online behavior, using personal portable devices at school, interacting with other individuals on social networking websites and cyber-bullying awareness and response.
3. Annually, all staff must sign an Acceptable Use and Internet Safety Agreement or take an online Acceptable Use and Internet Safety course before access will be granted to the network.
4. Use of the computer network and Internet is a privilege, not a right. A user who violates this agreement shall, at a minimum, have his or her access to the network temporarily terminated. The District may also take other disciplinary action as appropriate.

## Acceptable network use by District students and staff includes:

- Creation of files, digital projects, videos, web pages and podcasts using network resources in support of educational research;
- Participation in blogs, wikis, bulletin boards, social networking sites and groups, and the creation of content for podcasts, e-mail and web pages that support educational research;
- With parental permission, the online publication of original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately;
- Student and Staff use of the network for incidental personal use in accordance with all District policies and procedures;
- Connection of personal electronic devices (wired or wireless) including portable devices with network capabilities to the District network after receiving appropriate approval. Students will only use personal electronic devices on the District's network at the discretion and approval of their teacher, school building staff and/or administration. District staff will check with their supervisors once at the beginning of each school year. Connection of any personal electronic device to the District network by any person is subject to all procedures in this document.

## Unacceptable network use by District students and staff includes but is not limited to:

- Personal gain, commercial solicitation and compensation of any kind ;
- Actions that result in liability or cost incurred by the District;
- Downloading, installing and use of games, audio files, video files, or other applications for anything other than in the support of educational research;
- Support or opposition for ballot measures, candidates and any other political activity;
- Hacking, cracking, vandalizing, the introduction of viruses, worms, Trojan horses, time bombs and changes to hardware, software and monitoring tools;
- Unauthorized access to other District computers, networks and information systems;
- Cyber bullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks;
- Information posted, sent or stored online that could endanger others (e.g., bomb construction, drug manufacturing);
- Accessing, uploading, downloading, storage and distribution of obscene, pornographic or sexually explicit material; and
- Attaching unauthorized devices to the District network. Any such device will be confiscated and additional disciplinary action may be taken.



- The District will not be responsible for any damages suffered by any user, including but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries or service interruptions caused by its own negligence or any other errors or omissions. The District will not be responsible for unauthorized financial obligations resulting from the use of, or access to, the District's computer network or the Internet.

### **Internet Safety**

All students will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

- Students and staff should not reveal personal information, including a home address and phone number, on web sites, blogs, podcasts, videos, social networking sites, wikis, e-mail or as content on any other electronic medium;
- Students and staff should not reveal personal information about another individual on any electronic medium without first obtaining permission;
- No student pictures or names can be published on any public class, school or district website unless the appropriate permission has been obtained according to District policy; and
- If students encounter dangerous or inappropriate information or messages, they should notify the appropriate school authority.

### **Filtering and Monitoring**

Filtering software is used to block and/or filter access to visual depictions that are obscene and all child pornography in accordance with the Children's Internet Protection Act (CIPA). Other objectionable material could be filtered. The determination of what constitutes "other objectionable" material is a local decision.

- Filtering software is not 100% effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his or her use of the network and Internet and avoid objectionable sites;
- Any attempts to defeat or bypass the District's Internet filter or conceal Internet activity are prohibited: proxies, https, special ports, modifications to District browser settings and any other techniques designed to evade filtering or enable the publication of inappropriate content;
- E-mail inconsistent with the educational and research mission of the District will be considered SPAM and blocked from entering District e-mail boxes;
- The District will provide appropriate adult supervision of Internet use. The first line of

defense in controlling access by minors to inappropriate material on the Internet is deliberate and consistent monitoring of student access to District computers;

- Staff members who supervise students, control electronic equipment or have occasion to observe student use of said equipment online, must make a reasonable effort to monitor the use of this equipment to assure that student use conforms to the mission and goals of the District; and
- Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct and assist effectively.