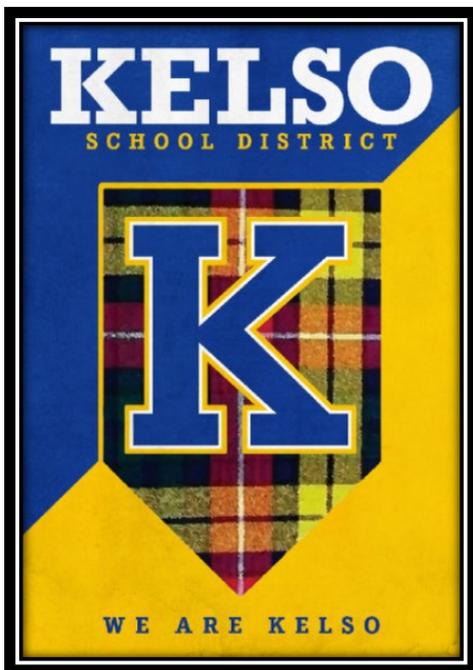


Student Rights and Responsibilities Handbook



***The mission of the Kelso Public Schools is to
prepare every student for living, learning and
achieving success as a citizen of our ever-
changing world!***

2021-2022 School Year

Dear KSD Parents/Guardians and Students:

On behalf of the Kelso School District, I would like to welcome you to the 2021-2022 school year! The Kelso School District has a richly deserved reputation for providing outstanding educational opportunities for all students. This has not come about by happenstance, but through a steadfast resolve to being a dynamic learning community that prepares every student for success now – and in the future.

A key component of our program is providing a safe and productive learning environment for students, staff, parents and visitors. Kelso School District updates and publishes this handbook annually to explain student rights, responsibilities and consequences for misbehavior. This handbook provides a summary of some of the laws, regulations and District policies that govern student rights, responsibilities, student discipline and due process.

I encourage you to take time to review and discuss the information in this *Overview of Student Rights and Responsibilities* with your school-age children, then find a place to keep it for reference if necessary during the coming school year.

Thank you for taking time to become familiar with the important information in this handbook. If you have questions, or you are interested in becoming a member of our annual Ad Hoc Committee we would welcome your participation in this important process. Please email amy.delagrance@kelsosd.org if you would like to join.

Best wishes for an enjoyable and successful school year---**We are Kelso!**

Sincerely,



Don Iverson
Director of Student Services
Kelso School District



**State laws and regulations are ever changing. All changes will be updated as needed. A complete and current Student Rights and Responsibilities handbook can be found online at www.kelso.wednet.edu.*

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FERPA Notice

Each year, the Kelso School District publishes information to parents regarding the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal privacy law that gives parents certain protections with regard to their children's education records, such as report cards, transcripts, disciplinary records, contact and family information, and class schedules. As a parent, you have the right to review your child's education records and to request changes under limited circumstances. To protect your child's privacy, the law generally requires schools to ask for written consent before disclosing your child's personally identifiable information to individuals other than you. See the Kelso School District webpage @ www.kelso.wednet.edu.





Safety is one of our district's top priorities, which is why we're now using Safe Schools Alert, a tip reporting system that allows students, staff, and parents to submit safety concerns to our administration four different ways:

1. Phone: 360.703.9645
2. Text: Text your tip to 360.703.9645
3. Email: 1194@alert1.us
4. Web: <https://kelso-wa.safeschoolsalert.com>

Easily report tips on bullying, harassment, drugs, vandalism or any safety issue you are concerned about. You can submit a tip anonymously online or by telephone. More information, including the Safe Schools Alert Terms of Use and Privacy Policy, is available online at: <https://kelso-wa.safeschoolsalert.com>.



Kelso School District #458 complies with all federal rules and regulations and does not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups listed in Title 36 of the United States Code. The following employee(s) has been designated to handle questions and complaints of alleged discrimination: Holly Budge, Director of Human Resources, the school district's Title VII Officer and ADA Coordinator. People of disability may request reasonable accommodation in the hiring process by contacting, Holly Budge, Director of Human Resources, 601 Crawford Street, Kelso, WA 98626 or (360) 501-1924.

Inquiries regarding compliance procedures regarding students may be directed to Don Iverson, Director of Student Services, the school district's Title IX Coordinator, 601 Crawford Street, Kelso, WA 98626 (360) 501-1905.

INTRODUCTION

This student handbook is intended to provide all students, teachers, administrators, and parents with access to and an understanding of District expectations. These expectations help to reinforce the District's mission and the core values of a democratic society. They express the value of mutual human respect for each person that we expect to be manifested in the daily behaviors of students, staff, and volunteers.

This handbook provides a summary of some of the laws, regulations and District policies that govern student rights, responsibilities, student discipline and due process. The complete policies are available on the district website: www.kelso.wednet.edu

The School Board authorizes school staff; certificated teachers, school administrators, bus drivers, and any other school staff with the authority to impose discipline upon a student for misconduct that violates the rules of the school District. Any of these persons also may remove a student on an emergency basis from a class, subject, or activity.

The School Board authorizes school staff to remove students who create a disruption of the educational process in violation of school behavior standards from their classrooms for the rest of the school day or until an administrator and the teacher have discussed the incident, whichever comes first. Except in emergency circumstances, the teacher is expected to have first attempted one or more alternative forms of corrective action. In no case will a student be allowed to return for the rest of the class period or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first (RCW 281.600.200)

The School Board authorizes Directors, School Principals and Assistant Principals to impose discipline, short-term suspensions, long-term suspensions, emergency expulsions, and expulsions.

Substance Abuse Program

Policy 2121

The board recognizes that the use/abuse of alcohol, and the use and abuse of controlled, illegal, addictive or harmful substances including but not limited to marijuana (cannabis), narcotic drugs, mood altering chemicals, legend drugs, stimulants, hallucinogenic, amphetamines, barbiturates, inhalants, caffeine pills, diet pills, sleeping pills, anabolic steroids or synthetic drugs, is a societal problem and may represent an impairment to the normal development, well-being and academic performance of students.

To ensure the safety, health and well-being of all students, the board is committed to the development of a program, which emphasizes drug and alcohol abuse prevention, information intervention, after-care support and necessary corrective actions.

The board recognizes the effects to the school, home and community resulting from the abuse of alcohol and the use and abuse of controlled illegal, addictive or harmful substances. While the primary obligation to seek assistance rests with the student and his/her parent(s)/guardian(s), school staff will work with the home and community to develop and implement a comprehensive prevention and intervention program. The board of directors will seek to cooperate and coordinate with public and private agencies through participation on advisory committee(s) including representatives from the instructional staff, students, parents, state and local law enforcement staff and the county coordinator of alcohol and drug treatment or a representative of a treatment provider. If such a committee meeting state funding requirements is not in existence, the board of directors shall form one.

The Superintendent is directed to develop and implement procedures to assess the scope of the problem of the use of addictive substances such as alcohol, drugs and nicotine, and to reduce and/or eliminate the problems associated with the use of alcohol, drugs and nicotine.

Parents and interested community members are encouraged to visit the school and/or classroom to observe classroom activities and review

instructional materials. The district will evaluate the effectiveness of the program on a regular basis.

Drugs, Alcohol, or Paraphernalia Sanctions

Procedure 2121

The possession, use, and/or selling of drugs and alcohol and paraphernalia are considered to be exceptional misconduct and therefore, the sanctions for violations under this regulation shall be cumulative from school year to school year: violations will be cumulative from grades K- 5, and for grades 6-12. Student discipline records indicating violations of the drug and alcohol policy will be shared among the middle schools and the high school.

A student shall not possess, use, or be under the influence of any narcotic drug(s), mood altering chemicals, alcoholic beverage, legend drugs, anabolic steroids, stimulants, hallucinogenic drug(s), amphetamines, barbiturates, marijuana, inhalants, caffeine pills, diet pills, sleeping pills, or any substance purported to be one of the above, or any substance, legal or illegal, that induces mood or behavior changes. A student shall not possess any paraphernalia (equipment, materials, or apparatus used for drug use). These restrictions apply during school time, on school property, during school-sponsored events, or while in transport under district supervision to or from school and/or any school-sponsored activity.

Also, violations for possession, use, transfer, transport, exchange, sale of, and/or being under the influence of legend drugs and anabolic steroids shall be reported to the new school of record when a student, grades 6-12, transfers from the district, under authorization of the Washington Interscholastic Activities Association Handbook, Rule 23.30 and RCW 69.41.020-69.41.050.

Sanctions for possession, use, and/or sale of narcotic drug, mood altering chemical, alcoholic beverage, legend drug, anabolic steroid, stimulant, hallucinogenic drug, amphetamine, barbiturate, marijuana, caffeine pill, diet pill, sleeping pill, or any substance purported to be one of the above or any paraphernalia associated with the use of illicit drugs by students participating in WIAA activities/athletics is cumulative from grades 6-12.

The use of medication, prescribed for an individual student and used exclusively by the same student in accordance with the specific directions of the student's licensed medical practitioner, shall not be considered a violation of this regulation.

Students found in violation of this regulation shall be afforded due process and have the right of appeal to the Board of Directors.

Under this regulation, the parent(s), guardian(s) and/or students are responsible for any and all costs incurred for student assessments and any recommended treatment in which the student participates. Students whose families meet the district's income eligibility guidelines may be eligible for fee reductions for assessment and treatment through the contracting agencies.

Possession or Use of Alcohol and/or Illegal Drugs and/or Drug Paraphernalia

Grades K-5

Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

First Offense

The student may be provided a school based disciplinary action up to a short-term suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

The short-term suspension may be reduced if;

1. The student participates in a screening conducted by a qualified dependency counselor as defined by WAC 440-22-010; and
2. The parent(s)/guardian(s) sign a consent for an exchange of information between the qualified dependency counselor and the Kelso School District; and
3. The students and parent(s)/guardian(s) meet with the principal

4. The student follows the conditions set forth during the re-entry conference. Failure to follow these conditions will result in the student serving the remaining suspension days.

Second Offense

The student may be provided a school based disciplinary action up to a short-term suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

1. The student participates in a screening conducted by a qualified dependency counselor as defined by WAC 440-22-010; and
2. The parent(s)/guardian(s) sign a consent for an exchange of information between the qualified dependency counselor and the Kelso School District; and
3. The students and parent(s)/guardian(s) meet with the principal (or designee) to discuss the results of the assessment and to discuss conditions for re-entry into the school at the conclusion of the suspension.
4. The student follows the conditions set forth during the re-entry conference. Failure to follow these conditions will result in the student serving the initially determined suspension days.

***Note:** If second offense occurs in the same school year as first offense, the student will be found in violation of re-entry conditions and will need to serve the remaining days of previous suspension before serving any of the new discipline.*

Grades 6-12

Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

First Offense

The student may be provided a school based disciplinary action up to a short-term suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

1. The student participates in a screening conducted by a qualified dependency counselor as defined by WAC 440-22-010; and
2. The parent(s)/guardian(s) sign a consent for an exchange of information between the qualified dependency counselor and the Kelso School District; and
3. The students and parent(s)/guardian(s) meet with the principal (or designee) to discuss the results of the assessment and to discuss conditions for re-entry into the school at the conclusion of the suspension.
4. The student follows the conditions set forth during the re-entry conference. Failure to follow these conditions will result in the student serving the initially determined suspension days.

Second Offense

The student may be provided a school based disciplinary action up to a long-term suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

1. The student participates in a screening conducted by a qualified dependency counselor as defined by WAC 440-22-010; and
2. The parent(s)/guardian(s) sign a consent for an exchange of information between the qualified dependency counselor and the Kelso School District; and
3. The students and parent(s)/guardian(s) meet with the principal (or designee) to discuss the results of the assessment and to discuss conditions for re-entry into the school at the conclusion of the suspension.
4. The student follows the conditions set forth during the re-entry conference. Failure to follow these conditions will result in the student serving the remaining initially determined suspension days.

***Note:** If second offense occurs in the same school year as first offense, the student will be found in violation of re-entry conditions and will need to serve the remaining days of previous suspension before serving any of the new discipline.*

Third Offense

The student may be expelled from Kelso School District.

To be considered for re-entry to the Kelso School District, the student must complete a formal assessment conducted by a qualified dependency counselor, as defined by WAC 440-22-010, sign a consent for exchange of information form, and then meet with the principal (or designee) to determine conditions for re-entry into the Kelso School District.

Selling or Distributing Alcohol and/or Illegal Drugs and/or Drug Paraphernalia or Substances Represented as Such

Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

Grades K-5

First Offense

The student may be provided a school based disciplinary action up to a short-term suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

1. The student participates in a screening conducted by a qualified dependency counselor as defined by WAC 440-22-010; and
2. The parent(s)/guardian(s) sign a consent for an exchange of information between the qualified dependency counselor and the Kelso School District; and
3. The students and parent(s)/guardian(s) meet with the principal (or designee) to discuss the results of the assessment and to discuss conditions for re-entry into the school at the conclusion of the suspension.
4. The student follows the conditions set forth during the re-entry conference. Failure to follow these conditions will result in the student serving the remaining suspension days.

Second Offense

The student may be expelled from Kelso School District. To be considered for re-entry to the Kelso School District, the student must complete a formal assessment conducted by a qualified dependency counselor, as defined by WAC 440-22-010, sign a consent for exchange of information form, and then meet with the principal (or designee) to determine conditions for re-entry into the Kelso School District.

Grades 6-12

Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

First Offense

The student may be provided a school based disciplinary action up to a long-term suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

1. The student participates in a screening conducted by a qualified dependency counselor as defined by WAC 440-22-010; and
2. The parent(s)/guardian(s) sign a consent for an exchange of information between the qualified dependency counselor and the Kelso School District; and
3. The students and parent(s)/guardian(s) meet with the principal (or designee) to discuss the results of the assessment and to discuss conditions for re-entry into the school at the conclusion of the suspension.
4. The student follows the conditions set forth during the re-entry conference. Failure to follow these conditions will result in the student serving the remaining suspension days.

Second Offense

The student may be expelled from Kelso School District. To be considered for re-entry to the Kelso School District, the student must complete a formal assessment conducted by a qualified dependency counselor, as defined by WAC 440-22-010, sign a consent for exchange of information form, and then meet with the principal (or designee) to determine conditions for re-entry into the Kelso School District.

Solicitation of Alcohol, Drugs or Paraphernalia

Grades K-12

Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

First Offense

The student may be provided a school based disciplinary action up to a short-term suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

1. The student participates in a screening conducted by a qualified dependency counselor as defined in WAC 440-22-010; and
2. The parent(s)/guardian(s) sign a consent for an exchange of information between the qualified dependency counselor and the Kelso School District; and
3. The student and parent(s)/guardian(s) meet with the principal (or designee) to discuss the results of the assessment and to discuss conditions for re-entry into the school at the conclusion of the suspension.
4. The student follows the conditions set forth during the re-entry conference. Failure to follow these conditions will result in the student serving the remaining suspension days.

Second and Subsequent Offenses

Discipline will follow the sanctions listed under Section A, Possession or Use of Alcohol and/or Illegal Drugs and/or Paraphernalia, beginning with First Offense.

Sexual Health Education

Policy 2125

The Kelso board of directors is authorized by law to determine whether sexual health education instruction will be offered in the district. The board has determined that such a program will be offered to students, consistent with state law.

Sexual health education instruction offered by the district shall be medically *and scientifically* accurate, age appropriate, appropriate for students regardless of gender, race, disability status, or sexual orientation and include information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases. Abstinence will not be taught to the exclusion of other instruction on contraceptives and disease prevention.

The district's sexual health education program shall be consistent with the 2005 Guidelines for Sexual Health Information and Disease Prevention developed by the Department of Health and the Office of Superintendent of Public Instruction.

The superintendent/designee will provide parents/guardians an opportunity to review the materials to be used and provide information on excluding their child from sexual health education instruction.

Service Animals in Schools

Policy 2030

(See also Procedure 2030)

The Kelso School District Board of Directors acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" as required by federal laws and Washington State's law against discrimination. This policy governs the

presence of service animals in the schools and on school property, including school buses and at school activities.

A “service animal” means an animal that is trained to do work or perform tasks for the benefit of an individual with a sensory, mental or physical disability. The parent/guardian of a student who believes the student needs to bring a service animal to school or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 coordinator or director of special services, as appropriate, will determine whether or not to permit the service animal in school.

A “service animal” means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual’s disability.

Examples of work or tasks include, but are not limited to the following:

- Assisting individuals who are blind or have low vision with navigation and other tasks,
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- Providing nonviolent protection or rescue work,
- Pulling a wheelchair,
- Assisting an individual during a seizure,
- Alerting an individual to the presence of allergens,
- Retrieving items, such as medicine or the telephone,
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities, and
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

It is a civil infraction to misrepresent an animal as a service animal. A student's parent/guardian who believes their student needs to bring a service animal to school or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 coordinator or director of special services, as appropriate, will determine whether to permit the service animal in school.

The principal shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The principal may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The principal shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require that the service animal demonstrate its task. The principal may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability.

Other Animals on Campuses

With the exception of service animals, animals are not allowed on District campuses during school hours unless specifically approved by the Principal. Many animals, while well behaved normally, may act aggressively under the increased input of a school campus where students and adults are moving constantly. School hours are meant to include classroom periods, the period of time before and after school when students are entering and exiting the school, and during after-school activities when students are present.

Parents or guardians walking their animals and the student as part of the arrival or departure process must keep their animals off the school grounds. Animals remaining in vehicles while visiting the campus are not restricted except that owners should keep windows and other openings restricted to prevent children from reaching into the vehicle.

Emotional Support Animals

Although many medical professionals have been turning to emotional support animals as a treatment plan to aid in psychiatric disabilities,

(including loneliness, phobias, anxiety, depression, and other related conditions) by providing companionship and comfort to the animal's owner, these animals often do not receive specialized training to aid the owner with skilled tasks. These animals are not considered service animals by the ADA or Washington State Law, and are not protected by the laws outlined for service animals, thus not permitted in our schools by students/staff.

Non-Curriculum-Related Student Groups

Policy 2153

Pursuant to the Equal Access Act, the board authorizes non-curriculum-related student groups to meet before, after school or during non-instructional time, subject to the approval of the principal.

Such approval shall be granted provided that activities of the group are not disruptive to school operations and the members of the group comply with the rules established by the superintendent and/or school principal. The board authorizes the superintendent to develop administrative procedures to create or maintain this "limited open forum."

The principal shall approve the non-curriculum-related student meeting or activity provided that:

1. The meeting shall be voluntary and initiated by students.
2. The school or its staff shall not be a sponsor of the group.
3. The meeting shall not materially and substantially interfere with the orderly operation of the school.
4. Students shall be responsible for the direction, control and conduct of the meeting. Guests must be registered and must not be regular participants.
5. The use of public funds for other than incidental and/or monitoring costs shall not be permitted. Funds acquired by non-curriculum related student groups shall be held in an associated student body account which shall be accessible by that student group.
6. A staff member shall not be compelled to attend when the meeting is contrary to his/her belief.
7. The constitutional rights of all persons shall be respected.

The principal shall be responsible for the assignment of a room and for the approval and/or assignment of a staff member to monitor the meeting.

Non-Curriculum-Related Student Groups

Procedure 2153

A group of students who wish to conduct a meeting on school premises before or after school shall submit a request to the school principal at least five school-business days prior to the desired meeting date. The principal will grant or deny the request at least two school-business days prior to the scheduled date.

The application shall provide:

1. The name of each student who is making the request;
2. The name of the monitor of the proposed group (must be a school staff member);
3. A description of the proposed meeting along with its stated purpose;
4. The name(s) and affiliations of non-students (if any) who will be invited;
5. Statements that:
 - a. Students shall be voluntarily attending the meeting;
 - b. Any non-students shall not be directing, conducting, controlling or regularly attending future meetings and/or activities;
 - c. The monitor shall not participate.
6. The time and frequency of meetings for the proposed group.

Compulsory Attendance

Policy 3121

Parents of any child eight years of age and under eighteen years of age shall cause such child to attend school and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless the child is enrolled in an approved

private school, an educational center as provided in chapter 28A.205 RCW or is receiving home-based instruction. Parents of any child six or seven years old, who have enrolled the child in school, shall cause the child to attend school for the full time when such school may be in session, unless the child is formally withdrawn from enrollment by the parents.

Exception may be granted by the superintendent in the following circumstances:

- The student is physically or mentally unable to attend school;
- The student is attending a residential school operated by the Department of Social and Health Services;
- The student's parents have requested a temporary absence for purposes agreed to by the district and which will not cause a serious adverse effect on the student's educational process;
- The student is sixteen years of age, regularly and lawfully employed and either has parent permission or is emancipated pursuant to chapter 13.64 RCW;
- The student has met graduation requirements;
- The student has received a certificate of educational competence (GED).

Any law enforcement officer authorized to make arrests can take a truant child into custody without a warrant and must then deliver the child to the parent or to the school.

The district shall not require enrollment for either (a) a minimum number of semesters or trimesters or (b) a minimum number of courses in a semester or trimester, which exceeds the enrollment time or courses necessary for a student to meet established course, credit, and test requirements for high school graduation.

Excused and Unexcused Absences
Policy 3122

"Absent" or "absence" is defined as:

1. Not physically present on school grounds; and
2. Not participating in instruction or instruction-related activities at an approved off-grounds location for at least fifty percent of the student's scheduled school day.

Absences due to suspensions, expulsions or emergency expulsions imposed pursuant to chapter 392-400 WAC should be reported as excused absences, unless the student is receiving educational services as required by law.

Students are expected to attend all assigned classes each day. Upon enrollment and at the beginning of each school year, the district shall inform students and their parents/guardians of this expectation, the benefits of regular school attendance, the consequences of truancy, the role and responsibility of the districts in regard to truancy, and resources available to assist the student and their parents and guardians in correcting truancy. The district will also make this information available online and will take reasonable steps to ensure parents can request and be provided such information in a language they can understand. Parents will be required to date and acknowledge review of this information online or in writing.

Excused Absences

Regular school attendance is necessary for mastery of the educational program provided to students of the district. At times, students may appropriately be absent from class. School staff will keep a record of absence and tardiness, including a record of excuse statements submitted by a parent/guardian, or in certain cases, students, to document a student's excused absence.

The following principles will govern the development and administration of attendance procedures within the district:

The following are valid excuses for absences:

1. Participation in a district or school approved activity or instructional program.
2. Illness, health condition or medical appointment (including but not limited to medical, counseling, dental or optometry) for the student or person for who the student is legally responsible;
3. Family emergency, including but not limited to a death or illness in the family;
4. Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction;
5. Court, judicial proceeding or serving on a jury;
6. Post-secondary technical school or apprenticeship program visitation, or scholarship interview;
7. State-recognized search and rescue activities consistent with RCW 28A.225.055;
8. Absence directly related to the student's homeless status;
9. Absences related to deployment activities of a parent or legal guardian who is an active duty member consistent with RCW 28A.705.010;
10. Absence resulting from a disciplinary/corrective action, (e.g., short-term or long-term suspension, or emergency expulsion; and
11. Principal (or designee) and parent, guardian, or emancipated youth mutually agreed upon approved activity.

The school principal (or designee) has the authority to determine if an absence meets the above criteria for an excused absence.

1. If an absence is excused, the student will be permitted to make up all missed assignments outside of class under reasonable conditions and time limits established by the appropriate teacher; except that in participation-type classes, a student's grade may be affected because of the student's inability to make up the activities conducted during a class period.

2. An excused absence will be verified by a parent/guardian; or adult, emancipated or appropriately aged student; or school authority responsible for the absence. If attendance is taken electronically, either for a course conducted online or for students physically within the district, an absence will default to unexcused until such time as an excused absence may be verified by a parent or other responsible adult. If a student is to be released for health care related to family planning or abortion, the student may require that the district keep the information confidential.

Students thirteen and older have the right to keep information about drug, alcohol or mental health treatment confidential. Students fourteen and older have the same confidentiality rights regarding HIV and sexually transmitted diseases.

3. Students who miss more than 10% of a semester or trimester will be required to provide a doctor's note for all future absences that school year. Once a parent/guardian has been notified that doctor's notes are required for future absences, failure to provide doctor's notes will result in the absence being unexcused.

Unexcused Absences

1. Any absence from school for the majority of hours or periods in an average school day is unexcused unless it meets one of the criteria above for an excused absence.
2. As a means of instilling values of responsibility and personal accountability, a student whose absence is not excused will experience the consequences of his/her absence. A student's grade will be affected if a graded activity or assignment occurs during the period of time when the student is absent.
3. The school will notify a student's parent or guardian in writing or by telephone whenever the student has failed to attend school after one unexcused absence within any month during the current school year. The notification will include the potential consequences of additional unexcused absences.

4. A conference with the parent or guardian will be held after two unexcused absences within any month during the current school year. A student may be suspended or expelled for habitual truancy. Prior to suspension or expulsion, the parent/guardian will be notified in writing in his/her primary language that the student has unexcused absences. A conference will be scheduled to determine what corrective measures should be taken to ameliorate the cause for the absences. If the parent does not attend the conference, the conference may be conducted with the student and a school official. However, the parent and/or guardian will be notified of the steps the district has decided to take to eliminate or reduce the student's absences.
5. Not later than the student's fifth unexcused absence in a month the district will enter into an agreement with the student and parents/guardian(s) that establishes school attendance requirements, refer the student to a community truancy board or file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010.
6. If such action is not successful, the district will file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010 by the parent, student, or parent/guardian and student no later than the seventh unexcused absence within any month during the current school year or upon the tenth unexcused absence during the current school year.
7. All suspensions and/or expulsions will be reported in writing to the superintendent within 24 hours after imposition.

The superintendent will enforce the district's attendance policies and procedures. Because the full knowledge and cooperation of students and parents/guardian(s) are necessary for the success of the policies and procedures, procedures will be disseminated broadly and made available to parents and students annually.

Excused and Unexcused Absences

Procedure 3122

Excused Absences

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

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

When possible, the parent/guardian is expected to notify the school office on the morning of the absence by phone, e-mail or written note and to provide the excuse for the absence. If no excuse is provided with the notification, or no notification is provided, the parent/guardian will submit an excuse via phone, e-mail or written note upon the student's return to school. Adult students (those over 18) and emancipated students (those over 16 who have been emancipated by court action) will notify the school office of their absences with a note of explanation. Students fourteen years old or older who are absent from school due to testing or treatment for a sexually transmitted disease will notify the school of their absence with a note of explanation, which will be kept confidential. Students thirteen years and older may do the same for mental health, drug or alcohol treatment; and all students have that right for family planning and abortion.

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

- C. **Absence for parental-approved activities.** This category of absence will be counted as excused for purposes agreed to by the principal/or designee and the parent/guardian. An absence may not be approved if it causes a serious adverse effect on the student's educational progress. In participation-type classes (e.g., certain music and physical education classes) the student may not be able to achieve the objectives of the unit of instruction as a result of absence from class. In such a case, a parent/guardian-approved absence would have an adverse effect on the student's educational progress that would ultimately be reflected in the grade for such a course. A student, upon the request of his/her parent/guardian, may be excused for a portion of a school day to participate in religious instruction provided such is not conducted on school property or otherwise involves the school to any degree.
- D. **Absence resulting from disciplinary actions — or short-term suspension.** As required by law, students who are removed from a class or classes as a disciplinary measure or students who have been placed on short-term suspension will have the right to make up assignments or exams missed during the time they were denied entry to the classroom if the effect of the missed assignments will be a substantial lowering of the course grade.
- E. **Extended illness or health condition.** If a student is confined to home or hospital for an extended period, the school will arrange for the accomplishment of assignments at the place of confinement whenever practical.

If the student is unable to do his/her schoolwork, or if there are major requirements of a particular course which cannot be accomplished outside of class the student may be required to take an incomplete or withdraw from the class without penalty.

- F. **Excused absence for chronic health condition.** Students with a chronic health condition which interrupts regular attendance may qualify for placement in a limited attendance and participation program. The student and his/her parent/guardian will apply to the principal or counselor, and a limited program will be written following the advice and recommendations of the student's medical advisor.
The recommended limited program will be approved by the principal. Staff will be informed of the student's needs, though the confidentiality of medical information will be respected at the parent's/guardian's request.
- G. Students who miss more than 10% of a semester or trimester will be required to provide a doctor's note for all future absences that school year. Once a parent/guardian has been notified that doctor's notes are required for future absences, failure to provide doctor's notes will result in the absence being unexcused.

Required conference for elementary school students

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

The conference must include at least one school district employee, preferably a nurse, counselor, social worker, teacher of community human service provider, and may occur on the same day as the scheduled parent-teacher conference, provided it takes place within thirty days of the

absences. If the student has an Individualized Education Program or a Section 504 Plan, the team that created that program must reconvene. A conference is not required if prior notice of the excused absences was provided to the district or if a doctor's note has been provided and a plan is in place to ensure the student will not fall behind in their coursework.

Unexcused absences

An "unexcused absence" means that the student has failed to attend the majority of hour or periods in an average school day, has failed to comply with a more restrictive school district policy on absences, or has failed to comply with alternative learning experience programs attendance requirements.

Unexcused absences occur when:

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

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

After three (3) unexcused absences within any month of the current school year, a conference will be held between the principal, student and parent/guardian to analyze the causes of the student's absenteeism. If a regularly scheduled parent-teacher conference is scheduled to take place within thirty days of the third unexcused absence, the district may schedule the attendance conference on the same day. If the parent/guardian does not attend the scheduled conference, the conference may be conducted with the

student and principal. However, the parent will be notified of the steps to be taken to eliminate or reduce the student's absences.

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

For any student with an existing Individualized Education Program (IEP) or Section 504 Plan, these steps will include convening the student's IEP team or Section 504 team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the student's absences. If necessary, and if the student's parent gives consent, the district will conduct a functional behavior assessment and will complete a detailed behavior plan to explore the function of the absence behavior.

For any student who does not have an IEP or Section 504 Plan, but who is reasonably believed to have a mental or physical disability or impairment, these steps will include informing the student's parent/guardian of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the student has a disability or impairment and needs accommodations, special education services, or related services. This includes students with suspected emotional or behavioral disabilities.

If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the student is found to be eligible for accommodations, special education services, or related services, a plan will be developed to address the student's needs.

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

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

Community Truancy Board

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

Removal/Release of Student during School Hours

Policy 3124

The board recognizes its responsibility for the proper care of students during school hours. Students shall not be removed from school grounds, any school building or school function during school hours except by a person duly authorized in accordance with district procedures. Before a student is removed or excused, the person seeking to remove the student must present to the satisfaction of the principal/designee evidence of his/her proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone unless the request is approved by the principal. The superintendent is directed to establish procedures for the removal of a student during school hours.

Prior to sending a student to his/her home for illness, discipline or a corrective action, the principal shall attempt to reach the student's parent/guardian or emergency contact to inform him/her of the school's action and to request that he/she come to the school for the child. If the principal cannot reach the parent/guardian or emergency contact, the student shall remain at school until the close of the school day. A student may be released to a law enforcement officer in accordance with the district policy.

Removal/Release of Students During School Hours

Procedure 3124

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

- A. Law enforcement officers, upon proper identification, may remove a student from school without a warrant provided that the law enforcement officer signs a statement that he/she is removing the student from the school. Residential parents should be contacted as soon as possible when a student is taken into custody.
- B. Any other agencies must have a written administrative or court order directing the school district to give custody to them. Proper identification is required before the student shall be released.
- C. A student shall be released to the residential parent. When in doubt as to who has custodial rights, school enrollment records must be relied upon as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.
- D. The school should always receive notification or authorization from the residential parent before releasing the student to a nonresidential parent.
- E. Prior written authorization from the residential parent or guardian is required before releasing a student into someone else's custody unless an emergency situation justifies a waiver.
- F. Police should be called if a visitor becomes disruptive or abusive.
- G. State law requires that school personnel not remove, cause to be removed or allow to be removed a student from school grounds during school hours without the consent of the student's parent or guardian, unless the employee is the student's parent or guardian, the employee is providing bus transportation, the employee is supervising an extra-curricular activity and providing transportation for the student, or the student requires transportation for emergency medical care and the parent cannot be contacted. School security personnel may remove a student from school without parental authorization for disciplinary reasons, and anyone officially responding to a 911 emergency call may remove a student without prior parental authorization.

School personnel should exercise discretion as to whether the student shall be transported by ambulance or private automobile to a doctor or

hospital in case of an emergency, (i.e. accident or illness when the school is unable to reach the parent or their authorized representative).

Rights and Responsibilities

Policy 3200

(See also Procedure 3200)

Each year, the superintendent/designee shall develop and make available to all students, their parents and staff handbooks pertaining to student rights, conduct, corrective actions and punishment. Such statements shall be developed with the participation of parents and the community. The school principal and staff shall confer at least annually to develop and/or review student conduct standards and the uniform enforcement of those standards as related to the established student handbooks.

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 staff of the schools, subject to such corrective action or punishment as the school officials shall determine.

Sexual Harassment of Students Prohibited

Policy 3205

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

Definitions

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

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

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

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

Investigation and Response

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

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

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

Retaliation and False Allegations

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

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

Staff Responsibilities

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

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

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

Notice and Training

The superintendent will develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment.

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

Policy Review

The superintendent will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent is encouraged to involve staff, students, volunteers and parents in the review process.

Sexual Harassment of Students Prohibited **Procedure 3205**

The procedure is intended to set forth the requirements of Policy 3205, including the process for a prompt, *thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations.* If sexual harassment is found to have created a

hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees or third parties involved in school district activities.

Because students can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

Notice

- Information about the district's sexual harassment policy will be easily understandable and conspicuously posted throughout each school building, be reproduced in each student, staff, volunteer and parent handbook.
- In addition to the posting and reproduction of this procedure and Policy 3205, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at [insert address of district administrative office].

Staff Responsibilities

- In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Coordinator so that the district can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement.
- The principal will notify the targeted student(s) and their parents/guardians of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Confidentiality

- If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be

forwarded to the [insert title of appropriate district employee(s)] for evaluation.

- The [insert title of appropriate district employee(s)] should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.
- If the complainant still requests that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have his or her name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Retaliation

Title IX prohibits retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness.

The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member. Staff will always notify complainants of their right to file a formal complaint and the process for same. Staff will also direct potential complainants to [insert Title IX Coordinator's name and contact information]. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of

sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

During the course of the informal complaint process, the district will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant before the final outcome of the district's investigation (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged perpetrator).

Informal remedies may include:

- An opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training

Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because the district believes the complaint needs to be more thoroughly investigated.

The district will inform the complainant and their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Formal Complaint Process

Level One – Complaint to District

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. At any level in the formal complaint process, the district will take interim measures to protect the complainant before the final outcome of the district's investigation.

The following process will be followed:

Filing of Complaint

- All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.
- Complaints may be submitted by mail, fax, e-mail or hand-delivery to the district Title IX Coordinator, [insert name/title] at [insert office address, telephone number and e-mail address]. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

Investigation and Response

- The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The Coordinator will delegate his or her authority

to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Coordinator will provide the complainant a copy of this procedure.

- Investigations will be carried out in a manner that is adequate in scope, reliable and impartial. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence.

Complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The school district and complainant may also agree to resolve the complaint in lieu of an investigation. When the investigation is completed, the Coordinator will compile a full written report of the complaint and the results of the investigation.

Superintendent Response

- The superintendent will respond in writing to the complainant and the alleged perpetrator within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time, the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.
- The response of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed ; 3) if sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the school board and the necessary filing information; and 5) any corrective measures the district will take, remedies for the complainant (e.g., sources of counseling, advocacy and

academic support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline).

- The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named party or parties, the coordinator will provide the accused party or parties with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the district.
- Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.
- The district will inform the complainant and their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Level Two - Appeal to Board of Directors **Notice of Appeal and Hearing**

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

The board will schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause.

Both parties will be allowed to present such witnesses and testimony, as the board deems relevant and material.

Board Decision

Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.

The decision will be provided in a language that the complainant can understand which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.

The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

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

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

A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20)-calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.

A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; 2) The name and contact information,

including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

Investigation, Determination and Corrective Action

Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.

Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified.

The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will

conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

Other Complaint Options

- Office for Civil Rights (OCR), U.S. Department of Education. OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.
206-607-1600 | TDD: 1-800-877-8339 | OCR.Seattle@ed.gov | www.ed.gov/ocr
- Washington State Human Rights Commission (WSHRC). WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.
1-800-233-3247 | TTY: 1-800-300-7525 | www.hum.wa.gov

Mediation

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

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

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

- Be an employee of any school district, public charter school, or other public or private agency that is providing education related

services to a student who is the subject of the complaint being mediated; or

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

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

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;

- Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or
- Displaying offensive or inappropriate sexual illustrations on school property.

Policy and Procedure Review

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure.

The compliance officer will be included in the committee. Based on the review of the committee, the superintendent will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

Prohibition of Harassment, Intimidation and Bullying **Procedure 3207**

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

In order to ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school-sponsored events, or when such actions

create a substantial disruption to the educational process. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability, or other distinguishing characteristics.

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

Definitions

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

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

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

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

Conduct that may rise to the level of harassment, intimidation and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically

transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. These forms are available at schools and can be downloaded from the district website.

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

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

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

Relationship to Other Laws

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

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

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

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

Prevention

In each school and on the district's website the district will prominently post information on reporting harassment, intimidation and bullying; the name and contact information for making a report to a school administrator; and the name and contact information of the district compliance officer. The district's policy and procedure will be available in each school in a language that families can understand.

Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided to students, staff, volunteers, and parents/guardians, and is available in school and district offices and/or hallways, or is posted on the district's website.

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

Education

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

Training

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

Prevention Strategies

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

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

Compliance Officer

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation and bullying;

2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations. If a written report of harassment, intimidation or bullying indicates a potential violation of the district's nondiscrimination policy (Policy 3210); the compliance officer must promptly notify the district's civil rights compliance coordinator.
4. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern;
5. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
6. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receives annual fall training;
7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
8. In cases where, despite school efforts, a targeted student experiences harassment, intimidation or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the students. A sample student safety plan is available on the OSPI website: www.k12.wa.us/SafetyCenter/default.aspx

Staff Intervention

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

Filing an Incident Reporting

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

Addressing Bullying – Reports

Step 1:

Filing an Incident Reporting Form

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

Status of Reporter

1. Anonymous

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff.

(Example: An unsigned Incident Reporting form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

2. Confidential

Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a

playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, “I won’t be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.”)

3. Non-confidential

Individuals may agree to file a report non-confidentially.

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

Step 2:

Receiving an Incident Reporting Form

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

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

Step 3:

Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying

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

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.
2. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan for the student(s) involved.

The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.

If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district's nondiscrimination policy (Policy 3210), the investigator will promptly notify the districts civil rights compliance officer.

Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-066 through WAC 392-190-075 as well as the HIB complaint procedure.

The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knows or should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the district's nondiscrimination policy.

3. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation and bullying.

4. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation and bullying.

If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.

5. The investigation shall include, at a minimum:
 - a. An interview with the complainant;
 - b. An interview with the alleged aggressor;
 - c. A review of any previous complaints involving either the complainant or the alleged aggressor; and
 - d. Interviews with other students or staff members who may have knowledge of the alleged incident.
6. The principal or designee may determine that other steps must be taken before the investigation is complete.
7. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.
8. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
 - a. The results of the investigation;
 - b. Whether the allegations were found to be factual;
 - c. Whether there was a violation of policy; and
 - d. The process for the complainant to file an appeal if the complainant disagrees with results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific

information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family.

If professional school personnel suspect that, a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.

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

Step 4:

Corrective Measure for the Aggressor

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

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

Step 5:

Targeted Student's Right to Appeal

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

The school board will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and shall provide a copy to all parties involved. The board's decision will be the final district decision.

Step 6:

Discipline/Corrective Action

The district will take prompt and equitable corrective measure within its authority on findings of harassment, intimidation or bullying.

Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

Corrective measures for a student who commits an act of harassment, intimidation or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance.

Corrective measures that involve student discipline will be implemented according to district policy 3241, Classroom Management, Corrective Actions or Punishment.

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

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

Step 7:

Support for the Targeted Student

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

Immunity/Retaliation

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

Other Resources

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

- OSPI Equity and Civil Rights Office
360.725.6162
Email: equity@k12.wa.us
www.k12.wa.us/Equity/default.aspx
- Washington State Human Rights Commission
800.233.3247
www.hum.wa.gov/index.html
- Office for Civil Rights, U.S. Department of Education,
Region IX
206.607.1600
Email: OCR.Seattle@ed.gov
www.ed.gov/about/offices/list/ocr/index.html
- Department of Justice Community Relations Service
877.292.3804
www.justice.gov/crt/
- Office of the Education Ombudsman
866.297.2597
Email: OEOinfo@gov.wa.gov
www.governor.wa.gov/oeo/default.asp
- OSPI Safety Center
360.725.6044
www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

Other District Policies and Procedures

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

Nondiscrimination

Policy 3210

The district will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination based on race, religion, creed, color, 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.

Conduct against any student that is based on one of the categories listed above that is sufficiently severe, persistent or pervasive as to limit or deny the student's ability to participate in or benefit from the district's course offerings; educational programming or any activity will not be tolerated. When a district employee knows, or reasonably should know, that such discriminatory harassment is occurring or has occurred, the district will take prompt and effective steps reasonably calculated to end the harassment, prevent its recurrence and remedy its effect.

The district's nondiscrimination statement will be included in all written announcements, notices, recruitment materials, employment applications, and other publications made available to all students, parents, or employees. The statement will include: 1) notice that the district will not discriminate in any programs or activities on the basis of any of the above-listed categories; 2) the name and contact information of the district's compliance officer designated to ensure compliance with this policy; and 3) the names and contact information of the district's Section 504 and Title IX compliance officers.

The district will annually publish notice reasonably calculated to inform students, students; parents/guardian (in a language that they can understand, which may require language assistance), and employees of the district's discrimination complaint procedure.

The superintendent will designate a staff member to serve as the compliance officer for this policy. The compliance officer will be responsible for investigating any discrimination complaints communicated to the district.

The district will provide training to administrators and certificated and classroom personnel regarding their responsibilities under this policy and to raise awareness of and eliminate bias and discrimination based on the protected classes identified in this policy.

The district will also conduct annual athletic evaluations and a student athletic interest survey at least once every three years to ensure that equal athletic opportunities are provided for male and female students.

Freedom of Expression **Policy 3220**

The free expression of student opinion is an important part of education in a democratic society. Students' verbal and written expression of opinion on school premises is to be encouraged so long as it does not substantially disrupt the operation of the school. Students are expressly prohibited from the use of vulgar and/or offensive terms in classroom or assembly settings.

The superintendent will develop guidelines assuring that students are able to enjoy free expression of opinion while maintaining orderly conduct of the school.

Student Publications

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

counsel. If the complaint cannot be resolved at that level, the board, upon request, will consider the complaint at its next regular meeting.

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

Distribution of Materials

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

Freedom of Assembly **Policy 3223**

Individual students and student organizations may meet in schoolrooms or auditoriums, or at outdoor locations on school grounds, to discuss, pass resolutions and take other lawful action respecting any matter, which directly or indirectly concerns or affects them, whether or not it relates to school. Such activities shall not be permitted to interfere with the normal operation of the school.

Peaceful demonstrations are permissible, though they are to be held in designated places where they shall present no hazards to persons or property and at designated times that shall not disrupt classes or other school activities.

Student Dress
Policy 3224

Preserving a beneficial learning environment and assuring the safety and well-being of all students are primary concerns of the board of directors.

Students' choices in matters of dress should be made in consultation with their parents. Student dress shall only be regulated when, in the judgment of school administrators, there is a reasonable expectation that:

- A. A health or safety hazard shall be presented by the student's dress or appearance including possible membership in a gang or hate groups;
- B. Damage to school property shall result from the student's dress; or
- C. A material and substantial disruption of the educational process will result from the students' dress or appearance.

For the purpose of this policy, a material and substantial disruption of the educational process may be found to exist when a student's conduct is inconsistent with any part of the educational mission of the school district. Prohibited conduct includes the use of lewd, sexual, drug, tobacco or alcohol-related messages, gang-related apparel.

The uniforms of nationally recognized youth organizations, and clothing worn in observance of a student's religion, may be worn subject to A-C above.

The superintendent shall establish procedures providing guidance to students, parents, and staff regarding appropriate student dress in school or while engaging in extra-curricular activities. Such procedures shall ensure that any student wearing, carrying, or displaying gang-related apparel, or exhibiting behavior or gestures which symbolize gang membership, or causing and/or participating in activities which intimidate or affect the attendance of another student shall be asked, with notice to his or her parents, to make appropriate corrections and be subject to discipline if the corrections are not undertaken.

Student Dress
Procedure 3224

The Kelso School District has adopted a district wide student dress policy. Individual schools have further developed and incorporated their own specific dress code requirements that are in congruence with existing district policies. For school specific dress codes please refer to that school specifically.

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

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

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

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

If the student's dress or grooming is objectionable under these provisions, the principal shall request the student to make appropriate corrections. If the student refuses, the principal shall notify the parent, if reasonably possible, and request that person to make the necessary correction. If both the student and parent refuse, the principal shall take appropriate disciplinary action. Students may be suspended, if circumstances so warrant. Students who violate provisions of the dress code relating to

extracurricular activities may be removed or excluded from the extracurricular activity for such period as the principal may determine. All students shall be accorded due process safeguards before any corrective action may be taken.

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

Student Privacy and Searches

Policy 3230

At certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in.

At age eighteen students become legal adults and must approve any disclosure of information about themselves from school records, except directory information if a request for confidentiality has not been filed. Students eighteen may also sign releases, authorizations or permission slips to participate in school activities, and may sign themselves out of school and authorize their own absences. Students sixteen and older who have been granted legal emancipation from their parents or guardians have the same rights as eighteen-year-old students.

Students fourteen and older have the right to keep private from everyone any district records indicating that they have been tested or treated for a sexually transmitted disease. Students thirteen and older have confidentiality rights in records regarding drug, alcohol or mental health treatment. All students have confidentiality rights in family planning or abortion records.

Searches of Students and Personal Property

- A. Personal privacy is a fundamental aspect of individual liberty. All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable

searches and seizures. Staff shall take particular care to respect students' privacy.

- B. School officials have authority to maintain order and discipline in the schools and to protect students from exposure to illegal drugs, weapons, and contraband. The superintendent, the principal, and other staff designated by the superintendent shall have the authority to conduct reasonable searches on school property as provided by board policy.

A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation or at school events.

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 the student refuses to consent to the search, school officials may proceed to search the student, the student's personal belongings, and the student's locker, as follows:

1. 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.

For the purpose of this policy, "contraband" means items, materials, or substances the possession of which is prohibited by law or district policy, including but not limited to, controlled substances, alcoholic beverages, tobacco products, or any object that can reasonably be considered a firearm or a dangerous weapon.

2. Staff shall conduct searches in a manner that is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

No student shall be subject to a strip 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. The superintendent shall develop procedures regulating searches of students and their personal property.

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 nor expectation of privacy exists for any student as to the use of any space issued or assigned to a student by the school and such lockers and other spaces are subject to search in accordance with district policy.

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 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.

All student lockers may be searched 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.

The superintendent shall establish procedures for conducting searches of lockers, desks, or storage areas.

Student Privacy and Searches

Procedure 3230

Searches of Students and Their Property

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

Establishing Reasonable Grounds

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

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

Conducting the Search

**It is recommended that searches be conducted with two staff members present at all times.*

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

- A. If evidence of criminal activity is suspected to be present, and prosecution by civil authorities will be recommended if confirmed by

the search, consult law enforcement officials regarding the appropriateness of a search by a law enforcement officer.

- B. If evidence of violation of a school rule is suspected, and if confirmed by the search will be handled solely as a student discipline action, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
- C. If the student refuses to cooperate in a personal search, the student should be held until the student's parent or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent.

Locker Searches

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

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

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

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

Administrative inspections, or health and welfare inspections, may be conducted at any time for the purpose of locating misplaced library

books, textbooks, or other school property or to ensure that all lockers, desks, or storage areas are being kept clean and free from potential health or safety hazards. Periodic inspections of lockers will reinforce the district's ownership of lockers and the minimal expectation of privacy students have in the contents of their lockers.

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

Video Surveillance

The Kelso School District has authorized the use of electronic surveillance systems on school property to insure the health, welfare and safety of all staff, students and visitors. The system may be used to monitor student behavior in order to promote and maintain a safe environment and for other security purposes. Students and parents are hereby notified that content of the surveillance system may be used in a student disciplinary proceeding. Surveillance content will be routinely erased on a periodic basis and will only be retained if necessary for use in a student disciplinary proceeding or other matter determined necessary by the administration.

Student Conduct **Policy 3240**

The board acknowledges that conduct and behavior is closely associated to learning. An effective instructional program requires a wholesome and orderly school environment. The board requires that each student adhere to the rules of conduct and submit to corrective action taken as a result of conduct violations.

The rules of conduct are applicable during the school day as well as during any school activity conducted on or off campus. Special rules are also applicable while riding on a school bus.

Students are expected to:

- Conform to reasonable standards of acceptable behavior
- Respect the rights, person and property of others;
- Preserve the degree of order necessary for a positive climate for learning;
- Assist staff to make school a safe and inclusive environment for all students by reporting conditions that may lead to others being injured or harmed; and
- Submit to the authority of staff and respond accordingly.

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

The superintendent shall develop written rules of conduct that will carry out the intent of the board.

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Any conduct which materially and substantially interferes with the educational process is prohibited. The following acts are specifically prohibited on school grounds, on school sponsored transportation, and at school events off school grounds and will lead to disciplinary action. This list is not intended to be exclusive.

The conducts listed above have been judged following consultation with the ad hoc citizens' committee 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 long-term suspension for a first-time offense.

Any elementary or secondary student who is determined to have carried a firearm onto, or to have possessed a firearm on public school premises, public school provided transportation or areas of facilities while being used by public schools shall be expelled from school for not less than one year under RCW 28A.600.01 RCW 28A.600.420.

A. Academic Dishonesty/Plagiarism

Knowingly submitting the work of others represented as the student's own or assisting another student in doing so, or using unauthorized sources. Cheating is an act of deception in which you misrepresent mastery of information on an academic exercise that, in fact, has not been mastered.

Examples include, but are not limited to:

- copying work from another student, allowing another student to copy your work or collaborating during a test without instructor permission;
- using a textbook or other course materials, including prepared materials, i.e., notes, during a test without instructor permission;
- selling or buying or otherwise obtaining all or part of a test before it is administered or during its administration, or bribing someone to obtain an un-administered test, including answers;
- taking a test for someone else or permitting someone else to take a test for you;
- changing, altering or being an accessory to the changing and/or altering of a grade in a grade book or on a test, assignment, change of grade form or any other academic record;
- using information obtained from the Internet without citing the source.

B. Alcohol or Drugs or Paraphernalia--Possession or Use of

A student shall not possess any paraphernalia (equipment, materials, or apparatus used for drug use). These restrictions apply during school time, on school property, during school-sponsored events, or while in transport under district supervision to or from school and/or any school-sponsored activity.

The use of medication or over-the-counter medication prescribed for the individual student and used in accordance with the specific directions of the student's licensed medical practitioner and in accordance with school procedures, shall not be considered a violation of this policy. (Also see Procedure 2121, Drugs or Alcohol or Paraphernalia Sanctions.)

C-1. Alcohol or Drugs – Sale or Delivery

Students shall not offer, distribute and/or sell any narcotic drug(s), mood altering chemicals, alcoholic beverages, unlawful drugs, legend drugs, anabolic steroids, stimulants, hallucinogenic drug(s) amphetamines, barbiturates, marijuana, inhalants, caffeine pills, diet pills, sleeping pills, or any substance purported to be one of the above, or any substance, legal or illegal, that induces mood or behavior changes, during school time, on school premises, or during school-sponsored activities. (Also see Procedure 2121, Drugs or Alcohol or Paraphernalia Sanctions.)

The sale or delivery of medication prescribed for the individual student or others is a violation of this policy.

C-2. Alcohol, Drugs or Paraphernalia – Solicitation of

Students shall not solicit alcohol, drugs, or paraphernalia while on school grounds. Solicitation is defined as the willful request to purchase, trade, or obtain alcohol, drugs, or paraphernalia (as those defined in Procedure 3240, Section B, Alcohol or Drugs or Paraphernalia – Possession or Use of, and Section C-1, Alcohol or Drugs – Sale or Delivery) by any means, which includes verbal, written, or electronic communications. (Also, see Procedure 2121, Drugs, Alcohol, or Paraphernalia Sanctions)

D Arson/Reckless Burning

Setting fire to a building or property.

E 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.

F Assault – Simple

Unconsented-to touching or application of undue force to another person that results in minor or no injury to the other person.

G Attendance

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

H Bomb threat

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

I Closed Campus Violation

Leaving the school grounds after arrival or prior to dismissal or without permission by school personnel.

J Criminal Acts

Committing a criminal act as defined by law.

K Dangerous Behavior

Behavior that could result in discomfort, harm, or injury to oneself or others.

L Destruction of Property/Vandalism

Intentional damage of school property or the property of others.

M Displays of Affection

Acts or expressions which are objectionable including but not limited to kissing, extended hugging, etc. See also DD. Harassment – Sexual.

N. Disruptive Conduct

Use of violence, force, noise, 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.

O. Dress and Appearance of Disruptive Nature

Students' appearance shall be clean, neat, safe, appropriate, and shall not disrupt the educational process. Students at Kelso schools whose appearance, grooming, and/or apparel is not suitable shall be detained from classes, sent home to remedy the concern, and/or disciplined.

The type of dress, apparel, activities, acts, behavior, or manner of grooming displayed, reflected or participated in by the student shall not:

- Lead school officials to reasonably believe that such behavior, apparel, activities, or acts are distractions that would inhibit, disrupt, or interfere with the school learning environment, activity, or educational objectives of the school.
- Present a physical safety hazard or behavior to oneself, other students or other personnel.
- Create an atmosphere in which a student, staff, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence
- Footwear: All students must wear some type of shoes or sandals. Shoes or shoe devices must be neat, clean and in good repair and shall not cause damage or unusual wear to school floors.
- Clothing and Attire: All students must wear clothing that is safe. Attire that endangers personal safety such as jewelry, apparel, pins, spikes, connecting chains, and patches that promote gangs, drugs, profanity, racism, slander, or intimidation are not

permitted. All students must wear clothing that does not disrupt or interfere with the learning environment. Outfits that are too revealing or suggestive, such as halter tops, half shirts, bathing suits, low-riding pants/shorts, tube tops and see-through/mesh clothing are not permitted.

- **Head Coverings:** Head coverings or partial coverings that are disruptive and/or violate guidelines established as safe and appropriate apparel will not be allowed at school during normal school day hours. Bandannas and “do-rags” are not permitted at any time. Specific student concerns may be granted variances by the administration.
- **Inappropriate Logos – Advertisements:** No student while on school district grounds or while attending school-sponsored activities shall wear, possess, use, distribute, display, or sell any clothing/items that advertise display, promote, represent or depict dangerous activity, tobacco, alcoholic beverages, racism (e.g. confederate flags, swastikas, etc.), obscenities, illicit drugs, gang activity, gang attire, or sex. Students not suitably dressed at school shall be detained from classes and sent home until they are properly attired. Notebooks and/or other personal belongings that advertise, display, promote, or represent tobacco, alcoholic beverages, obscenities, racism, illicit drugs, and sex shall be confiscated and students will be disciplined. Items that represent or promote racism such as confederate flags, swastikas, etc., are unacceptable, and will be confiscated. Students in possession of these items will be subject to discipline that may include suspension and/or expulsion.

*See also Y. Gangs, Gang Activity, and AA. Harassment, Intimidation and Bullying.

P. Driving – Negligent/Reckless

Driving in an unsafe manner on school grounds.

Q. Electronic Devices – Disruptive or Inappropriate Use

A student shall not use electronic devices such as, but not limited to, computers, cell phones, cameras, i-Pods, or other

communication and/or electronic devices that transmit or store electronic messages, pictures or video in a disruptive or inappropriate manner at school or school-sponsored activities or events or while a passenger in district vehicles. Many of the schools have specific guidelines for the use of these devices.

R. Explosives – Possession or Use of

Anything tending or serving to explode, such as firecrackers, bullets.

S. Extortion

The wrongful taking of a person's money or property with his/her consent but by the use of threat or violence.

T. Failure to Cooperate

Repeated failure to comply with or follow reasonable lawful directions or requests of teachers, school staff or volunteers serving in a supervisory position. This includes, but is not limited to non-compliance, defiance and disrespect.

U. False Accusations

Untrue charges of wrongdoing.

V. False Alarm

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

W-1. 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.

W-2. Inciting a Fight/Assault

Encouraging others to fight or assault another through words and/or actions.

X. Forgery/Falsification of Documents

Altering or falsifying times, names, dates, grades, and

addresses.

Y. **Gangs/Gang Activity**

The Board of Directors is aware of the public existence of gangs which are involved in illegal, intimidating and harassing conduct and the Board hereby determines that such gangs and the expression of such gang membership cause or are likely to cause disruption in the school environment and present a threat to the health and safety of students and school personnel.

“Gang” means a group which: (a) consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes. Any such activity or expression by students is prohibited while they are subject to the disciplinary control of the school district. Therefore, no student on or about school property or in any place involving a school-related activity:

- Shall wear, possess, distribute or display any clothing, jewelry, sign or any other thing, which by virtue of its color, arrangement, symbol, or any other attribute, is evidence of membership of affiliation in any such gang; or imply gang membership or affiliation by written communication in conjunction with other “elements” indicating gang activity with marks, drawing, painting, design, emblem upon any school or personal property or one’s person that is disruptive or interferes with the school environment, and/or activity, and/or educational objectives and/or process.
- Shall use any speech, gesture, conduct, or commit any act or omission in furtherance of the interests of any such gang or such gang activity, including, but not limited to:
 - soliciting others for membership in any such gang;
 - pressuring, intimidating, threatening or harassing any person, individually, or creating an atmosphere or environment of undue pressure which can reasonably be expected to interfere with the physical or mental wellbeing of others;
 - committing any other illegal act or other violation of school district policies;

- inciting or provoking or actively seeking other students to act with physical force or violence or mental harassment of others.

See also O. Dress and Appearance of Disruptive Nature AA. Harassment, Intimidation and Bullying.

Z. Harassment – Disability

Offensive behavior that is based on a disability and interferes with or creates a hostile educational environment.

AA. Harassment, Intimidation and Bullying

Intentional written, verbal, physical act, or electronically transmitted message or image (including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation or mental or physical disability, or any other distinguishing characteristics,) when the intentional written, verbal, physical act, electronically transmitted message or image:

- 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.

See also Y. Gangs, Gang Activity, and O. Dress and Appearance of Disruptive Nature.

BB. Harassment, Intimidation or Threats to School Staff

Intentional written, verbal, physical act, or electronically transmitted message or image (including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation or mental or physical disability, or any other distinguishing characteristics) or, one shown to be intended to impact the authoritative relationship between the school and student directed towards an employee of

the school district when the intentional written, verbal physical act, electronically transmitted message or image:

- Physically harms a staff member or damages the staff member's property; or
- Has the effect of substantially interfering with the staff member's ability to perform the duties of their job; or
- Undermines the staff member's authority to control student behavior in the school; or

- Has the effect of substantially disrupting the orderly operation of the school; or
- Is intended as retribution for an unfavorable grade or disciplinary action; or
- Is intended to deter a staff member from future unfavorable grading or disciplinary action.

CC. Harassment – Racial or Discrimination

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

DD. Harassment - Sexual

Sexual harassment does not refer to casual conversations or compliments of a socially acceptable nature. It refers to behavior which is unwelcome, offensive, and which interferes with effectiveness or creates uneasiness in the education and 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 sexual advances; and/or requests for sexual favors; and/or sexually-motivated physical contact; and/or other verbal or physical conduct or communication of a sexual nature if:

- submission to such conduct or communication is made a term or condition either explicitly or implicitly, of obtaining an education or employment; and/or;
- 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
- such conduct or communication has the purpose or effect of unreasonably interfering with an individual's education or work performance or creating an intimidating, hostile, or offensive education or work environment.

Under Title IX, peer sexual harassment among students is a form of prohibited sex discrimination where the harassing conduct creates a hostile environment. Unwelcome sexual advances, requests for sexual favors, and other verbal, written, electronic or physical conduct of a sexual nature constitutes sexual harassment when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment.

It shall be the responsibility of staff members to intervene on behalf of the student(s) by reporting known sexual harassment immediately to the building administrator or designee. There is no need for a complaint, either formal or informal, for sexual harassment that has occurred.

Such conduct, whether committed in the education 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, sexually demeaning terms for females or 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 on clothing, kissing or fondling;
- displaying or distributing electronically or otherwise, 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, text or instant messaging, 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.

For complaint process, disciplinary actions, false accusations, remedies, non-retaliation, dissemination, interpretation, and internal review, please refer to Policy 3207, Prohibition of Harassment, Intimidation and Bullying.

EE. Intentional Misuse of School Equipment/Supplies/Facilities

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

FF. Multiple Minor Accumulated Incidents

Discipline for culmination of multiple minor infractions that both occurred throughout the school year and individually would not rise to the severity of meriting a short-term or long-term suspension or expulsion.

GG. Robbery

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

HH. Sexually Inappropriate Conduct

Any indecent or obscene act or expression of sex or of a sexual nature, whether verbal, non-verbal or electronic. Creating, possessing, accessing, recording, posting, publishing or distributing on school grounds libelous, tasteless, obscene, pornographic or disruptive materials.

II. Swearing/Inappropriate Language

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

JJ. Technology – Unauthorized Use of

Tampering with electronic hardware, data files, or software or unauthorized access to, or use of, such technology.

KK. Theft or Possession of Stolen Property

A student shall not carry away the personal goods or property of another person or the school district.

LL. Tobacco – Possession, Use or Distribution of Tobacco or Related Paraphernalia

A student shall not carry, smoke, distribute or offer any kind of pipe, cigar, cigarette, or any other lighted smoking equipment or material, nor shall students chew or sniff tobacco products or any substance purported or appearing to be one of the above at school or school sponsored events/activities, or while a passenger in district vehicles, or on school property.

MM. Trespass

A student shall not gain unauthorized entry, be present in an area(s) without permission of school authorities and/or gather without permission upon the property of the school district. Students serving a short-term, long-term, emergency expulsion or expulsion are not allowed on any school district property until completion of the consequence unless prior permission is granted by a school administrator.

NN. Verbal Abuse

The use of vulgar or profane language by students to intimidate or harass on school property and/or at school activities whether spoken, written or gesture.

OO. Weapons

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.

PP. Interference with School Authorities Interfering with the discharge of the official duties of district staff by

- Using force or violence that is non-deliberate and not focused on the staff person, such as attempting to continue a fight when a staff person is trying to stop the fight and inadvertently striking that person
- Disobeying the orders of school officials to leave school property or disperse as instructed; or
- Heckling or harassing school authorities engaged in any lawful task, function, process, or procedure of the school District such that it interferes with their ability to maintain order or complete their lawful duties. This includes, but is not limited to:
 - Use of abusive or foul language directed at a school District employee;
 - Use of any electronic means (e.g., cameras, cell phone cameras, videos, or other recording devices) that foreseeably causes school staff to be embarrassed, denigrated, or demeaned; or

Hindering the investigation of an incident by school staff, including but not limited to any of the following: refusing to submit to a reasonable search or respond to reasonable questions, or deliberately lying about, or encouraging others to lie deliberately about, the facts of the incident.

QQ. Intimidation of School Authorities

Interfering, or attempting to interfere, with the discharge of the official duties of district personnel by using direct, deliberate, or focused threats, force, or violence, such that the staff person believes his or her safety or the well-being of his or her property is in danger.

RR. Accomplice Activity

A student may be held responsible for the conduct of another person if the student is an accomplice of such other person's behavior requiring disciplinary action. A student is an accomplice to another person if, with knowledge that it will promote or facilitate the need for disciplinary action, the student: solicits, commands, encourages, or requests such other person to engage in the behavior, or aids or agrees to aid such other person in planning or committing the behavior. A student may encourage the conduct of another through verbal or nonverbal acts.

A student is not an accomplice if he or she is the victim of the behavior, or he or she terminates their complicity prior to the commission of the behavior and gives timely warning to school officials that the conduct may occur.

If a student engages in accomplice activity, the accomplice may be charged with the same behavior of the principal actor with a notation that the student committed the behavior as an accomplice.

SS. Off Campus Behavior

Discipline may be imposed for an off-campus act of misconduct if the disciplinary action is reasonable under the circumstances and closely connected to student, staff and school safety. The District will respond to off-campus situations that may cause school safety disruptions on campus or interference with the right of students to be safe and secure within their school. Substantial disruption includes, but is not limited to, significant interference with (1) instruction, (2) school operations or school

activities, (3) violent physical or verbal altercations between students, and (4) a school threat of violence.

The following criteria should be considered to decide whether an act of misconduct is sufficiently connected to the educational process:

- Extent to which the off-campus activity affects the environment or safety of the school (e.g., students are afraid to come to school or afraid at school because of it; it is disruptive to the school atmosphere in that special precautions or actions need to be taken to protect students and staff; the arrangements for the activity were made on campus but conducted off campus, such as drug sales, a fight or assault, etc.; or there are likely repercussions such as students from other schools or non-students coming onto the campus to effect retribution.)
- Location of the misconduct (proximity to school grounds or to a school activity);
- Hour and date of the misconduct (during school hours, but off-campus; immediately before or after school hours; on district-sponsored transportation, directly before entering or after leaving district-sponsored transportation, or during school-sponsored activities);
- Effect on other participants or victims to the misconduct (did the misconduct involve or affect other students or school district personnel); and
- Severity of the misconduct and its likely connection to student or school district personnel safety (e.g., fighting or other violent or destructive acts, the selling of a controlled substance, or possession of a weapon).

Student Discipline
Policy 3241

Discipline” means any action taken by the school district in response to behavioral violations. Discipline is not necessarily punitive, but can take positive and supportive forms. Data show that a supportive response to behavioral violation is more effective and increases equitable educational opportunities.

The purposes of this policy and accompanying procedure include:

- Engaging with families and the community and striving to understand and be responsive to cultural context
- Supporting students in meeting behavioral expectations, including providing for early involvement of parents
- Administering discipline in ways that respond to the needs and strengths of students and keep students in the classroom to the maximum extent possible
- Providing educational services that students need during suspension and expulsion
- Facilitating collaboration between school personnel, students, and parents, and thereby supporting successful reentry into the classroom following a suspension or expulsion
- Ensuring fairness, equity, and due process in the administration of discipline
- Providing every student with the opportunity to achieve personal and academic success
- Providing a safe environment for all students and for district employees

The Superintendent shall establish and make available rules of student conduct, designed to provide students with a safe, healthy, and educationally sound environment. Students are expected to be aware of the district’s rules of student conduct, including behavior standards that respect the rights, person, and property of others. Students and staff are expected to work together to develop a positive climate for learning.

Minimizing exclusion, engaging with families, and supporting students.

Unless a student's presence poses an immediate and continuing danger to others or an immediate and continuing threat to the educational process, staff members must first attempt one or more forms of other forms of discipline to support students in meeting behavioral expectations before imposing classroom exclusion, short-term suspension, or in-school suspension. Before imposing a long-term suspension or expulsion, the district must first consider other forms of discipline.

These other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035. The accompanying procedure will identify a list of other forms of discipline for staff use. However, staff members are not restricted to that list and may use any other form of discipline compliant with WAC 392-400-025(9).

School personnel must make every reasonable attempt to involve parents and students to resolve behavioral violations. The district must ensure that associated notices, hearings, conferences, meetings, plans, proceedings, agreements, petitions, and decisions are in a language the student and parents understand; this may require language assistance. Language assistance includes oral and written communication and further includes assistance to understand written communication, even if parents cannot read any language. The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the school district, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning.

As described in the procedures, the district will offer educational services to students during suspension or expulsion. When the district administers a long-term suspension or expulsion, the district will timely hold a reengagement meeting and collaborate with parents and students to develop a reengagement plan that is tailored to the student's individual circumstances, in order to return the student to school

successfully. Additionally, any student who has been suspended or expelled may apply for readmission at any time.

Staff authority

District staff members are responsible for supervising students during the school day, during school activities, whether on or off campus, and on the school bus. Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The Superintendent has general authority to administer discipline, including all exclusionary discipline. The Superintendent will identify other staff members to whom the Superintendent has designated disciplinary authority. After attempting at least one other form of discipline, teachers have statutory authority to impose classroom exclusion for behaviors that disrupt the educational process. Because perceptions of subjective behaviors vary and include implicit or unconscious bias, the accompanying procedures will seek to identify the types of behaviors for which the identified district staff may administer discipline.

Ensuring fairness, providing notice, and an opportunity for a hearing

When administering discipline, the district will observe all of the student's constitutional rights. The district will notify parents as soon as reasonably possible about classroom exclusion and before administering any suspension or expulsion. The district will provide opportunities for parent participation during an initial hearing with the student. The district will provide parents with written notice, consistent with WAC 392-400-455, of a suspension or expulsion no later than one school business day following the initial hearing.

As stated above, language assistance includes oral and written communication and further includes assistance to understand written communication, even if parents cannot read any language. The district has established procedures for review and appeal of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530.

The district has also established procedures to address grievances of parents or students related to other forms of discipline, classroom exclusion, and exclusion from transportation or extra-curricular activity. The grievance procedures include an opportunity for the student to share

his or her perspective and explanation regarding the behavioral violation.

Development and review

Accurate and complete reporting of all disciplinary actions, including the behavioral violations that led to them, is essential for effective review of this policy; therefore, the district will ensure such reporting.

The district will periodically collect and review data on disciplinary actions taken against students in each school. The data will be disaggregated into subgroups as required by RCW 28A.300.042, including students who qualify for special education or Section 504. The data review will include classroom exclusion, in-school and short-term suspensions, and long-term suspensions and expulsions. The district will invite school personnel, students, parents, families, and the community to participate in the data review. The purpose of the data review is to determine if disproportionality exists; if disproportionality is found the district will take action to ensure that it is not the result of discrimination and may update this policy and procedure to improve fairness and equity regarding discipline.

Distribution of policies and procedures

The school district will make its discipline policies and procedures available to families and the community. The district will annually provide its discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district will ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

Student Discipline **Procedure 3241**

For purposes of all disciplinary policies and procedures, the following definitions will apply:

“Behavioral violation” means a student’s behavior that violates the district’s discipline policies.

“Classroom exclusion” means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements of WAC 392-400-330 and 392-400-335. A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion. Classroom exclusion does not include action that results in missed instruction for a brief duration when:

- (a) a teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
- (b) the student remains under the supervision of the teacher or other school personnel during such brief duration.

“Culturally responsive” has the same meaning as “cultural competency” in RCW 28A.410.270, which states "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

“Discipline” means any action taken by a school district in response to behavioral violations.

“Disruption of the educational process” means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

“Emergency expulsion” means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the

educational process, subject to the requirements in WAC 392-400-510 through 392-400-530

“Emergency Removal/ Exclusion of student from classroom” The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum-learning atmosphere.

- 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 first must attempt one or more alternative forms of corrective action. 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 his or her designee and the teacher have conferred.

“Expulsion” means a denial of admission to the student’s current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480

“Length of an academic term” means the total number of school days in a single trimester or semester, as defined by the board of directors.

“Other forms of discipline” means actions used in response to problem behaviors and behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

“Parent” has the same meaning as in WAC 392-172A-01125, and means (a) a biological or adoptive parent of a child; (b) a foster parent; (c) a

guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state; (d) an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare; or a surrogate parent who has been appointed in accordance with WAC 392-172A.05130. If the biological or adoptive parent is attempting to act as the parent and more than one party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child or to make educational decision on behalf of a child, then that person or persons shall be determined to be the parent for purposes of this policy and procedure.

"School board" means the governing board of directors of the local school district.

"School business day" means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the office of the Superintendent is open to the public for business. A school business day concludes or terminates upon the closure of the Superintendent's office for the calendar day.

"School day" means any day or partial day that students are in attendance at school for instructional purposes.

"Suspension" means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

- **In-school suspension** means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten

consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

- **Short-term suspension** means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
- **Long-term suspension** means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

Engaging with Families & Language Assistance

The district must provide for early involvement of parents in efforts to support students in meeting behavioral expectations. Additionally, the district must make every reasonable attempt to involve the student and parent in the resolution of behavioral violations. Unless an emergency circumstance exists, providing opportunity for this parental engagement is required before administering a suspension or expulsion.

The district must ensure that it provides all discipline related communications [oral and written] required in connection with this policy and procedure in a language the student and parent(s) understand. These discipline related communications include notices, hearings, conferences, meeting, plans, proceedings, agreements, petitions, and decisions. This effort may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. For parents who are unable to read any language, the district will provide written material orally.

Supporting Students with Other Forms of Discipline

Unless a student's presence poses an immediate and continuing danger to others, or a student's presence poses an immediate and continuing threat to the educational process, staff members must first attempt one or more forms of other forms of discipline to support students in meeting behavioral expectations before imposing classroom exclusion, short-term suspension, or in-school suspension. Before imposing a long-term suspension or expulsion, the district must first consider other forms of discipline.

The types of behaviors for which the staff members may use other forms of discipline include any violation of the rules of conduct, as developed annually by the Superintendent. In connection with the rules of conduct, school principals and certificated building staff will confer at least annually to develop precise definitions and build consensus on what constitutes manifestation of problem behaviors. The purpose of developing definitions and consensus on manifestation of a problem behavior is to address the differences in perception of subjective behaviors and reduce the effect of implicit or unconscious bias.

These other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior available online at: <http://www.k12.wa.us/SSEO/pubdocs/BehaviorMenu.pdf>. Staff members are not restricted to the above list and may use any other form of discipline compliant with WAC 392-400-025(9).

Additionally, staff may use after-school detention as another form of discipline for not more than 30 minutes on any given day. Before assigning after-school detention, the staff member will inform the student of the specific behavior prompting the detention and provide the student with an opportunity to explain or justify the behavior. At least one professional staff member will directly supervise students in after-school detention.

Administering other forms of discipline cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

Students and parents may challenge the administration of other forms of discipline, including the imposition of after-school detention using the grievance process below.

Staff Authority and Exclusionary Discipline

District staff members are responsible for supervising students immediately before and after the school day; during the school day; during school activities (whether on or off campus); on school grounds

before or after school hours when a school group or school activity is using school grounds; off school grounds, if the actions of the student materially or substantially affect or interferes with the educational process; and on the school bus.

Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The Superintendent has general authority to administer discipline, including all exclusionary discipline. The Superintendent designates disciplinary authority to impose short-term suspension to Directors, School Principals and Assistant Principals, to impose long-term suspension to Directors, School Principals and Assistant Principals, to impose expulsion to Directors, School Principals and Assistant Principals, and to impose emergency expulsion to Directors, School Principals and Assistant Principals.

Classroom exclusions (WAC 392-400-330)

After attempting at least one other form of discipline, as set forth above, teachers have statutory authority to impose classroom exclusion. Classroom exclusion means the exclusion of a student from the classroom or instructional activity area based on a behavioral violation that disrupts the educational process. As stated above, the Superintendent, school principals, and certificated staff will work together to develop definitions and consensus on what constitutes behavior that disrupts the educational process to reduce the effect of implicit or unconscious bias.

Classroom exclusion may be for all or any portion of the balance of the school day. Classroom exclusion does not encompass removing a student from school, including sending a student home early or telling a parent to keep a student at home, based on a behavioral violation. Removing a student from school constitutes a suspension, expulsion, or emergency expulsion and must include the notification and due process as stated in the section below.

Classroom exclusion cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion. The district will not administer any form of discipline, including classroom exclusions, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

Following the classroom exclusion of a student, the teacher (or other school personnel as identified) must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or the principal's designee as soon as reasonably possible. The principal or designee must report all classroom exclusions, including the behavioral violation that led to it to the Superintendent. Reporting of the behavioral violation that led to the classroom exclusion as "other" is insufficient.

The teacher, principal, or the principal's designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. As noted above, the district must ensure that this notification is in a language and form (i.e. oral or written) the parents understand.

When the teacher or other authorized school personnel administers a classroom exclusion because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

- The teacher or other school personnel must immediately notify the principal or the principal's designee; and
- The principal or the principal's designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

The district will address student and parent grievances regarding classroom exclusion through the grievance procedures.

Emergency Removal/ Exclusion of student from the classroom. (RCW 28A.600.010, RCW 28A.600.020)

The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum-learning atmosphere.

- a. 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. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion.
- b. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. 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 his or her designee and the teacher have conferred. When a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district must provide notice and due process for a suspension, expulsion, or emergency expulsion.

Grievance process for other forms of discipline and classroom exclusion

Any parent/guardian or student who is aggrieved by the imposition of other forms of discipline and/or classroom exclusion has the right to an informal conference with the principal for resolving the grievance. If the grievance pertains to the action of an employee, the district will notify that employee of the grievance as soon as reasonably possible.

At such conference, the student and parent will have the opportunity to voice issues and concerns related to the grievance and ask questions of staff members involved in the grievance matter. Staff members will have opportunity to respond to the issues and questions related to the grievance matter. Additionally, the principal will have opportunity to address issues and questions raised and to ask questions of the parent, student, and staff members.

If after exhausting this remedy the grievance is not yet resolved, the parent and student will have the right, upon two (2) school business days' prior notice, to present a written and/or oral grievance to the Superintendent or designee. The Superintendent or designee will provide the parent and student with a written copy of its response to the grievance within ten (10) school business days. Use of the grievance process will not impede or postpone the disciplinary action, unless the principal or Superintendent elects to postpone the disciplinary action.

Discipline that may be grieved under this section includes other forms of discipline, including after-school detention; classroom exclusion; removal or suspension from athletic activity or participation; and removal or suspension from school-provided transportation.

Suspension and expulsion – general conditions and limitations

The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the school district, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning. The district will not expel, suspend, or discipline in any manner for a student's performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of preserving the educational process. The district will not administer any form of discipline in a manner that would prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

As stated above, the district must have provided the parent(s) opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion.

Additionally, the Superintendent or designee must consider the student's individual circumstances and the nature of the violation before administering a short-term or in-school suspension.

The board recognizes that when a student's behavior is subject to disciplinary action, review by a panel of the student's peers may positively influence the student's behavior. The board has discretion to authorize the establishment of one or more student disciplinary boards, which may also include teachers, administrators, parents, or any combination thereof. If so authorized, the district will ensure that the student disciplinary board reflects the demographics of the student body. The student disciplinary board may recommend to the appropriate school authority other forms of discipline that might benefit the student's behavior and may also provide input on whether exclusionary discipline is needed. The school authority has discretion to set aside or modify the student disciplinary board's recommendation.

The principal or designee at each school must report all suspensions and expulsions, including the behavioral violation that led to the suspension or expulsion, to the Superintendent or designee within twenty-four (24) hours after the administration. Reporting the behavioral violation that led to the suspension or expulsion as "other" is insufficient.

An expulsion or suspension of a student may not be for an indefinite period and must have an end date.

After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, the district must allow the student to petition for readmission at any time. The district will not administer any form of discipline in a manner that prevents a student from completing subject, grade-level, or graduation requirements.

When administering a suspension or expulsion, the district may deny a student admission to, or entry upon, real and personal property that the district owns, leases, rents, or controls. The district must provide an opportunity for students to receive educational services during a suspension or expulsion (see below). The district will not suspend or expel a student from school for absences or tardiness.

If during a suspension or expulsion the district enrolls a student in another program or course of study, the district may not preclude the student from returning to the student's regular educational setting following the end of the suspension or expulsion, unless one of the following applies:

The Superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480; the change of setting is to protect victims under WAC 392-400-810; or other law precludes the student from returning to his or her regular educational setting.

In accordance with RCW 28A.600.420, a school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The Superintendent may modify the expulsion on a case-by-case basis.

A school district may also suspend or expel a student for up to one year if the student acts with malice (as defined under RCW 9A.04.110) and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. These provisions do not apply to students while engaged in a district authorized military education; a district authorized firearms convention or safety course; or district authorized rifle competition.

In-school suspension and short-term suspension

The Superintendent designates to Directors, School Principals and Assistant Principals with the authority to impose in-school and short-term suspension. Before administering an in-school or short-term suspension, staff members must have first attempted one or more other forms of discipline to support the student in meeting behavioral expectations and considered the student's individual circumstances. The district will not administer in-school suspension that would result in the denial or delay of the student's nutritionally adequate meal.

Unless otherwise required by law, the district is not required to impose in-school or short-term suspensions and instead, strives to keep students in school, learning in a safe and appropriate environment. However, there are circumstances when the district may determine that in-school or short-term suspension is appropriate. As stated above, the district will work to develop definitions and consensus on what constitutes behavioral violations to reduce the effect of implicit or unconscious bias. In accordance with the other parameters of this policy, these circumstances may include the following types of student behaviors:

- Being intoxicated or under the influence of controlled substance, alcohol or marijuana at school or while present at school activities;
- Bomb scares or false fire alarms that cause a disruption to the school program;
- Cheating or disclosure of exams;
- Commission of any crime on school grounds or during school activities;
- Fighting: Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where physical blows are exchanged, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, choking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;
- Gang-related activity;
- Harassment/intimidation/bullying;
- Intentional deprivation of student and staff use of school facilities;
- Intentional endangerment to self, other students, or staff, including endangering on a school bus;
- Intentional injury to another;
- Intentionally defacing or destroying the property of another;
- Intentionally obstructing the entrance or exit of any school building or room in order to deprive others of passing through;
- Possession, use, sale, or delivery of illegal or controlled chemical substances;
- Preventing students from attending class or school activities;

- Refusal to cease prohibited behavior;
- Refusal to leave an area when repeatedly instructed to do so by school personnel;
- Sexual misconduct that could constitute sexual assault or harassment on school grounds, at school activities, or on school provided transportation;
- Substantially and intentionally interfering with any class or activity;
- Threats of violence to other students or staff;
- Use or possession of weapons prohibited by state law.

Initial hearing

Before administering any in-school or short-term suspension, the district will attempt to notify the student's parent(s) as soon as reasonably possible regarding the behavioral violation. Additionally, the principal or designee must conduct an informal initial hearing with the student to hear the student's perspective. The principal or designee must provide the student an opportunity to contact his or her parent(s) regarding the initial hearing. The district must hold the initial hearing in a language the parent and student understand.

At the initial hearing, the principal or designee will provide the student:

- Notice of the student's violation of this policy;
- An explanation of the evidence regarding the behavioral violation;
- An explanation of the discipline that may be administered; and
- An opportunity for the student to share his or her perspective and provide explanation regarding the behavioral violation.

Notice

Following the initial hearing, the principal or designee must inform the student of the disciplinary decision regarding the behavioral violation, including the date when any suspension or expulsion will begin and end.

No later than one (1) school business day following the initial hearing with the student, the district will provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email in

a language and form the student and parents will understand. The written notice must include:

- A description of the student's behavior and how the behavior violated this policy;
- The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- The other forms of discipline that the district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;
- The opportunity to receive educational services during the suspension or expulsion;
- The right of the student and parent(s) to an informal conference with the principal or designee; and
- The right of the student and parent(s) to appeal the in-school or short-term suspension;

For students in kindergarten through fourth grade, the district will not administer in-school or short-term suspension for more than ten (10) cumulative school days during any academic term. For students in grades five through twelve, the district will not administer in-school or short-term suspension for more than fifteen (15) cumulative school days during any single semester, or more than ten (10) cumulative school days during any single trimester. Additionally, the district will not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

The district will not administer in-school or short-term suspensions in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

When administering an in-school suspension, school personnel must ensure they are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension. Additionally, school personnel must ensure they are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.

Long-term suspensions and expulsions

Before administering a long-term suspension or an expulsion, district personnel must consider other forms of discipline to support the student in meeting behavioral expectations. The district must also consider the other general conditions and limitations listed above.

Unless otherwise required by law, the district is not required to impose long-term suspension or expulsion and may impose long-term suspension or expulsion only for specify misconduct. In general, the district strives to keep students in school, learning in a safe and appropriate environment. However, in accordance with the other parameters of this policy there are circumstances when the district may determine that long-term suspension or expulsion is appropriate for student behaviors listed in RCW 28A.600.015, which include:

- a) Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
- b) Any of the following offenses listed in RCW 13.04.155, including:
- c) any violent offense as defined in RCW 9.94A.030, including
- d) any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
- e) manslaughter;
- f) indecent liberties committed by forcible compulsion;
- g) kidnapping;
- h) arson;
- i) assault in the second degree;
- j) assault of a child in the second degree;
- k) robbery; drive-by shooting; and
- l) vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner.
- m) any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to registered as a sex offender in violation of 9A.44.132), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;

- n) inhaling toxic fumes in violation of chapter 9.47A RCW;
- o) any controlled substance violation of chapter 69.50 RCW;
- p) any liquor violation of RCW 66.44.270
- q) any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
- r) any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon assistance for an injured victim of a crime in need of assistance;
- s) any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
- t) any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation;
- u) any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti.
- v) Any student behavior that adversely affects the health or safety of other students or educational staff.
- w) Two or more violations of the following within a three-year period
 - a. criminal gang intimidation in violation of RCW 9A.46.120:
 - b. gang activity on school grounds in violation of RCW 28A.600.455;
 - c. willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
 - d. defacing or injuring school property in violation of RCW 28A.635.060; and

In addition to being a behavior specified in RCW 28A.600.015, before imposing long-term suspension or expulsion, district personnel must also determine that if the student returned to school before completing a long-term suspension or expulsion the student would pose an imminent danger to students, school personnel, or pose an imminent threat of material and substantial disruption to the educational process. As stated above, the district will work to develop definitions and consensus on

what constitutes such an imminent threat to reduce the effect of implicit or unconscious bias.

Behavior agreements

The district authorizes staff to enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance. Behavior agreements will also describe district actions planned to support behavior changes by the students. The district will provide any behavior agreement in a language and form the student and parents understand.

A behavior agreement does not waive a student's opportunity to participate in a reengagement meeting or to receive educational services. The duration of a behavior agreement must not exceed the length of an academic term. A behavior agreement does not preclude the district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.

Initial hearing

Before administering any suspension or expulsion, the district will attempt to notify the student's parent(s) as soon as reasonably possible regarding the behavioral violation. Additionally, the principal or designee must conduct an informal initial hearing with the student to hear the student's perspective. The principal or designee must make a reasonable attempt to contact the student's parents and provide an opportunity for the parents to participate in the initial hearing in person or by telephone. The district must hold the initial hearing in a language the parent and student understand. At the initial hearing, the principal or designee will provide the student:

- Notice of the student's violation of this policy;
- An explanation of the evidence regarding the behavioral violation;
- An explanation of the discipline that may be administered; and
- An opportunity for the student to share his or her perspective and provide explanation regarding the behavioral violation.

Following the initial hearing, the principal or designee must inform the student of the disciplinary decision regarding the behavioral violation, including the date when any suspension or expulsion will begin and end.

Notice

No later than one (1) school business day following the initial hearing with the student, the district will provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. If the parent cannot read any language, the district will provide language assistance. The written notice must include:

- A. A description of the student's behavior and how the behavior violated this policy;
- B. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- C. The other forms of discipline that the district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;
- D. The opportunity to receive educational services during the suspension or expulsion;
- E. The right of the student and parent(s) to an informal conference with the principal or designee;
- F. The right of the student and parent(s) to appeal the suspension or expulsion; and
- G. For any long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting.

Other than for the firearm exception under WAC 392-400-820, the district will not impose a long-term suspension or an expulsion for any student in kindergarten through fourth grade.

If a long-term suspension or expulsion may exceed ten (10) days, the district will consider whether the student is currently eligible or might be deemed eligible for special education services. If so, the principal will notify relevant special education staff of the suspension or expulsion so

that the district can ensure it follows its special education discipline procedures as well as its general education discipline procedures.

Divergence between long-term suspension and expulsion

A long-term suspension may not exceed the length of an academic term. The district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

An expulsion may not exceed the length of an academic term, unless the Superintendent grants a petition to extend the expulsion under WAC 392-400-480. The district is not prohibited from administering an expulsion beyond the school year in which the behavioral violation occurred.

Emergency Expulsions

The district may immediately remove a student from the student's current school placement, subject to the following requirements:

The district must have sufficient cause to believe that the student's presence poses:

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

The district may not impose an emergency expulsion solely for investigating student conduct.

For purposes of determining sufficient cause for an emergency expulsion, the phrase "immediate and continuing threat of material and substantial disruption of the educational process" means:

- The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
- School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten (10) school days from its start.

After an emergency expulsion, the district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the education process.

Notice

Within twenty-four (24) hours after an emergency expulsion, the district will provide written notice to the student and parents in person, by mail, or by email. The written notice must include:

- The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
- The duration and conditions of the emergency expulsion, including the date on which the emergency expulsion will begin and end;
- The opportunity to receive educational services during the emergency expulsion;
- The right of the student and parent(s) to an informal conference with the principal or designee; and
- The right of the student and parent(s) to appeal the emergency expulsion, including where and to whom the appeal must be requested.

If the district converts an emergency expulsion to a suspension or expulsion, the district must:

- Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
- Provide the student and parents with notice and due process rights under WAC 392-400-455 through 392-400-480 appropriate to the new disciplinary action.

All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the Superintendent or designee within twenty-four (24) hours after the start of the emergency expulsion.

Appeal, Reconsideration, and Petition

Optional conference with principal

If a student or the parent(s) disagree with the district's decision to suspend, expel, or emergency expel the student, the student or parent(s) may request an informal conference with the principal or designee to resolve the disagreement. The parent or student may request an informal conference orally or in writing.

The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent(s).

During the informal conference, the student and parent(s) will have the opportunity to share the student's perspective and explanation regarding the events that led to the behavioral violation. The student and parent will also have the opportunity to confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion. Further, the student and parent will have the opportunity to discuss other forms of discipline that the district could administer.

An informal conference will not limit the right of the student or parent(s) to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.

Appeals

Requesting appeal

The appeal provisions for in-school and short-term suspension differ from those for long-term suspension and expulsion. The appeal provisions for long-term suspension or expulsion and emergency expulsion have similarities but the timelines differ.

A student or the parent(s) may appeal a suspension, expulsion, or emergency expulsion to the Superintendent or designee orally or in writing. For suspension or expulsion, the request to appeal must be within five (5) school business days from when the district provided the student and parent with written notice. For emergency expulsion, the request to appeal must be within three (3) school business days from when the district provided the student and parent with written notice.

When an appeal for long-term suspension or expulsion is pending, the district may continue to administer the long-term suspension or expulsion during the appeal process, subject to the following requirements;

- The suspension or expulsion is for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
- The district will apply any days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and
- If the student returns to school before the appeal is decided, the district will provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

In-school and short-term suspension appeal

For short-term and in-school suspensions, the Superintendent or designee will provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

The Superintendent or designee must deliver a written appeal decision to the student and parent(s) in person, by mail, or by email within two (2) school business days after receiving the appeal. The written decision must include:

- The decision to affirm, reverse, or modify the suspension;
- The duration and conditions of the suspension, including the beginning and ending dates;
- The educational services the district will offer to the student during the suspension; and

- Notice of the student and parent(s)' right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

Long-term suspension or expulsion and emergency expulsion appeal

For long-term suspension or expulsion and emergency expulsions, the Superintendent or designee will provide the student and parent(s) written notice in person, by mail, or by email, within one (1) school business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:

- The time, date, and location of the appeal hearing;
- The name(s) of the official(s) presiding over the appeal;
- The right of the student and parent(s) to inspect the student's education records;
- The right of the student and parent(s) to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
- The rights of the student and parent(s) to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
- Whether the district will offer a reengagement meeting before the appeal hearing.

For long-term suspension or expulsion, the student, parent(s) and district may agree to hold a reengagement meeting and develop a reengagement plan before the appeal hearing. The student, parent(s), and district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

Hearings

A hearing to appeal a long-term suspension or expulsion or emergency expulsion is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the district will hold hearing without public notice and without public access unless the student(s) and/or the parent(s) or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the district will make reasonable efforts to comply with the

Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.

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

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

If the official presiding over the hearing finds that a student's interests will be substantially prejudiced by a group hearing, the presiding official may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

For long-term suspension or expulsion, the district will hold an appeal hearing within three (3) school business days after the Superintendent or designee received the appeal request, unless otherwise agreed to by the student and parent(s).

For emergency expulsion, the district will hold an appeal hearing within two (2) school business days after the Superintendent or designee received the appeal request, unless the student and parent(s) agree to another time.

The school board may designate a discipline appeal council to hear and decide any appeals in this policy and procedure or to review and reconsider a district's appeal decisions. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of a discipline appeal council must be knowledgeable about the rules in Chapter 392-400 WAC and this policy and procedure. The school board may also designate the Superintendent or a hearing officer to hear and decide appeals. The presiding official(s) may not have been involved in the student's behavioral violation or the decision to suspend or expel the student.

Upon request, the student and parent(s) or their legal representative may inspect any documentary or physical evidence and list of any witnesses that the district will introduce at the appeal hearing. The district must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing. The district may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parent(s) intend to introduce at the appeal hearing. The student and parent(s) must make this information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

Upon request, the student and parent(s) may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

If a witness for the district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness' nonappearance if the district establishes that:

- The district made a reasonable effort to produce the witness; and
- The witness' failure to appear is excused by fear of reprisal or another compelling reason.

The district will record the appeal hearing by manual, electronic, or other type of recording device and upon request of the student or parent(s) provide them a copy of the recording.

For long-term suspension or expulsion, the presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and parent(s) in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision must include:

- The findings of fact;
- A determination whether
 - (i) the student's behavior violated this policy; (ii) the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and (iii) the suspension or expulsion is affirmed, reversed, or modified;

- The duration and conditions of suspension or expulsion, including the beginning and ending dates;
- Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and
- Notice of the opportunity for a reengagement meeting and contact information for the person who will schedule it.

For emergency expulsion, the district will provide a written decision to the student and parent(s) in person, by mail, or by email within one (1) school business day after the appeal hearing. The written decision must include:

- The findings of fact;
- A determination whether the student's presence continues to pose (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process;
- Whether the district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the district converts the emergency expulsion to a suspension or expulsion, the district will provide the student and parent(s) notice and due process consistent with the disciplinary action to which the emergency expulsion was converted; and
- Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

Reconsideration of appeal

The student or parents may request the school board or discipline appeal council, if established by the school board, review and reconsider the district's appeal decision for long-term suspensions or expulsions and emergency expulsions. This request may be either oral or in writing.

For long-term suspension or expulsion, the student or parent(s) may request a review within ten (10) school business days from when the district provided the student and parent(s) with the written appeal decision.

For emergency expulsion, the student or parent(s) may request a review within five (5) school business days from when the district provided the student and parent(s) with the written appeal decision.

- In reviewing the district's decision, the school board or discipline appeal council, if established, must consider (i) all documentary and physical evidence from the appeal hearing related to the behavioral violation; (ii) any records from the appeal hearing; (iii) relevant state law; and (iv) this policy adopted.
- The school board (or discipline appeal council) may request to meet with the student and parent(s), the principal, witnesses, and/or school personnel to hear further arguments and gather additional information.
- The decision of the school board (or discipline appeal council) will be made only by board or discipline council members who were not involved in (i) the behavioral violation; (ii) the decision to suspend or expel the student; or (iii) the appeal decision. If the discipline appeal council presided over the appeal hearing, the school board will conduct the review and reconsideration.

For long-term suspension or expulsion, the school board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

- Whether the school board (or discipline appeal council) affirms, reverses, or modifies the suspension or expulsion;
- The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
- For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

For emergency expulsion, the school board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration. The written decision must identify:

- Whether the school board [or discipline appeal council] affirms or reverses the school district's decision that the student's presence posed (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process.
- If the emergency expulsion has not yet ended or been converted, whether the district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the district converts the emergency expulsion to a suspension or expulsion, the district will provide the student and parent(s) notice and due process under WAC 392-400-455 through 392-400-480 consistent with the disciplinary action to which the emergency expulsion was converted

Petition to extend an expulsion

When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the Superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the Superintendent or designee of:

- The behavioral violation that resulted in the expulsion and the public health or safety concerns;
- The student's academic, attendance, and discipline history;
- Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
- The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
- The proposed extended length of the expulsion; and

The student's reengagement plan.

The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820 involving a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools, the principal or designee may petition to extend an expulsion at any time.

Notice

The district will provide written notice of a petition to the student and parent(s) in person, by mail, or by email within one (1) school business day from the date the Superintendent or designee received the petition.

The written notice must include:

- A copy of the petition;
- The right of the student and parent(s) to an informal conference with the Superintendent or designee to be held within five (5) school business days from the date the district provided written notice to the student and parent(s); and
- The right of the student and parent(s) to respond to the petition orally or in writing to the Superintendent or designee within five (5) school business days from the date the district provided the written notice.

The Superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The Superintendent or designee must deliver a written decision to the principal, the student, and the student's parent(s) in person, by mail, or by email within ten (10) school business days after receiving the petition.

If the Superintendent or designee does not grant the petition, the written decision must identify the date when the expulsion will end.

If the Superintendent or designee grants the petition, the written decision must include:

- The date on which the extended expulsion will end;
- The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
- Notice of the right of the student and parent(s) to request a review and reconsideration. The notice will include where and to whom to make such a request;

Review and Reconsideration of extension of expulsion

The student or parent(s) may request that the school board (or discipline appeal council, if established by the board) review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing within ten (10) school business days from the date the Superintendent or designee provides the written decision.

The school board (or discipline appeal council) may request to meet with the student or parent(s) or the principal to hear further arguments and gather additional information.

The decision of the school board (or discipline appeal council) may be made only board or discipline appeal council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision.

The school board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

- Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
- The date when the extended expulsion will end.

Any extension of an expulsion may not exceed the length of an academic term.

The district will annually report the number of petitions approved and denied to the Office of Superintendent of Public Instruction.

Educational Services

The district will offer educational services to enable a student who is suspended or expelled to:

- Continue to participate in the general education curriculum;
- Meet the educational standards established within the district; and

- Complete subject, grade-level, and graduation requirements.

When providing a student the opportunity to receive educational services during exclusionary discipline, the school must consider:

- Meaningful input from the student, parents, and the student's teachers;
- Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and
- Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

After considering the factors and input described above, the district will determine a student's educational services on a case-by-case basis. Any educational services in an alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline.

As soon as reasonably possible after administering a suspension or expulsion, the district will provide written notice to the student and parents about the educational services the district will provide. The notice will include a description of the educational services and the name and contact information of the school personnel who can offer support to keep the student current with assignments and course work.

For students subject to suspension or emergency expulsion up to five (5) days, a school must provide at least the following:

- Course work, including any assigned homework, from all of the student's regular subjects or classes;
- Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

For students subject to suspension or emergency expulsion for six (6) to ten (10) consecutive school days, a school must provide at least the following:

- Course work, including any assigned homework, from all of the student's regular subjects or classes;
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and

Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three (3) school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:

- Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and
- Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

For students subject to expulsion or suspension for more than ten (10) consecutive school days, a school will make provisions for educational services in accordance with the "Course of Study" provisions of WAC 392-121-107.

Readmission

Readmission application process

The readmission process is different from and does not replace the appeal process. Students who have been suspended or expelled may make a written request for readmission to the district at any time. If a student desires to be readmitted at the school from which he/she has been suspended/expelled, the student will submit a written application to the principal, who will recommend admission or non-admission. If a student wishes admission to another school, he/she will submit the written application to the Superintendent. The application will include:

- The reasons the student wants to return and why the request should be considered;
- Any evidence that supports the request; and
- A supporting statement from the parent or others who may have assisted the student.

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

Reengagement

Reengagement Meeting

The reengagement process is distinct from a written request for readmission. The reengagement meeting is also distinct from the appeal process, including an appeal hearing, and does not replace an appeal hearing. The district must convene a reengagement meeting for students with a long-term suspension or expulsion.

Before convening a reengagement meeting, the district will communicate with the student and parent(s) to schedule the meeting time and location. The purpose of the reengagement meeting is to discuss with the student and his or her parent(s)/guardian(s) a plan to reengage the student.

The reengagement meeting must occur:

- Within twenty (20) calendar days of the start of the student's long-term suspension or expulsion, but no later than five (5) calendar days before the student's return to school; or
- As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

Reengagement plan

The district will collaborate with the student and parents to develop a culturally-sensitive and culturally-responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the district must consider:

- The nature and circumstances of the incident that led to the student's suspension or expulsion;

- As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
- Shortening the length of time that the student is suspended or expelled;
- Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
- Supporting the student parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

The district must document the reengagement plan and provide a copy of the plan to the student and parents. The district must ensure that both the reengagement meeting and the reengagement plan are in a language the student and parents understand.

Exceptions for protecting victims

The district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion to protect victims of certain offenses as follows:

- A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, 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;

A student who commits an offense under RCW 28A.600.460(3), when directed toward another 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.

Student Conduct on School Buses

Student conduct on riding school buses:

- A. The driver is in full charge of the bus and students. The students must obey the driver.
- B. Students shall ride their regularly-assigned bus at all times, unless permission has been granted by parent/guardian and school authority. Choice or non-regular students may not be allowed to ride if an overcrowding condition could exist. Unless by written permission of school authorities, a student shall not depart from the bus except at his/her regular stop.
- C. Students are to maintain orderly conduct at all times. The driver has the right to assign a seat.
- D. Students are to assist in maintaining clean buses by keeping waste off the floor.
- E. For the safety of the students, eating is not allowed unless prior authority has been granted by the driver.
- F. Students will not use any tobacco products on the school bus or at the school bus stop. Lighters and matches are not allowed.
- G. Students will not possess, use, or be under the influence of, or sell illegal substances.
- H. Bus windows will be kept closed on all school grounds and thereafter opened only when permission has been granted by the driver. Students shall not at any time extend head, hands, or arms out the windows whether the school bus is in motion or parked.
- I. Students shall have nothing in their possession which may cause injury to another, such as sticks, breakable containers, any type of firearms, lasers, straps or pins extending from their clothing. Also, animals, other than "seeing eye" dogs, will not be permitted on the bus.
- J. Each student is responsible for keeping their backpacks, books, instruments and personal belongings out of the aisle. Special permission must be granted in advance by school authorities to transport large items. Items transported with permission must be secured.
- K. Students will not be allowed to talk to the driver more than is necessary.

- L. Students shall not sit in the driver's seat nor shall any student be to the immediate left or right of the driver.
- M. Students are to remain seated while the bus is in motion and are not to get on or off the bus until it has come to a complete stop.
- N. Students must board and disembark the bus in an orderly manner. Students must not cross the roadway until consent by the driver. Students should be in view of the driver at all times. Students must cross in front of the bus ONLY, never behind it.
- O. Students cannot stand or play in the roadway while waiting for the bus. Students should leave home early enough to arrive five minutes before the bus is due. Students need to exercise safety at the bus loading area.
- P. Students will not use cell phones while riding the bus if the driver determines the use of a cell phone and other electronic devices is causing a safety issue or disruption. The student will be required to immediately comply with the driver's instructions.

Closed Campus

Policy 3242

Students shall remain on school grounds from time of arrival until close of school unless officially excused.

Student Driving

Policy 3243

The board regards the use of motor vehicles and bicycles for travel to and from school as an assumption of responsibility by parents and students. The superintendent or designee shall develop procedures governing the use of bicycles and motor vehicles while on school property and shall disseminate those procedures to all students so affected.

Student Driving

Procedure 3243

A student may use the school parking lot subject to the following conditions:

- A. A student must register the car in the school office. The student must possess a valid Washington driver's license and show evidence that there is a liability and property damage

insurance coverage on the vehicle and acknowledge that he/she will assume full responsibility for any comprehensive or collision claims that may occur while on school property.

- B. Students may not occupy a vehicle (without permission) during the school day.
- C. In terms of student conduct rules, “possession” of alcoholic beverages, illegal chemical substances or opiates, firearms or a dangerous weapon shall also extend to a student’s vehicle.

If a principal or designee determines that reasonable grounds exist, the automobile may be searched.

A student who does not conform to the above rules shall be subject to corrective action.

Prohibition of Corporal Punishment **Policy 3244**

Corporal punishment is any act which willfully inflicts or willfully causes the infliction of physical pain on a student, and is not permitted.

Corporal punishment does not include:

- A. The use of reasonable physical force by an administrator, teacher, other school employee or volunteer as necessary to maintain order to prevent a student from harming him/herself, other students, school staff and other persons, or property;
- B. Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;
- C. Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects;
or

- D. Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC 392-171-800(30).

Students and Telecommunication Devices
Policy 3245

Students in possession of telecommunications devices, including, but not limited to, pagers, beepers, cellular phones, or any other device that could be used for telecommunication while on school property or while attending school-sponsored or school-or school-related activities will observe the following conditions:

- Telecommunication devices will be turned off when students arrive on campus. However, each school addresses the appropriate times for use of telecommunication devices in their student handbook. Students are expected to adhere to all rules established by school administration.
- If an emergency situation exists involving imminent physical danger, a staff member may authorize a student to use a device.
- Students will not use telecommunication devices in a manner that poses a threat to academic integrity, disrupts the learning environment or violates the privacy rights of others;
- Students will not send, share, view or possess pictures, text messages, emails or other material depicting sexually explicit conduct, as defined in RCW 9.68A.011, in electronic or any other form on a cell phone or other electronic device, while the student is on school grounds, at school sponsored events, or on school buses or vehicles provided by the district.
- When a school official has reasonable suspicion, based on objective and articulable facts, that a student is using a telecommunications device in a manner that violates the law or

school rules, the official may confiscate the device, which will only be returned to the student's parent or legal guardian.

By bringing a cell phone or other electronic devices to school or school-sponsored events, the student and their parents/guardian consent to the search of the device when school officials have a reasonable suspicion, based on objective and articulable facts, that such a search will reveal a violation of the law or school rules. The scope of the search will be limited to the violation of which the student is accused. Content or images that violate state or federal laws will be referred to law enforcement.

- Students are responsible for devices they bring to school. The district will not be responsible for loss, theft or destruction of devices brought onto school property or to school sponsored events.
- Students will comply with any additional rules developed by the school concerning the appropriate use of telecommunication or other electronic devices as stated in their handbook.
- Students who violate this policy will be subject to disciplinary action.

Restraint, Isolation and Other Uses of Reasonable Force

Policy 3246

(See also Procedure 3246)

It is the policy of the Kelso Board of Directors that the district maintains a safe learning environment while treating all students with dignity and respect. All students in the district, including those with an Individualized Education Program (IEP), or a plan developed under Section 504 of the Rehabilitation Act of 1973 will remain free from the unreasonable restraint, restraint devices, isolation and other uses of physical force. Under no circumstances will these techniques be used as a form of discipline or punishment.

This policy is intended to address district students. It is not intended to prevent or limit the use of restraint or other reasonable force as necessary with adults or other youth from outside the district as allowed by law.

Restraint and other uses of physical force, as defined in the procedure accompanying this policy, may be used when necessary to prevent or minimize imminent bodily injury to self or others. Restraint and other uses of physical force may be used to protect district property if de-escalation interventions have failed or are inappropriate.

Use of restraint, isolation, and other forms of reasonable force may be used on any student when reasonably necessary to control spontaneous behavior that poses an “imminent likelihood of serious harm” as defined by RCW 70.96B.010 and explained in the procedure accompanying this policy. Serious harm includes physical harm to self, another, or district property. Staff will closely monitor such actions to prevent harm to the student and will use the minimum amount of restraint and isolation appropriate to protect the safety of students and staff. The restraint, isolation, and other forms of reasonable force will be discontinued when the likelihood of serious harm has dissipated.

The superintendent or a designee will develop procedures to implement this policy, including review, reporting and parent/ guardian notification of incidents involving restraint or isolation as required by law. Additionally, the superintendent will annually report to the board on incidents involving the use of force.

Medication at School

Policy 3416

(See also Procedure 3416)

Under normal circumstances prescribed and over the counter medication should be dispensed before and/or after school hours under supervision of the parent or guardian. If a student must receive prescribed or over the counter oral medication (oral, topical, eye drops, eardrops or nasal spray) from an authorized staff member, the parent must submit a written authorization accompanied by a written request from a licensed health professional prescribing within the scope of his or her prescriptive authority. The health professional must also provide written, current and unexpired instructions for the administration of the medication.

The superintendent/designee shall establish procedures for:

- (a) Delegating, training and supervision of staff members in the administration of prescribed or non-prescribed medication to students by a physician or registered nurse;
- (b) Designating staff members who may administer prescribed or non-prescribed medication to students;
- (c) Obtaining signed and dated parental permission and health professional requests for the dispensing of prescribed or non-prescribed medications, including instructions from the health professional;
- (d) Storing prescribed or non-prescribed medication in a locked or limited access facility;
- (e) Maintaining records pertaining to the administration of prescribed or non-prescribed medication; and
- (f) Permitting, under limited circumstances, students to carry and self-administer medications necessary to their attendance at school.

Suppositories and non-emergency injections may not be administered by school staff other than registered nurses and licensed practical nurses. No medication will be administered by injection by school staff except when a student is susceptible to a predetermined, life-endangering situation (See Policy 3420, Anaphylaxis Prevention and Response). In such an instance, the parent will submit a written and signed permission statement. Such an authorization will be supported by signed and dated written orders accompanied by supporting directions from a licensed health professional. A staff member will be trained prior to injecting a medication.

If the district decides to discontinue administering a student's medication, the superintendent or designee must provide notice to the student's parent or guardian orally and in writing prior to the discontinuance. There must be a valid reason for the discontinuance that does not compromise the health of the student or violate legal protections for the disabled.

Administration of legend (prescribed) drugs or controlled substances by nasal spray:

If a school nurse is on the premises, he/she may administer a nasal spray containing a prescribed drug or controlled substance to a student. If a school nurse is not on school premises, a nasal spray containing a legend (prescribed) drug or controlled substance may be administered by:

- a trained school employee, provided that person has received appropriate RN delegation and volunteered for the training pursuant to RCW 28A.210.260;
- a parent-designated adult.

Required Notification of EMS

After a school employee who is not a school nurse administers a nasal spray that is a legend drug or a controlled substance, the employee shall summon emergency medical assistance as soon as practicable.

Drug and Alcohol--WIAA Activity/Athletic Participation **Policy 3515**

The consumption, sale, and/or possession of alcohol, illegal drugs, legend drugs, or anabolic steroids will not be tolerated.

The use of medication, prescribed for an individual student and used exclusively by the same student in accordance with the specific directions of the student's licensed medical practitioner, shall not be considered a violation of this policy.

Whenever the State of Washington Laws and/or regulations prohibit eligibility, or as a result of violation student eligibility is restricted, the Kelso School District as a member school of WIAA shall restrict participation in those activities under WIAA's jurisdiction as prescribed by law.

Violations of Washington Interscholastic Activities Association Handbook shall be considered a violation of the district's eligibility code and standards, and shall subject the student to disciplinary actions as outlined in Regulation 3515.

The sanctions imposed for violation of Policy 3515 (Drug and Alcohol—WIAA Activity/Athletic Participation) are in addition to those imposed under Policy 3241, and Policy and Procedure 2121.

Drug and Alcohol--WIAA Activity/Athletic Participation
Procedure 3515

The following regulation applies to those students involved in student activities/athletics under the jurisdiction of the Washington Interscholastic Activities Association (WIAA) or who elect to participate at some future point.

Activities, under the jurisdiction of WIAA include: cheerleading/rally, dance/drill team, music, forensics, and drama. Restrictions in these activities apply only to WIAA-sponsored activities. Activities included in this list may change from year to year as WIAA's sponsorship of activities changes.

Consequences, where set forth in this section, shall be in addition to other school discipline sanctions when appropriate. Suspensions from participation will carry over from one activity to the next, one sport season to the next, and from one school year to the next.

All students covered under this regulation, both in season and out of season, are required to follow these rules at all times, 24 hours a day, seven (7) days a week, 365 days a year. Any student breaking these rules will be subject to the penalty for that particular infraction.

The possession, use, and/or selling of drugs and alcohol are considered to be exceptional misconduct and therefore, the sanctions for violations under this regulation shall be cumulative from school year to school year; grades 7-8, 9-12.

Student discipline records, indicating violations of the drug and alcohol policy, will be shared among the middle schools and the high school, as sanctions for possession, use, and/or sale of legend drugs and anabolic steroids by students participating in WIAA activities/athletics is

cumulative for middle school (grades 7-8), and then start over and be cumulative for high school (grades 9-12).

Violations for possession, use, and/or sale of *legend drugs and anabolic steroids shall be reported to the new school of record when a student, grades 7-12, transfers from the district. This is authorized under the authority of the Washington Interscholastic Activities Association Handbook, Rule 27.2.0 and RCW 69.41.020-69.41.050.

* A legend drug is any drug that can only be legally obtained through a prescription by a licensed medical practitioner.

Any student athlete disciplined for a violation of Policy 3515 shall meet with the School Athletic Eligibility Board, consisting of coaches and administrators selected by the principal, to request approval to participate again.

The School Athletic Eligibility Board will recommend to the principal appropriate action to be taken in the student athlete's case.

The school principal or his/her designee shall have the final authority as to the student athlete's renewed participation in the interscholastic sports program.

NON-PARTICIPATING STUDENTS/ATHLETES:

For students not currently in a WIAA activity and for out-of-season students, the suspension for violations of the drug and alcohol policy will be sixty (60) school days and will begin the next activity/sports season in which the student wishes to participate.

The suspension may be modified if the following conditions are met:

- The student participates in a formal assessment conducted by a qualified dependency counselor, as defined by WAC 440-22-010, through the Kelso School District.
- The student and/or his/her parent(s)/guardian(s) sign a consent to an exchange of information between the agency represented by the dependency counselor and the Kelso School District.

- The suspension from an activity/athletics may be reduced to twenty (20) practice days, if the student completes the assessment and follows recommendations of the assessment. The student will be allowed to practice, but will not be able to participate in any contests or performances during the 20-day suspension.
- The student will be expected to complete the activity/sport season following the 20-day suspension. Failure to complete the season will result in the student serving the remaining suspension days of the activity/ athletic suspension at the next activity/sport season in which the student wishes to participate.
- Failure to follow the conditions of the assessment will result in the student serving the remaining suspension days of the activity/athletic suspension.

Second violations by students not currently in a WIAA activity or by out-of-season athletes shall carry the same sanctions as these for students currently in an activity or sport be a one-year suspension (no practice/no contests/no performances).

Third violations by students not currently in a WIAA activity or by out-of-season athletes carry the same sanctions as those for students currently involved in an activity or sport. The student committing a third violation is permanently prohibited from participation in any WIAA-sponsored athletic or activity program.

PARTICIPATING STUDENTS/ATHLETES:

Possession, Use, and/or Sale of Legend Drugs, Illegal Drugs, Alcohol and Anabolic Steroids

FIRST OFFENSE

The student becomes immediately ineligible for interscholastic competition in the activity or sport in which he/she is participating for the remainder of the season.

If the student chooses to seek help and appeal for reinstatement, he/she would ineligible for a minimum of 20 days (no contests/no performances). Students may continue to participate in team practices during this time. Conditions for reinstatement include requiring the

student to participate in a chemical dependency screening and assessment by a professional, following the recommendations stated in the assessment, submitting to random drug testing for one year (which is the financial responsibility of the parent or guardian), attending drug/alcohol classes, and serving suspension days. The student then may regain eligibility by recommendation of the principal and the athletic director.

Suspension days will carry over consecutive activities or seasons and/or from school year to school year.

SECOND OFFENSE:

The student is suspended and shall be ineligible and prohibited from participating in any WIAA activity or interscholastic sports program for a period of one calendar year from the date of the second violation (no practice, no contests/no performances).

Conditions for reinstatement may include requiring the student to participate in an assessment, follow the recommendations stated in the assessment, submit to random drug testing for one year, which is the financial responsibility of the parent or guardian, attend drug/alcohol classes, and serving suspension days.

THIRD OFFENSE:

The student is suspended and shall be permanently prohibited from participation in any WIAA activity or interscholastic sport in any WIAA member school.

AMNESTY CLAUSE

A student who has violated the drug and alcohol policy but who is not currently under investigation* for violation of the drug and alcohol policy and has no prior violation may seek and receive help under the Amnesty Clause.

**Under this clause, "not under current investigation" means school authorities have no knowledge of a suspected violation prior to the student and/or his/her parent(s)/ guardian(s) bringing this to their attention.*

The student must admit to the policy violation and voluntarily submit to a formal drug and alcohol assessment conducted by a qualified dependency counselor, as defined by WAC 440-22-010, consent to an exchange of information between the qualified dependency counselor and the Kelso School District, and undergo a recommended treatment program.

Failure to follow through or complete the treatment program will result in the penalty for a first time violation. The student will also submit to random drug testing for one calendar year, which is the financial responsibility of the parent or guardian.

Legend Drugs (including anabolic steroids) RCW 69.41.010 identified substances

In no instance shall participation in a school and/or community approved assistance program excuse a student athlete from subsequent compliance with this regulation. However, successful completion or compliance with the activity/athletic code by the student may allow him/her to have eligibility reinstated in the activity/athletic program.

Alcohol and Non-legend Drugs

The student may continue participation in the activity/sport while undergoing assessment and recommended treatment. Failure to continue treatment will result in immediate suspension for a minimum of 20 days, (same as first offense). Suspension days will carry over one activity to another, season to season, and from school year to school year.

Any subsequent violation of the drug and alcohol policy will result in the appropriate penalty for a second violation.

Parent(s) or guardian(s) who believe that their son/daughter may have violated the alcohol or drug policy but are not currently under investigation for violation of the drug and alcohol policy may use the amnesty clause to seek help for their son/daughter. This must be with the knowledge and consent of their son or daughter.

Regulation of Dangerous Weapons on School Premises

Policy 4210

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

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

Dangerous Weapons

The term "dangerous weapons" under state law includes:

- Any firearm;
- Any device commonly known as "nun-chu-ka sticks," consisting of two or more length of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- Any device, commonly known as "throwing stars," which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;
- Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse;
- Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse;

The following instruments:

- Any dirk or dagger
- Any knife with a blade longer than three inches;
- Any knife with a blade which is automatically released by a spring mechanism or other mechanical device;
- Any knife having a blade which opens, or falls or is ejected into position by the force of gravity, or by outward, downward, or centrifugal thrust or movement; and
- Any razor with an unguarded blade;
- Any slung shot, sandbag, or sandclub;
- Metal knuckles;
- A sling shot;
- Any metal pipe or bar used or intended to be used as a club;
- Any explosive;
- Any weapon containing poisonous or injurious gas;
- Any implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death.

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

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

Reporting Dangerous Weapons

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

year expulsion for a firearm on a case-by-case basis.

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

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

Exceptions to State Law and this Policy

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

- Persons engaged in military, law enforcement, or school district security activities;
- Persons involved in a school authorized convention, showing, demonstration, lecture or firearm safety course; and
- Persons competing in school authorized firearm or air gun competition; 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

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

Use of Tobacco and Nicotine Products and Delivery Devices

Policy 4215

The board of directors recognizes that to protect students from exposure to the addictive substance of nicotine, employees and officers of the school district, and all members of the community, have an obligation as role models to refrain from use of tobacco products and delivery devices on school property at all times.

Tobacco products and delivery devices includes, but are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, "vapor pens," non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances; and any other smoking equipment, device, material or innovation.

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

The use of Federal Drug Administration (FDA) approved nicotine replacement therapy such as a nicotine patch, gum or lozenge is permitted. However, students and employees must have a physician's

prescription for the FDA approved nicotine replacement therapy and must follow applicable policies regarding use of medication at school.

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

Tobacco Use, Possession and Distribution Procedure 4215

Tobacco is the leading cause of preventable death in Washington State. The board recognizes that schools cannot achieve their primary mission of education if students and staff are not healthy and fit physically, mentally and socially. Actions taken by staff in dealing with student use of tobacco will have as their first concern the welfare of the student involved and the other students in the school. Although a helping relationship, rather than an investigative and punitive approach, will be emphasized, necessary and appropriate disciplinary action will be taken when laws or school regulations are violated.

Prevention

Schools have a responsibility to provide tobacco prevention during the years when the risk of becoming addicted to tobacco is greatest. The goal of the tobacco use and possession policy is to establish a tobacco-free norm among students and staff by instituting and enforcing a tobacco-free environment and integrating effective prevention strategies.

Tobacco-Free School Environment

A tobacco-free school environment helps students achieve academically, socially and emotionally. The school shall be a place where:

- a. Tobacco and delivery device, which includes but are not limited to electronic smoking/vapor devices, "vapor pens," non-

- prescribed inhalers, or other nicotine or chemical delivery device use and possession is not acceptable at any time including:
- a. School-sponsored events on or off campus.
 - b. General public use of district facilities, or vendors, suppliers or contractors working on district property.
 - c. Students and staff are not subject to tobacco advertising:
 - a. On school property or in school buildings.
 - d. In school publications.
 - e. On clothing, gear or paraphernalia (shirts, caps, backpacks, bags, key chains, lighters, etc.).
 - f. Tobacco-free signage is visible to all students, staff and visitors.
 - g. Schools do not knowingly accept any funding or resources from the tobacco industry (to include goods and supplies).

Instruction

Tobacco prevention instruction shall be age appropriate and focus on:

- The short- and long-term negative physiologic and social consequences of tobacco use.
- Social influences on tobacco use and peer norms regarding tobacco use.
- Tobacco refusal skills.

Intervention

The goal of the intervention program shall be to eliminate use of tobacco on school property by students, staff and visitors by providing clear consequences for policy violations.

Policy Violation Corrective Action

Actions taken by staff in dealing with student use or possession of tobacco and/or delivery devices should be consistent with the actions taken for students found using alcohol or any controlled illegal, addictive or harmful substances. Corrective actions will emphasize support such as alternatives to suspension rather than punishment; tobacco use is an addictive disease and not merely a discipline problem.

Penalties for policy violations will be clearly communicated and enforced consistently following progressive discipline guidelines. Additional consequences may be enforced if student is involved in the sale and/or distribution of tobacco and/or delivery devices.

Grades K-5:

Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

First Offense:

The student may be provided a school based disciplinary action up to an in school suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

- If the student agrees to participate in a corrective action designed to educate the student of the harmful effects of tobacco.

Second Offense:

The student may be provided a school based disciplinary action up to an in school suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

- If the student agrees to a corrective action designed to educate the student of the harmful effects of tobacco.
- Enrolls in a tobacco prevention education program/class

Third Offense:

The student may be provided a school based disciplinary action up to an in school suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

- If the student agrees to a corrective action designed to educate the student of the harmful effects of tobacco.
- Enrolls in a tobacco prevention education program/class.

Grades 6-12

Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

First Offense:

The student may be provided a school based disciplinary action up to an in school suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

- If the student agrees to a corrective action designed to educate the student of the harmful effects of tobacco.
- In addition, student athletes will also receive the WIAA sanction as stated in the district's Student Activity/Athletic Handbook.
- Notification of law enforcement will be at the discretion of the building principal or designee.

Second Offense:

The student may be provided a school based disciplinary action up to an in school suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

- If the student agrees to a corrective action designed to educate the student of the harmful effects of tobacco.
- In addition, student athletes will also receive the WIAA sanction as stated in the district's Student Activity/Athletic Handbook.
- Notification of law enforcement will be at the discretion of the building principal or designee.

Third Offense:

The student may be provided a school based disciplinary action up to an out of school suspension. A behavioral agreement may be developed to modify the disciplinary action as follows:

- If the student agrees to a corrective action designed to educate the student of the harmful effects of tobacco.
- In addition, student athletes will also receive the WIAA sanction as stated in the district's Student Activity/Athletic Handbook.
- Notification of law enforcement will be at the discretion of the building principal or designee.

Definitions

Tobacco means any lit or unlit cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, and smokeless tobacco, also known as spit tobacco, dip, chew and snuff, in any form.

Delivery Device - includes but are not limited to electronic smoking/vapor devices, “vapor pens,” non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances.

Tobacco use includes smoking, which means carrying or having in one’s possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke, and chewing smokeless tobacco, also known as spit tobacco, dip, chew and snuff, in any form.

School property means all property owned, leased, rented or otherwise used by a school including but not limited to the following:

- All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage;
- All school grounds over which the school exercises control including areas surrounding any buildings, playgrounds, athletic fields, recreation areas and parking areas; and
- All vehicles used by the district for transporting students, staff, visitors or other persons including school buses and other district vehicles.

Notification of Threats of Violence or Harm

Policy 4314

(See also Procedure 4314)

Students and school employees who are subjects of threats of violence or harm shall be notified of the threats in a timely manner. Students and parents of students who are subjects of credible threats of violence or harm will be notified. If there is a specific and significant threat to the health or safety of a student or other individuals, the district may disclose

information from education records to appropriate parties whose knowledge of the information is necessary.

Timing and details of the notice will be as extensive as permitted by the federal Family Educational Rights and Privacy Act (FERPA), other legal limitations, and the circumstances.

Individual-directed threats of violence or harm are communications that create fear of physical harm to a specific individual or individuals, communicated directly or indirectly by any means.

Building-directed threats of violence or harm are direct or indirect communications by any means of the intent to cause damage to a school building or school property (e.g., bomb threats), or to harm students, employees, volunteers, patrons or visitors.

The district will address threats of violence or harm in a manner consistent with the district's safety policies and comprehensive safe schools plans.

Persons found to have made threats of violence or harm against district property, students, employees or others will be subject to relevant district discipline policies and will be referred to appropriate community agencies including law enforcement and mental health services. District staff will work with in-district and community-based professionals and services in all relevant disciplines to address threats of violence or harm, those threatened and those making the threats. Necessary information about the person making the threat will be communicated by the principal to teachers and staff, including security personnel.

State law provides the district, school district directors and district staff with immunity from liability for providing notice of threats in good faith. Persons who make a knowingly false notification of a threat are subject to appropriate district discipline policies and may be referred for prosecution.

The superintendent is directed to develop and implement procedures consistent with this policy.

Maintaining Professional Staff/Student Boundaries

Policy 5253

Purpose

The purpose of this policy is to provide all staff, students, volunteers and community members with information about their role in protecting children from inappropriate conduct by adults. This policy applies to all district staff and volunteers (with a regular, ongoing assignment). For purposes of this policy and its procedure, the terms “district staff,” “staff member(s),” and “staff” also include volunteers.

General Standards

The board expects all district staff to maintain the highest professional standards when they interact with students. District staff are required to maintain an atmosphere conducive to learning by consistently maintaining professional boundaries.

Professional staff/student boundaries are consistent with the legal and ethical duty of care that district employees have for students.

The interactions and relationships between district staff and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency with the educational mission of the district.

District staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve a demonstrated educational purpose. An educational purpose is one that relates to the staff member’s duties in the district. Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will notify and discuss issues with their building administrator or supervisor whenever they suspect or question whether their own or another staff member’s conduct is inappropriate or constitutes a violation of this policy.

The board recognizes that staff may have familial and pre-existing social relationships with parents or guardians and students. Staff members shall pro-actively discuss dual relationships with students with their building administrator or supervisor.

Use of Technology

The board supports the use of technology to communicate for educational purposes. However, district staff are prohibited from inappropriately communicating with students through cell phone usage, on-line, or from engaging in any conduct on social networking websites that violates the law or district policies or procedures, or the district Acceptable Use Procedures (AUP). Staff whose conduct violates this policy may face discipline and/or termination, consistent with the district's policies and procedures, acceptable use agreement, and collective bargaining agreements, as applicable.

The superintendent/designee will develop protocols for reporting and investigating allegations and develop procedures and training to accompany this policy.

Maintaining Professional Staff/Student Boundaries

Procedure 5253

Boundary Invasions

In a professional staff/student relationship, staff maintain boundaries that are consistent with the legal and ethical duty of care that school personnel have for students.

A boundary invasion is an act or omission by a staff member that violates professional staff/student boundaries and has the potential to abuse the staff/student relationship.

An inappropriate boundary invasion means an act, omission, or pattern of such behavior by a staff member that does not have an educational purpose; and results in abuse of the staff/student professional relationship.

Inappropriate Boundary Invasion Examples

Examples of possible inappropriate boundary invasions by staff members include, but are not limited to the following:

- Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the district's policy on Sexual Harassment of Students, Prohibition of Harassment, Intimidation and Bullying (Policy 3207); Nondiscrimination (Policy 3210); Title IX of the Education

Amendments of 1972 (Title IX); the Washington State Law Against Discrimination (Chapter 49.60 RCW); or that constitutes misconduct under RCW 28A.640 and .642 or WAC 181-88-060; or any conduct that would constitute a violation of Chapter 9A.44 or 9A.88 RCW;

- Showing pornography to a student;
- Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship;
- Socializing where students are consuming alcohol drugs or tobacco;
- For non-guidance/counseling staff, continually encouraging students to confide their personal or family problems and/or relationships. It is understood that staff members play an important role in supporting students when they face issues and challenges outside the classroom. Staff shall recognize and refer students to counselors/administrators for on-going non-educational issues;
- Sending students on personal errands unrelated to any educational purpose;
- Banter, allusions, jokes or innuendos of a sexual nature with students;
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
- Maintaining personal contact with a student outside of school by phone, email, Instant Messenger or Internet chat rooms, social networking Web sites, or letters (beyond homework or other legitimate school business) without including the building administrator/supervisor and parent/guardian;
- Exchanging personal gifts, cards, or letters with an individual student for non-educational purposes;
- Socializing or spending time with students (including, but not limited to, activities) such as going out for beverages, meals or movies, shopping, traveling, or recreational activities: outside of

school-sponsored events, except as participants in organized community activities;

- Giving a student a ride alone in a vehicle in a non-emergency situation;
- Unnecessarily invading a student's privacy, (e.g. walking in on the student in the bathroom);
- Soliciting phone, email, text messages or other forms of written or electronic communication from students when the communication is unrelated to school work or other legitimate school business; or
- Any other conduct that fails to maintain professional staff/student boundaries.

Appearances of Impropriety

The following activities may be boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable, these activities should be pre-approved by the appropriate administrator. If not pre-approved, the staff member must report the occurrence to the appropriate administrator as soon as possible.

- Being alone with an individual student out of the view of others;
- Inviting or allowing individual students to visit the staff member's home;
- Visiting a student' home; and/or
- Sending or soliciting email, text messages or other electronic communications from the student for social purposes. All communication will use professional judgement and relate to an educational purpose, i.e. coursework, athletics, activities.

Reporting violations

Students and their parents/guardians are encouraged to notify the principal (or other administrator) if they believe a staff member may be engaging in conduct that violates this policy or procedure.

Staff members are required to promptly notify the principal or the supervisor of the employee or volunteer suspected of engaging in inappropriate conduct that violates this policy or procedure.

The administrator to whom a boundary invasion concern is reported must document, in writing, the concern and provide a copy of the documentation to the Executive Director, Human Resources. The Executive Director, Human Resources will maintain a file documenting reports of this nature which are made

Reporting Sexual Abuse

All professional school personnel who have reasonable cause to believe that a student has experienced sexual abuse by a staff member, volunteer, or agency personnel working in the school are required to make a report to Child Protective Services or law enforcement pursuant to board policy and procedure 3421, Child Abuse, Neglect and Exploitation Prevention, and Chapter 26.44, RCW. Reporting suspected abuse to the building principal or supervisor does not relieve professional school personnel from their reporting responsibilities and timelines.

Disciplinary Action

Staff violations of this policy may result in disciplinary action up to and including dismissal. The violation may also be reported to the state Office of Professional Practices.

Training

All new employees and volunteers will receive training on appropriate staff/student boundaries within three months of employment or service. Continuing staff will receive training every three years.

Dissemination of Policy and Reporting Protocols

This policy and procedure shall be included on the district Web site and in all employee, student, and volunteer handbooks. Annually, all administrators and staff will receive copies of the district's reporting protocol.

**State laws and regulations are ever changing. All changes will be updated as needed. A complete and current Student Rights and Responsibilities handbook can be found online at www.kelso.wednet.edu.*



The Kelso School District reserves the right to change its discipline policies consistent with state law. Students should review current district discipline policies if they have any questions about the exact discipline or district procedures that might apply in a particular situation.