

Rights & Responsibilities 2011-12

THE PURPOSE OF RIGHTS AND RESPONSIBILITIES

A major goal of Highline Public Schools is to promote a sense of responsibility in all students. The conduct of one student cannot impair the rights or opportunities of other students. To these ends, the board of directors has adopted policies related to student conduct. The rules and regulations governing the rights and responsibilities of students, teachers, and administrators as related to student conduct are outlined on the following pages.

STUDENT RIGHTS

Freedom of speech and assembly

All students possess the constitutional right to freedom of speech and press, the constitutional right to assemble peaceably, and to petition the government and its representatives for a redress of grievances, subject to reasonable limitations upon the time, place, and manner of exercising such rights.

Students are entitled to orally express their opinions. Such opinions shall not interfere with the freedom of others to express themselves. The use of obscenities or personal attacks is prohibited.

All student meetings in school buildings or on school grounds may function only as a part of the formal educational process or as authorized by the principal.

Students have the freedom to assemble peacefully. There is an appropriate time and place for expression of opinions and beliefs. Conducting demonstrations, which interfere with the operation of the school or classroom, is inappropriate and prohibited.

Students are entitled to express in writing their personal opinions. Such written expressions must be signed by the author. The distribution of such material may not interfere with or disrupt the educational process and is subject to the guidelines of Procedure 3222P (Distribution of Materials by Students), which is available to all students in the school board policy manual located in the library of each secondary school and in the principal's office in each elementary school.

Students who edit, publish, or distribute handwritten, printed, or duplicated matter among their fellow students within the school must assume responsibility for the content of such publications.

Libel, obscenity, vulgarity, and personal attacks are prohibited in all publications.

Commercial solicitation will not be allowed on school property unless expressly approved by the school administration.

Search and seizure (Board Policy 3231-3232)

All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. The following rules shall apply to the search of a student or of school property assigned to a specific student (locker, desk, etc.) and the seizure of items in his/her possession.

- There shall be reasonable cause for school authorities to believe that the possession constitutes a crime or rule violation.
- General searches of school property may be conducted.
- Search of a specific area assigned to a student should be for a specific item and take place in his/her presence.
- Illegal items such as firearms, weapons, or other possessions are reasonably determined to be a threat.
- Items which are used to disrupt or interfere with the educational process may be temporarily removed from a student's possession.

Equal Educational Opportunity

Students have the right to equal educational opportunity and shall not be unlawfully discriminated against because of national origin, race, religion, economic status, gender, sexual orientation, pregnancy, marital status, previous arrest, previous incarceration, or physical, mental, or sensory handicap.

Freedom from Interference with Education

All students shall have the right to be free from unlawful interference in their pursuit of an education while attending the public schools.

Student Files

Student records shall be available only to school personnel on a need-to-know basis. A student's official record is open to inspection and copying by the student and his/her parent(s) or guardian(s) by appointment only during regular school hours.

Grievance Procedure for Discipline

A grievance procedure exists to provide an opportunity for a student to seek a remedy for the unfair application of rules, regulations, or procedures.

The student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal or designee for the purpose of resolving the grievance, pursuant to WAC 392-400-240 and district policy 3240.

STUDENT RESPONSIBILITIES

The mission of the common school system is to provide a learning experience, which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to:

- Comply with the rules of the district and school; Abide by all district policies governing student conduct, including, but not limited to, policies addressing the Acceptable Use of Electronic Resources; Harassment, Intimidation and Bullying; Sexual Harassment; and Racial Harassment/Discrimination/Harassment, as further discussed in this handbook;
- Attend all classes each day, on time;
- Make a reasonable effort to learn;
- Follow the reasonable instructions of teachers;
- Respect the rights of others. Students have a responsibility to refrain from expressing personal prejudice toward any individual or group because of race, sex, sexual orientation, age, handicapping condition, religion, national origin, or language. Students will not be allowed to engage in conduct which interferes with the educational pursuit of others; and
- Accept reasonable, corrective action imposed by the district and its professional staff for violation(s).

DEFINITIONS

- **Discipline:** All forms of corrective action other than suspension or expulsion. It shall include, but not be limited to, the removal of a student from a class or activity by a teacher or administrator for not longer than the balance of the immediate class or activity.
- **Emergency Expulsion:** The immediate denial of the right of school attendance because the student is either an immediate and continuing danger to himself, other students or school personnel, or poses a threat of substantial disruption of the educational process.
- **Suspension:** The denial of the right of attendance at any single class, or any full schedule of classes, or at any other activity conducted on or by the school district for a stated period of time.
- **Short-term Suspension:** A suspension for all or any portion of a school day up to but not exceeding 10 consecutive school days.
- **Long-term Suspension:** A suspension that exceeds 10 consecutive school days.
- **Expulsion:** The denial of attendance at any single class, or any full schedule of classes, or any other activity conducted on or by the school district for an indefinite period of time.
- **Exceptional Misconduct:** Exceptional misconduct is a violation of school district rules of student conduct that is so frequent in occurrence, or so serious in nature, and/or is so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short- or long-term suspension.

- **School Business Day:** Any calendar day, exclusive of Saturdays, Sundays, and any federal or school holidays, upon which the office of the superintendent is open to the public for the conducting of business.

PROHIBITED CONDUCT

The commission of or participation in the following activities or acts in school buildings or on school property is prohibited. In addition, students at school-sponsored, off-campus events and those using district-sponsored transportation, shall be governed by school district rules and regulations and are subject to the authority of school district officials. Failure to obey the rules and regulations and/or failure to obey the lawful instructions of a school district official shall result in disciplinary action, including the possibility of the loss of eligibility to attend school-sponsored, or off-campus events.

The nature and circumstances of the student conduct violation must reasonably warrant a suspension or expulsion. As a general rule, no student will be suspended for a short- or long-term unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature. A student may be suspended for exceptional misconduct other than absenteeism, however, when such misconduct is of frequent occurrence or is serious in nature and/or is disruptive to the operation of the school.

The conduct marked with an asterisk (*) has been judged by the board of directors to be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s), that students may be subject to a suspension for a first-time offense.

Appearance - Highline Public Schools and school staff believe that learning best occurs in a positive atmosphere. To that end, we expect all of our students to help create that environment. Appearance expectations will be enforced throughout the campus. Appearance that causes disruption of the educational process or presents health or safety issues will not be allowed. The following appearance expectations are for all Highline schools and activities:

- Shoes are to be worn at all times.
- Clothing or tattooing with inappropriate language or any reference to tobacco, drugs, alcohol, or gang affiliation (including bandanas) is not allowed.
- Shorts, skirts, and dresses are to be long enough to maintain modesty while standing or sitting. These items should reach mid-thigh.
- Shirts should meet the waistband of skirts or pants, even when students move or bend. Undergarments are to be covered at all times.
- Pants should not have to be held up with a hand when walking. The waistband of the pants must be worn at the waist.
- Bandanas are not to be worn at school.
- Piercings must not present health or safety issues to the individual or other students.

***Arson/Reckless Burning** - Intentionally or recklessly setting fire to a building or property.

***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.

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

***Bullying, Intimidation, or Extortion** - Intentional threatening; or hurtful verbal or physical acts that violates Policy 3207 (Prohibition of Harassment, Intimidation, and Bullying). In addition, the removal of property from another through direct or indirect threats including electronic, force, or violence is prohibited.

***Bomb Threat** - Threats to bomb or damage any public school building facility or property.

***Criminal Acts as defined by law not otherwise listed** - Refer to Criminal Code, Revised Code of Washington (RCW), Washington Administrative Code (WAC). Does not require a conviction.

***Defacing, Misuse, or Destruction of Property** - Defined legally as malicious mischief; intentional damage to school district property or to property of others, including, but not limited to, school district employees, visitors, or students.

***Defiance/Failure to Cooperate/Refusal to Identify Self**

Persistent and egregious disregard, contempt for school authority. Students must obey reasonable instructions of school district personnel. All students must, upon request, identify themselves to proper school authorities in the building, on school grounds, or at school-sponsored events.

***Disruptive Behavior or Obscene, Profane Language, Gestures, or Materials** - Conduct which materially and substantially interferes with the educational process. Includes, but is not limited to, obscene, profane language, gestures, or materials; tantrum-like behavior.

***Explosives** - Possession or use of explosive substances that could cause injury or damage are prohibited on school property unless written authorization from the district is received in advance and the explosive is part of an instructional lesson.

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

***False Alarm** - Setting off false alarms.

***Falsification/Forgery of Documents/Cheating** - The forging of parental or guardian signatures on any letter to the school or on any school document. (When informed by the home, the school will accept the signature of an 18-year-old student to certify his own document.)

***Fighting** - Intentionally causing or attempting to cause physical injury or intentionally in such a way as could reasonably cause physical injury to another person, includes failure to disperse, and failure to report a fight that the student is aware of.

***Gang-Related Behavior** - It is the policy of Highline Public Schools that students who participate in gang-related behavior or activities will be subject to firm disciplinary action and be reported to the appropriate law enforcement authorities. The type of dress, apparel, activities, acts, behavior, or manner of grooming displayed, reflected, or participated in by students shall not:

- Lead school officials to reasonably believe that such behavior, apparel, activities, acts, or other attributes are gang related and would disrupt or interfere with the school environment or activity and/or educational objectives;
- Present a physical safety hazard to self, students, and/or employees;
- Create an atmosphere in which a student, staff member, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence; or
- Imply gang membership or affiliation by written communication, tattoos, drawing, painting design/emblem upon any school or personal property or one's person.

***Harassment, Intimidation, and Bullying** - Highline Public Schools is committed to a safe and civil educational environment for all students, employees, volunteers, and patrons, free from harassment, intimidation, or bullying. Harassment, intimidation, or bullying means any intentionally written message or image—including, but not limited to, one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability, or other distinguishing characteristics, when an act:

- 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.

Inappropriate Displays of Affection - Acts or expressions that are objectionable to staff and/or students.

***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.

***Interference With School Authorities** - Interfering with school personnel by force or violence, or threat of force.

***Internet Access Abuse/Unauthorized Use of Technology/Electronic Devices** - This constitutes any action taken in violation of the district's Acceptable Use Policy or any other district policy prohibiting harassing, intimidating, or bullying behaviors, including, but not limited to,:

- Using technology such as computers, cellular phones, handheld devices, smartphones, etc. owned by the district or used on the district's grounds, or at a district-sponsored event to harass, bully, or intimidate any student, staff member, or district volunteer.
- Intentionally accessing and/or downloading vulgar or obscene materials.
- Communicating downloaded vulgar or obscene materials to others.
- Tampering with electronic hardware, data files, or software or unauthorized access to, or use of, such technology.

***Lewd Behavior/Sexual Misconduct** - Indecent liberties or obscene acts or expressions of or involving sex, including rape. This may also include the possession or display of sexual or obscene images while on school grounds.

***Negligent/Reckless Driving** - Driving in an unsafe manner on or adjacent to school grounds.

***Obscene or Disruptive Material** - Publishing or distributing on school grounds libelous, obscene, or disruptive materials.

***Possession/Use** - Possession and/or use of illegal chemical substances, including alcoholic beverages, possession of drug paraphernalia, possession of any medications/stimulants/depressants, or mood-altering compounds. Possession on school premises or at school-sponsored functions including before/after school or on property adjacent to school of paraphernalia intended for storage, use, or distribution of such alcoholic beverages, drugs, controlled substances, medications, or narcotics. Attendance at school or school-sponsored event following off-campus consumption of alcohol or controlled substance.

***Racial or Religious Harassment/Discrimination/Harassment** - Harassment or discrimination of an individual(s) on the basis of age, disability, national origin, race, marital status, religion, sex, or social-economic status by words, in writing, by gestures, or actions. To persistently disturb, torment, or pester anyone.

***Sale/Distribution of Drugs, Alcohol, Illegal Substance, Paraphernalia** - Sale and/or distribution, including sharing, of or possession with intent to sell/distribute illegal chemical substances, including alcoholic beverages, drug paraphernalia, medications/stimulants/depressants, or mood-altering compounds.

***Sexual Harassment** - Sexual harassment does not refer to casual conversations or compliments of a socially accepted nature. It refers to behavior that is unwelcome, offensive, interfering with effectiveness or creating uneasiness in the educational and work environment. For the purpose of this definition, sexual harassment may include conduct or communication that involves students to adult, student to student, male to female, female to male, male to male, and female to female. Sexual harassment consists of unwelcome and/or inappropriate sexual advances; and/or requests for sexual favors; and/or sexually motivated physical contact; and/or verbal or physical conduct or communication of a sexual nature if:

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

Such conduct, whether committed in the educational environment or district workplace by students, is specifically prohibited. This may include, but is not limited to:

- Making sexually suggestive remarks, gestures, jokes, or teasing;
- Pressure for unwanted companionship, contact, dates, or sexual activity;
- Disparaging remarks about one's gender or sexually demeaning terms for females and males;
- Hazing, pranks, or other intimidating behavior toward others because of gender; deliberate and/or unwelcome touching such as impeding or blocking movement, cornering, pinching, pulling on clothing, kissing, or fondling;

- Displaying or distributing printed, pictorial, derogatory, and/or offensive sexual materials such as posters, cards, pictures, cartoons, graffiti, drawings, or clothing;
- Using the media for unwanted communications such as letters, phone calls, email, fax, or other technology;
- Spreading rumors about a person's private sex life;
- Unwanted communications about personal sexual experiences; or
- Requests for sexual favors in exchange for rewards such as grades, promotion, money, and/or personal gain.

For complaint process, disciplinary actions, false accusations, remedies, non-retaliation, dissemination, interpretation, and internal review, please refer to Policy 5262.

***Theft/Possession of Stolen Property** - To take or possess the property of another without permission.

***Tobacco Products** - A student shall not carry or smoke any kind of pipe, cigar, cigarette, or any other smoking equipment or material, nor shall students be in possession of or use, chew or snuff tobacco products at school or school-sponsored events/activities, or while a passenger in district vehicles, or on school property.

***Trespass** - Being present in an unauthorized place on or adjacent to school grounds and/or refusing to leave when directed to do so.

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

***Weapons** - The Board of Directors of Highline Public Schools No. 401 declares its intent not to tolerate possession of dangerous weapons by students on school district property or at school district-sponsored events. Student possession of a dangerous weapon on school district property or at school district-sponsored events creates a danger to students and staff and is disruptive to the operation of schools.

1. Students who possess a dangerous weapon or who carry, exhibit, display, or draw any dangerous weapon, look-alike weapon, any toy that looks like a weapon, or any other weapon apparently capable of producing bodily harm in a manner, which, under the circumstances, manifests an intent to intimidate another or warrants alarm for the safety of others shall be subject to discipline up to and including expulsion.
2. Possession includes, but is not limited to, having dangerous weapons on school district property or at a school district-sponsored event located:
 - a. In a space assigned to a student such as a locker or desk; or
 - b. On the student's person or property (on the student's body, in his/her clothing, backpack, or automobile); or
 - c. Under the student's control or accessible or available, such as hidden by the student.
3. A dangerous weapon includes, but is not limited to:
 - a. A firearm; or
 - b. A slung shot, sand club, dirk, chains, or metal knuckles; or
 - c. Any knife or cutting or stabbing instrument that is carried, exhibited, displayed, or drawn in a manner and at a time and place that either manifests an intent to intimidate another or warrants alarm for the safety of other persons; or
 - d. Any device commonly known as "nu-chu-ka sticks" consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or
 - e. Any device, commonly known as "throwing stars," which are multi-pointed, metal objects designed to embed upon impact; or
 - f. Explosives of any type; or
 - g. Anything used as a weapon.

4. Except in an extenuating or exceptional circumstance, the following discipline shall apply:

a. **First Offense**

For Firearms:

Possession of a firearm on school property will result in a mandatory expulsion of not less than one year subject to appeal with notification of parents and law enforcement (RCW 28A.600.420).

Other Weapons:

- 1) The principal/designee shall place the student on emergency expulsion.
- 2) The principal/designee shall notify the parents/guardians and request an immediate conference.
- 3) The principal/designee may impose long-term suspension of 90 days unless expulsion or a lesser number of days is warranted.
- 4) The principal/designee shall notify appropriate law enforcement personnel through the district security office.

- b. **Subsequent offense:** Following a long-term suspension of 90 days: The district will follow the same procedure as set forth for a first offense except that for a subsequent offense the student shall be expelled from the district or school.

SCHOOL RULES

In addition to the above rules, each school shall adopt and distribute annually to each student rules that shall govern a student's conduct in a particular school. Violations of these rules shall subject a student to a disciplinary action.

Disciplinary action will be governed by applicable portions of Chapter 392-400 WAC.

Discipline related to use, possession, or distribution of alcohol or other drugs

1. Possession, use, or under the influence of alcohol, controlled substances (or products purporting to be), or paraphernalia, on or adjacent to school property, in vehicles or off the school grounds at school-sponsored events.

Grades K-4

First Offense: Short-term suspension no greater than five school days.

Repeated Offense: Additional short-term suspensions.

Grades 5-12

First Offense: Long-term suspension of up to 90 days, reduced to 5 days upon agreement by the parent or guardian to an assessment and counseling at a certified drug/alcohol treatment facility. Continuation in school is dependent upon the presentation of evidence that recommendations resulting from the assessment are being followed. If a student chooses to reduce their long-term suspension to 5 days, they waive their right to a hearing.

Repeated Offense: Long-term suspension of no less than 45 days with assessment, counseling, and treatment as above. Subsequent violations may result in the expulsion from Highline Public Schools.

2. Sale or other distribution, including sharing, of alcohol or controlled substances (or of products purporting to be) on school property, in school vehicles, or off the school grounds at school-sponsored events.

First Offense: 90-day, or end of semester, suspension or expulsion from the neighborhood school or Highline Public Schools with assessment, counseling, and treatment as above.

Second Offense: Expulsion from the Highline Public Schools.

Discipline Related to Use or Possession of Tobacco/Nicotine-use Materials - Tobacco/nicotine use is defined as the possession, carrying, or smoking of any kind of lighted smoking equipment or material, or chewing, or sniffing of a tobacco/nicotine product. Our goals of Alternatives to Suspension (ATS) Tobacco Education Program is to encourage youth to examine their tobacco-related attitudes and behaviors, provide information

about health effects of tobacco/nicotine use, explore addictive nature of tobacco products and methods of quitting, and to keep students in school.

Grades K-4

First Offense: Confiscation of tobacco/nicotine-use materials, parent(s)/guardian(s) contacted, participation in Alternatives to Suspension (ATS) Tobacco Education Program, if available, and/or school-assigned discipline.

Repeated Offense: Confiscation of tobacco/nicotine-use materials, parent(s)/guardian(s) contacted, participation in Alternatives to Suspension (ATS) Tobacco Education Program, if available, and/or school-assigned discipline or subsequent short-term suspensions up to ten (10) days per semester.

Grades 5-12

First Offense: Confiscation of tobacco/nicotine-use materials, parent(s)/guardian(s) contacted, participation in Alternatives to Suspension (ATS) Tobacco Education Program, if available, and/or school-assigned discipline or short-term suspension.

Repeated Offense: Confiscation of tobacco/nicotine-use materials, parent(s)/guardian(s) contacted, participation in Alternatives to Suspension (ATS) Tobacco Education Program, if available, or subsequent short-term suspensions up to 15 school days per semester. Long-term suspension to be used only after short-term suspensions have been exhausted.

Special Education Discipline

The disabled student is subject to the same discipline procedures under the statement of Rights and Responsibilities as the non-disabled student with the modifications indicated below as required by Federal laws, IDEA 2004, and state regulations.

1. **Discipline, short-term suspension, and emergency removal**

Discipline procedures are applicable when the action proposed or taken does not exceed the short-term suspension timelines, WAC 392-400-245, and the student has not accumulated 10 or more days of suspension during the school year.

a. Required educational services

- 1) The school does not have to provide services during periods of removal to a special education student who has been removed from his or her current placement for ten school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed.
- 2) In the case of a special education student who has been removed from his or her current placement for more than ten school days in that school year, the public agency, for the remainder of the removal, shall provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

2. **Long-term suspension/expulsion**

When considering the imposition of a long-term suspension or expulsion for a disabled student, a Manifestation Determination/Individualized Education Plan (IEP) meeting must be held prior to imposing the action. Long-term suspensions can also occur when the student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. This meeting must comply with the following criteria:

- a. Persons to be present must include the regular members of the IEP team:

- 1) Knowledgeable about the particular student who is the subject of the contemplated action;

- 2) A parent/guardian;
 - 3) Knowledgeable about the evaluation data regarding the student, the data being drawn from a variety of sources;
 - 4) Knowledgeable about the placement options; and
 - 5) Other individuals identified by either the district and/or parents.
- b. The purpose of the meeting will be to:
- 1) Determine whether the student's behavior is an element of or related to the student's disability;
 - 2) Determine whether the student's behavior is the result of an inappropriate placement;
 - 3) Determine if an appropriate alternative educational setting is necessary;
 - 4) Determine whether or not a functional assessment has been completed and a behavior intervention plan is in effect; if not, these need to be completed;
 - 5) Determine whether or not there would be a substantial likelihood of injury to the student or others if the student were to continue in the current setting; and
 - 6) Consider the sanction or action to be taken.
- c. This Manifestation Determination/IEP meeting must be fully documented.
- 1) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of a behavior that has been determined not to be a manifestation of the student's disability.
 - 2) If the behavior is not an element of or related to the disability and is not result of an inappropriate placement as determined at the meeting, the sanction can be imposed.
 - a) The group members must also consider whether the sanction will deny the student a free, appropriate public education.
 - b) The sanction may be applied following written notice to the parent.
 - c) Parents should meet with the appropriate special education coordinator to learn what and how services will be provided through the Special Education Office during the disciplinary time period.
 - 3) If the behavior is an element of or related to the handicap or is the result of an inappropriate placement, a different placement or revised program must be considered and offered through the IEP process. If necessary, a placement for evaluation purposes can be invoked during the period of time the new placement or program is being developed and is addressed through the IEP process.
 - 4) Prior to the IEP team meeting, written notice will be provided to the parent, which includes:
 - a) Date, time, and place of the meeting;
 - b) The decision(s) regarding the relationship of the disability to the behavior, the appropriateness of the placement, and the proposed action or sanction;
 - c) Notice of the right to a special education due-process hearing in cases where the disability category or placement has been determined to be related to the behavior; and

- d) Notice of the right to a hearing as described in the Statement of Rights and Responsibilities, in cases where the disabling condition or the placement has been determined not to relate to the behavior giving due consideration to the other obligations set forth in paragraph b.4.

3. **Emergency Expulsion**

- a. Notwithstanding the foregoing provisions, if a disabled student's behavior is such that his or her presence creates an immediate and continuing danger to the student, other students, or school personnel, or an immediate and continuing threat of substantial disruption of the educational process, the student may be sent home. A Manifestation Determination/MDT meeting must be convened to review actions in relation to disability category and program placement. When this action constitutes a significant change in placement, it requires the implementation of the procedural safeguards set forth in the Individuals with Disabilities Education Act, Chapter 392-172A WAC, and in section 504 of the Rehabilitation Act of 1973. The school must provide and monitor homework during this period of time.
- b. Only the following behaviors are identified by State and Federal Regulations as those that may result in emergency expulsion:
 - 1) Use of and/or possession of a controlled substance. Controlled substance means a drug or other (Special Education Discipline, continued) substance identified under schedules 1-5 of the Controlled Substance Act (21 U.S.C. 812(c)).
 - 2) "Illegal drug" means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substance Act or under any other provision of federal law.
 - 3) "Dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.
- c. Removals for weapons or drugs: School personnel may order a change in placement of a special education student to an appropriate alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days if:
 - 1) The student possesses a weapon or carries a weapon to a school function under the jurisdiction of a state or local education agency; or
 - 2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the school district.

4. **Obligations to Student Pending Hearing**

- a. During the time period from the initiation of a request for appeal or a due process hearing, the district is required to continue providing educational services to a disabled student. However, depending upon the circumstances, these services may not have to be provided within the school setting.
- b. During the pendency of any administrative or judicial proceeding regarding a complaint, unless the school district and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made except for removals for weapons or drugs.
- c. This is often referred to as the "stay put" mandate of federal and state laws. A court order may be obtained for exclusion of

special education students deemed to be a danger to others. This would be initiated by the building principal, special education director, and district legal counsel. If a home or alternative program is agreed to by the parents, the principal of the school proposing the disciplinary sanction should instruct the appropriate teacher(s) to assign and monitor homework, as well.

5. **IEP Discipline Plans**

Within the IEP process, which includes a meeting of the parent, teacher, and district representative who is qualified to provide or supervise special education services, a behavior intervention plan must be established for the specific behavior(s) in order to reach behavior goals. This plan may include removal from school for specified amounts of time as a part of the IEP. The IEP and behavioral intervention plan will prescribe the disciplinary procedures. Either school personnel or the parent may request a new IEP meeting and review of the behavioral intervention plan if either finds that the plan is not satisfactory or in need of revision.

6. **504 Discipline Plans**

Section 504 protects disabled students from being improperly removed from school for misconduct that is related to their disability. As a general rule, Section 504 and IDEA apply to the disciplinary removal of disabled students in a similar manner. Disciplinary actions that exclude a student for more than 10 consecutive days or create a pattern of exclusion from school (as described in the 504 manual) require that the district evaluate the student to determine whether the student's misconduct is either related to his or her disability or due to an inappropriate placement. This type of evaluation is commonly called a "manifestation determination." If a disabled student's misconduct is a manifestation of his or her disability, a district cannot implement a disciplinary action that constitutes a significant change in placement. If a disabled student's misconduct is not a manifestation of his or her disability, a district can discipline the student in the same manner that it disciplines non-disabled students for the same misconduct. Under Section 504, unlike IDEA, a district does not have to provide a disabled student with educational services during the period of time the student is properly removed from school for disciplinary reasons. For more detailed procedures, see District Special Education Disciplinary Procedures.

DUE PROCESS/GRIEVANCE PROCEDURES

No student shall be deprived of the right to an equal educational opportunity without due process of law. Essentially, due process means being fair. The due process clause requires that procedures be established to guarantee that punishment that denies access to educational opportunity is administered for good and just cause. The procedures are designed to ensure that corrective action, if any, is taken only after a thorough examination of the facts. The nature of the corrective action must be reasonably related to the nature of the circumstances of the violations. The definitions and rules have been adopted by the State Office of the Superintendent of Public Instruction and are published as Chapter 392-400 WAC.

Due Process for Discipline and Short-Term Suspension

Any student, parent, or guardian who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the building principal or designee for the purpose of resolving the grievance, pursuant to WAC 392-400-255 and district policy 3240.

Due Process for Long-Term Suspension or Expulsion

Prior to the long-term suspension or expulsion of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his/her parent or guardian. The notice shall:

- Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;
- Specify the alleged misconduct and the school district rule alleged to have been violated;
- Set forth the corrective action or punishment proposed;

- Set forth the facts that a written request for a hearing must be received by the school district employee designated, or by his/her office, on or before the expiration of the third school business day after the receipt of the notice of opportunity for a hearing;
- If such a request is not received within the prescribed period of time, then the right to a hearing shall be deemed to have been waived and the proposed long-term suspension or expulsion may be imposed by the school district without any further opportunity for the student or his/her parent or guardian to contest the matter;
- The student and his/her parent or guardian have the prerogative to reply to the notice of opportunity for a hearing and request a hearing within 3 school business days after the date of receipt of notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his/her office. A request for a hearing shall be accepted if in writing pursuant to WAC 392-400-265, WAC 392-400-280, and district policy 3240; and
- If an appeal is requested, the suspension or expulsion shall not be imposed until such appeal is ruled on by the hearing officer or board of directors.

A student, parent, or guardian shall have 3 school business days after the date of the hearing involving the suspension or expulsion to appeal the decision in writing to the board of directors pursuant to WAC 392-400-310 and district policy 3240.

- If an appeal is not taken to the board of directors within the required 3 school business day period, the suspension or expulsion decided upon shall be imposed as of the calendar day following expiration of the 3 school business day period.
- During the appeal period, the school administration may impose a temporary suspension for up to 10 days or until the appeal is decided, whichever is the shortest period.

The following procedural guidelines will govern an appeal to the board of directors in the case of suspension or expulsion:

- The board of directors will schedule and hold a meeting to review the matter within a period of 10 school business days from the receipt of such an appeal.
- At that time, the student, parent or guardian, and legal counsel, if desired, shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board deems reasonable.

Due Process for Emergency Removal

The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate corrective action or punishment, pursuant to WAC 392-400-290 and district policy 3240.

Due Process for Emergency Expulsion

The student and his/her parent or guardian shall be notified of the emergency expulsion of the student and of their opportunity for a hearing by certified letter deposited in the U.S. mail within 24 hours of the emergency expulsion, pursuant to WAC 392-400-300 and district policy 3240.

Readmission

Any student who has been suspended or expelled may apply for readmission at any time by written application to the school principal or designee. The letter should include the reasons for readmission and a statement assuring that the problem will not reoccur. The school principal or designee will reply within 30 days of receipt of the application.

Truancy (BECCA Bill) Provisions

Truancy legislation (Chapter 28A.225 RCW) provides that after 7 truantries in a month or 10 in a school year, a truancy petition must be filed with the court.

Through its programs and publications, the school district strives to provide a positive atmosphere for learning. Students are urged to make themselves fully acquainted with these provisions and to make the maximum use of the opportunity for an education, which is furnished by the parents and other taxpayers.

MEDICATION

Any student may carry and self-administer asthma/anaphylaxis rescue medication at school when authorized by his or her parent and healthcare provider and approved by the school nurse.

Students in grades 7-12 may carry and self-administer his/her own prescription medication (excluding controlled substances) when authorized by the parent, the healthcare provider, and the school nurse. In addition students may carry a reasonable amount of over-the-counter medication for their own use with appropriate authorization from the parent/guardian and approval by the school nurse.

No student may give, dispense, or administer any medication or remedy to another student. Any violation of the conditions for permission to carry and/or self-administer medication may result in termination of that permission as well as discipline.

COMMERCIAL SALES

The sale of items to students on school grounds is prohibited unless authorized by the principal or superintendent.

PARENT RIGHTS

- Parents have the right to examine and request corrections of their student's records.
- Parents have the right to access information regarding their student's academic experiences.
- Parents have the right and are encouraged to contribute to the improvement of the educational program through participation in local school-community advisory groups, volunteer services in the school, and parent-teacher organizations.
- Parents have the right and are welcome to observe classrooms in session by making arrangements with the principal or teacher.
- Parents have the right to expect prompt, courteous responses to their concerns, suggestions, inquiries, or requests. If satisfaction is not received, parents have the right to pursue the problem through established lines of authority as listed under Parent Responsibilities.

PARENT RESPONSIBILITIES

Parents have the responsibility to:

- Send their students to school in a state of health and appearance conducive to effective learning;
- See that their students attend school and classes regularly and on time;
- Become informed about their student's progress in school and to contact the school when questions arise;
- Become informed regarding the programs, issues, and problems of the school and the district;
- Work cooperatively with the school personnel in trying to resolve the problems of their students;
- Seek redress from grievances and try to solve problems by first meeting with the staff member closest to the problem. Unresolved appeals, protests, and grievances should follow the line of authority: teacher, assistant principal, principal, supervising administrator, superintendent, and school board;
- Reimburse the school district for damage, defacing, or destruction of school property by a student, and the student may be subject to suspension or punishment, if appropriate. (RCW 28A.635.060) In a like manner, parents have the responsibility to try to prevent damage to school property and to report any information that will help identify the violators;
- Help the school insure the safety of their students by notifying school personnel or the police of potential dangers. Also, for the safety of the students, all non-school personnel are expected to check in at the school office before going to a classroom;
- Assure that assigned homework is completed and returned to school on time and with a reasonable standard of neatness.

Sanctions for exceptional misconduct can be found at
www.highlineschools.org
Go to Policies and Procedures, then to 3240P1.