

Student Rights & Responsibilities

Revised August 2014



STUDENT RIGHTS, RESPONSIBILITIES AND LIMITATIONS

It is the goal of the North Kitsap School District to promote in all students a sense of their civic rights, and also their responsibilities. The conduct of one student should not impair the rights or opportunities of other students. The Board of Directors has adopted policies related to student conduct. Rules and regulations which govern the rights and responsibilities of students, staff, and administrators as they relate to student conduct are outlined on the following pages.

This document reflects the rights of individuals as set forth in Federal and State laws, State Board of Education rules and regulations on procedural due process guarantees, and North Kitsap School District policies.

Patty Page
Superintendent

STUDENT RESPONSIBILITIES AND DUTIES

According to the Washington Administrative Code (Laws of Washington) WAC 392-400-210 and North Kitsap School District Board Policy #3241, the mission of the school district is to provide learning experiences which will assist all students to develop skills, competencies and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. It shall be the responsibility and duty of each student to pursue his/her course of studies, comply with written rules of the school district and to submit to reasonable corrective action imposed by the school district and its agents for violation(s) of such rules.

AUTHORITY OF SCHOOL

The following rules of misconduct will apply to the extent authorized by WAC 392-400-225(2) which provides that rules that establish types of

misconduct must 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 which is conducive to learning. Students at school-sponsored, off-campus events shall be governed by school district policy and regulations and are subject to the direction of school district authorities. Failure to obey the rules and regulations and/or failure to obey the lawful instructions of school district authorities shall result in appropriate disciplinary action.

SCHOOL OFFENSES DEFINED

Misconduct includes, but is not limited to, the following:

- (1) Use, possession, or distribution of any alcoholic beverage;
- (2) Use, possession, or distribution of any illegal chemical substance or opiate as defined in Chapter 69.50 RCW (including, without limitation, any narcotic drug, hallucinogenic substance, or marijuana, or any controlled substance not prescribed by a physician for such possessor or user or substance that purports to be an illegal drug or controlled substance);
- (3) Use, possession, or distribution of drug paraphernalia, intended or designed for use, storage, or distribution of any illegal chemical substance, opiate or controlled substance, except to the extent authorized by a physician for such possessor or user;
- (4) Abuse by inhalation, ingestion, or otherwise of any substance for its intoxicating effect;
- (5) Being under the influence of any intoxicant, including, but not limited to, an alcoholic beverage, illegal chemical substance, opiate, or controlled substance;
- (6) Use, possession, or distribution of tobacco or tobacco products;
- (7) Use, possession, or distribution of:
 - (a) a gun,
 - (b) a bomb or other explosive device or substance,
 - (c) a weapon other than a firearm,
 - (d) fireworks or other incendiary device,
 - (e) any other dangerous object,
- (f) a look-a-like of any gun, bomb, or other weapon;
- (g) a knife of any size
- (8) Threatening damage to persons or property from a bomb or other explosive device;
- (9) False activation of a fire alarm;
- (10) Tampering with a fire extinguisher;
- (11) Arson;
- (12) Damage or destruction to school property or to property belonging to another;
- (13) Theft of school property or of property belonging to another;
- (14) Any conduct which disrupts the educational process including, but not limited to, the use of abusive, foul, or insulting language to a teacher or other person;
- (15) Refusing to follow the reasonable directions of school administrators, teachers, or other staff members;
- (16) Refusing to identify oneself to the proper school authorities, upon request;
- (17) Use of obscene, vulgar, or profane language, gestures, or materials;
- (18) Assault of another student, staff member, or other person;
- (19) Participation in a fight with another student or other person;
- (20) Engaging in threats, verbal abuse, or fighting words;
- (21) Harassment including, but not limited to, the intimidation of another student or staff member, or any other malicious act which may harm the physical or mental health of another;
- (22) Extortion or intimidation of another student or staff member;
- (23) Cheating/Alteration of records;
- (24) Trespass: presence in an unauthorized place or at an unauthorized time;
- (25) The commission of any criminal act as defined by law;
- (26) Truancy, unauthorized absence from class, or repeated tardiness;
- (27) Violation of building rules which have been promulgated to the students attending that school including, but not limited to, dress and appearance standards;
- (28) Use or possession of laser pointers;
- (29) Participation in gang activity or association including, but not limited to, intimidating or coercive activities and placing gang graffiti

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or symbols on papers, books, clothing, or any school property.

- (30) Cyberspace Bullying, harassment, threats, profane, lewd, and obscene language, conduct, or images are prohibited in e-mail, text messaging, and other electronic communications.

CRIMINAL OFFENSES DEFINED

The acts listed below are among those defined as criminal offenses under the laws of the State of Washington and Kitsap County. Students involved in criminal acts are subject to prosecution whether these acts occur in the community, at school, or at school-related functions. Appropriate action may be taken by school authorities if the incident falls under the district's authority as defined in WAC 392-400-225(2) quoted above regardless of whether or not criminal charges result.

ARSON - The intentional setting of fire.

ASSAULT - Physical threats or violence to persons.
BOMB THREAT - Threatening damage to persons or property from exploding bombs, whether real or imagined.

BURGLARY - Entering with the intent to steal school or personal property.

DAMAGE OR THEFT OF PROPERTY - If a student damages or steals school property, the Superintendent or designee shall seek restitution from the student or his/her parents or guardians as permitted by law.

DRUGS, ALCOHOL AND OTHER CONTROLLED SUBSTANCES - Use, possession or distribution of drugs, alcohol, or other controlled substances, and items that purport to be, is prohibited.

EXCEPTIONAL MISCONDUCT -

Misconduct other than absenteeism which a school district has judged (in consultation with an ad hoc citizens committee) to be of frequent occurrence, after attempts to control such misconduct as to warrant immediate short or long term suspension.
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 OR COERCION - Obtaining money or property by violence or forcing someone

to do something against his/her will by force or threat of force.

FALSE FIRE ALARMS - Setting off false alarms.
FORGERY - Fraudulent imitation of a signature or document.
MALICIOUS MISCHIEF - Damage or destruction of school or personal property.
TOBACCO PRODUCTS - Use or possession of tobacco products by students is prohibited.
TRESPASS - Being present in an unauthorized place or refusing to leave when ordered to do so.
UNLAWFUL INTERFERENCE WITH SCHOOL AUTHORITIES - Interfering with administrators or teachers by force or violence, or threat of force.
WEAPONS - Firearms, knives, and other types of weapons are prohibited on school property unless written authorization from the district is received in advance and the weapon is part of an instructional lesson. A student expelled for a firearm violation is also expelled from all public schools in the State of Washington for a period of one calendar year.

SCHOOL OFFENSES DEFINED

DISRUPTIVE CONDUCT - Conduct which materially and substantially interferes with the educational process is prohibited.

FAILURE TO COOPERATE WITH SCHOOL PERSONNEL (Non-compliance) - Students must obey reasonable instructions of school district personnel.

INAPPROPRIATE DRESS AND APPEARANCE - Dress and appearance must not present health or safety problems or cause disruption and must follow guidelines set at each school.

LEWD CONDUCT - Any lewd, indecent or obscene act or expression by a student.

NON-ATTENDANCE (Truancy) - Daily attendance of all who are enrolled in the North Kitsap School District is required in accordance with state law and district policy. Students will attend regularly scheduled classes unless officially excused. All absences, by law, require a written excuse from the parent or guardian.

REFUSAL TO IDENTIFY SELF - All students must, upon request, identify themselves to proper school authorities in the school building, on school grounds, or at school-sponsored events.

SEARCH AND SEIZURE

General searches of school property, including lockers and desks, may be conducted at any time by school authorities. The following rules shall apply to an individual search of school property assigned to students (locker, desk, etc.) or to a student's property and the seizure of items in their possession:

- 1) Prior to searching an area where a student has a right to privacy, there must be reasonable cause for school authorities to believe that the student or property has contraband or materials relating to a violation of school rules.
- 2) Illegal items or other possessions reasonably determined to be a threat to the safety or security of others or pertinent to a possible violation of school rules may be seized by the school administration.
- 3) Items which are used to disrupt or interfere with the educational process may be removed from student possession. RCW 28A.600.210 et. seq.

STUDENT RECORDS

North Kitsap School District policy relating to student records states:

A student's official record is available to school personnel on a need-to-know basis. The official record is also available to parents and adult students by appointment during regular school hours.

STAFF MEMBER AND ADMINISTRATOR AUTHORITY

Staff members are required by law to maintain a suitable environment for learning and have the authority to discipline students in order to carry out this responsibility.

School administrators, likewise, have the authority to discipline students, as well as suspend or expel them.

Failure of students to comply with the rules and regulations of the district will result in appropriate action.

DISCIPLINE

"Discipline" shall mean all forms of corrective action other than suspension and expulsion and shall include the exclusion of a student from a class or activity by the staff member or administrator for a period of time not exceeding the balance of the immediate class, subject or activity period: PROVIDED, The student is in the custody of a school district employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity sponsored or conducted by or in behalf of a district school or the school district.

DEFINITION OF DISCIPLINARY TERMS

SOURCE OF TERMS: WAC 392-400-205

IN-SCHOOL SUSPENSION means a short-term suspension in which the student remains under school supervision.

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

SHORT-TERM SUSPENSION means a suspension for any portion of a school day up to and not exceeding ten (10) consecutive school days. Students will have the opportunity to complete work missed while suspended.

LONG-TERM SUSPENSION means a suspension of eleven (11) consecutive school days or more but not to exceed ninety (90) days. A long-term suspension may carry with it a loss of credit for the semester at the secondary level. A long-term suspension cannot be imposed beyond the school year in which the alleged misbehavior occurs.
EXPULSION means a denial of attendance at any single subject or class or at any full schedule of subjects or classes. Expulsions must not exceed one calendar year from date of removal. The superintendent may authorize an extension of an expulsion beyond one calendar year in response to a petition by a school. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented or controlled by the school district.

EMERGENCY EXPULSION means an immediate expulsion (see above) of a student when the superintendent or her designee believes that the student's presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process. Emergency Expulsions must end or be converted to another form of corrective action within 10 school days of the date of the emergency removal from school. If the Emergency Expulsion is converted to another form of corrective action, notice and due process rights appropriate to the new corrective action must be provided.

CHANGE OF PLACEMENT LIMIT

Special education and Section 504 Only students have a limit to the number of suspensions which can be carried out through regular district procedures. See district policy 2161.

EMERGENCY REMOVAL FROM A CLASS, SUBJECT, OR ACTIVITY

"Emergency removal" shall mean a student may be removed immediately from a class, subject, or activity by a staff member or an administrator and sent to the building principal or a designated school authority when the student's presence poses an immediate and continuing danger to the student, others, or could result in a substantial disruption to the educational process.

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 pursuant to WAC 392-400-290 and district policy 3240.

DUE PROCESS (DISCIPLINE, SUSPENSION, EXPULSION, APPEALS)

Constitutionally and legally sound procedures of due process, as outlined below and specified in WAC 392-400 (several subsections), will be followed in the administration of discipline in the North Kitsap School District. A complete text of student discipline procedures is available in WAC 392-400.

1. Discipline authority shall be exercised with fairness.

2. Every effort shall be made by administrators and faculty members to resolve problems through effective utilization of school district resources in cooperation with the student and his/her parent(s) or guardian(s).
3. In cases of the application of discipline (all forms of corrective action or discipline other than suspension or expulsion) the student, parent(s), or guardian(s) shall have the right to an informal conference with the building principal or his designee for the purpose of resolving the grievance. Subsequent to the building level grievance meeting, the student, parent(s), or guardian(s), upon two business days prior notice, shall have the right to present a written and/or oral grievance to the Superintendent or his/her designee. If the grievance is not resolved the student, parent(s), or guardian(s), upon two school business days prior notice, shall have the right to present a written and/or oral grievance to the School Board at a regularly scheduled meeting, unless otherwise notified. The School Board will notify the student, parent(s), or guardian(s) of its decision within ten school business days after the date of the meeting. The discipline action shall continue notwithstanding the implementation of the grievance procedure, unless the principal or his designee elects to postpone such action.
4. In cases of recommended short-term suspensions (ten (10) consecutive school days or less) that exceed any portion of a calendar day, the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension, orally and/or by letter. The notice shall inform the parent(s) or guardian(s) of the right to an informational conference with the building principal or his designee. Subsequent to the building level grievance meeting, the student, parent(s) or guardian(s), upon two school business days notice, shall have the right to present a written and/or oral grievance to the Superintendent or his/her designee. If the grievance is not resolved, the student, parent(s), or guardian(s), upon two school business days prior notice, shall have the right to present a written and/or oral grievance to the School Board at a regularly scheduled meeting, unless otherwise notified.

The short-term suspension shall continue notwithstanding the implementation of the grievance procedure, unless the principal or his designee elects to postpone such action.

5. In cases of recommended long-term suspension (those exceeding short-term suspension) and in cases of expulsion (indefinite periods of time), the student and his/her parent(s) or guardian(s) shall be notified of the reason for the student's suspension or expulsion, the duration of the suspension, and the opportunity for a hearing. This notification will be in writing and will be delivered by certified mail or in person by a certified employee. The notice will also indicate that a written request for a hearing must be received by the school district hearing officer in the school district office on or before the third school business day after receipt of the notice of opportunity for a hearing. If such a request is not received within that time, the right to a hearing is waived and the long-term suspension or expulsion shall commence. A student may remain in school during the appeal to the district hearing officer unless an emergency expulsion is issued. Appeals from decisions rendered by the district hearing officer may be made to the School Board. This must be done within three (3) school days after the receipt of the decision of the hearing officer. The notice of appeal must be in writing. If the request is not received within this three-day period the right to a hearing will have been waived.
6. In cases of emergency expulsions the same procedure will be followed as in the long-term and regular expulsion cases, with these exceptions:
 - a. Notification of the expulsion will be made to the parent(s) or guardian(s) within twenty-four hours. This notice must specify the alleged reasons the emergency expulsion standard is met and the beginning and end date for the emergency expulsion, and must include notice of hearing rights.
 - b. Student is immediately removed from school.
 - c. Hearing requests must be received by the district hearing officer, Mr. Jeff Sweeney, or his office, on or before the third school business day after notice was received.
 - d. The hearing will be held by the district hearing officer, "as soon as reasonably possible," but no later than the second business day following receipt of request for the hearing.
 - e. A hearing decision must be made within one school business day after the hearing. (There is no specified time for decision in long-term and regular expulsions.)
7. If a hearing is requested by the student or his/her parent(s) or guardian(s), the following procedural guidelines will govern the hearing:
 - a. The parent(s) or guardian(s) will be present at the hearing.
 - b. The student and his/her parent(s) or guardian(s) have the right to inspect in advance any evidence the school district intends to introduce at the hearing.
 - c. The designee(s) of the school district assigned to present the case shall have the right to inspect in advance any evidence the student or his/her parent(s) or guardian(s) intend to introduce at the hearing.
 - d. The student has the right to be represented by legal counsel.
 - e. The student may present his/her explanation of the alleged misconduct.
 - f. The hearing officer shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of evidence presented at the hearing.
 - g. Either a tape recorded or verbatim record of the hearing shall be made.
 - h. A written decision setting forth the findings of fact, conclusions, and the corrective action to be imposed, if any, shall be provided to the student and his/her parent(s) or guardian(s) and legal counsel.
8. Appeals from decisions rendered by the district hearing officer, concerning long-term suspensions or expulsions, may be directed to the School Board. The following guidelines govern this procedure (Policy 3241 and WAC 392-400-315):
 - a. Oral or written requests for appeal from the student, parent(s), or guardian(s) shall be provided to the district hearing officer or superintendent within three school business days after receipt of the hearing officer's decision.

- b. If an appeal is not received within the three school business day period, the suspension or expulsion will be imposed. If an appeal is received, the student may be removed from school pursuant to the long-term suspension or expulsion for up to ten school days or until the School Board issues a final decision, whichever occurs first.
- c. If an appeal is received by the School Board, following the appropriate procedure, the Board shall schedule and hold a meeting to review the matter within ten school business days after receipt of the appeal notice. The purpose of this meeting shall be to meet and confer with the individuals involved in order to decide upon the most appropriate means of handling the appeal. At that time the involved parties shall be given the opportunity to be heard.
- d. At this meeting the School Board shall decide on one of the following courses of action:
 - 1. Render a decision within ten school business days.
 - 2. Schedule a special meeting to hear further arguments and render a decision within fifteen school business days after the date of the initial meeting.
 - 3. Schedule and hold a meeting within ten school business days after the date of the initial meeting for the purpose of hearing the case de novo.
- 9. An appeal to a decision by the School Board, related to the affirmation of the imposition of a long-term suspension or an expulsion, shall be to superior court. The appeals to the court must be within thirty days of the receipt of the School Board's final decision.
- 10. Any student who has been placed on a long-term suspension or an expulsion may make a written application to be readmitted to school. The application is to be made through the district superintendent of schools or his designated representative.
- 11. DISCIPLINE, SHORT TERM AND LONG-TERM SUSPENSION AND EXPULSION limitations for students under the compulsory school attendance law. No student subject to compulsory attendance (28A.225 RCW) shall be subject to corrective action of any kind by reason, in whole or part, of one or more

unexcused absences unless the school district has first:

- a. Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) (when possible) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;
 - b. Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence; and
 - c. Taken steps to reduce the student's absence which include, where appropriate (in the judgment of local school officials), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the causes for the student's absence from school before grades or credit are affected based on absence or tardiness."
12. Students given a long-term suspension for disciplinary infractions which have been ascertained to have been related to drug/alcohol use may have the suspension reviewed at any time following the tenth day of the suspension *provided suspension was for the use and/or possession not sale or distribution* and if the student can provide evidence of having completed an assessment by a state certified drug/alcohol agency which meets the North Kitsap School District's criteria for assessment, and evidence of having taken steps to follow the recommendations based on the assessment. After the review, the student may be readmitted on a probationary basis for the balance of the suspension period or the student's educational opportunities may be continued in some other appropriate way. In order to return to school, students may also be required to state where and how they obtained the drug or alcohol.

REENGAGEMENT

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

REENGAGEMENT PLAN is a written plan developed between a school district, student, and parent to aid the student in taking necessary steps to remedy the situation that led to the corrective action and return the student to an educational setting as soon as possible.