

Student Rights & Responsibilities

Revised September 2017



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A Great Place to Live & Learn

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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.

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), or any material purporting to be such;
- (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, including any device which is capable of being used to consume tobacco or nicotine;
- (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) *Disruptive conduct; conduct which materially and substantially interferes with the educational process including, but not limited to, the use of abusive, foul, or insulting language to a teacher or other person;
- (15) *Non-compliance; 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, in school buildings, on school grounds or at school-sponsored events;
- (17) *Lewd conduct; lewd, obscene, vulgar, indecent, or profane language, gestures, acts, expression, 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) Non-Attendance (Truancy), Daily attendance is required in accordance with State Law and District Policy. Students will attend regularly scheduled classes unless officially excused. State law requires a written excuse from a parent/guardian;
- (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 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.

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.

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.

STUDENT RECORDS

North Kitsap School District policy relating to student records (3231) states: A student's official record is available to school personnel who have a legitimate educational interest in the records. The official record is also available to parents and adult students by appointment during regular school hours, unless other arrangements can be agreed upon. The review will normally occur within 5 school business days.

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 emergency removal, 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 on 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 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) for 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) school days or more, not to exceed the length of one academic term (semester). 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.

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. Examples of exceptional misconduct are indicated with a (*) in the "School Offenses Defined" section of this document.

EXPULSION means a denial of attendance for a period of time up to the length of one academic term (semester). The superintendent may authorize an extension of an expulsion beyond one academic term 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 removal of a student when the superintendent or 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.

STUDENTS WITH DISABILITIES

Removals of students eligible for services under the IDEA or Section 504 will be conducted in accordance with those statutes. See district policy 2161. Staff should consult with the student's case manager at the time of any removal.

EMERGENCY REMOVAL FROM A CLASS, SUBJECT, OR ACTIVITY

A student may be removed immediately from a class, subject, or activity by a teacher 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, or others, or an immediate and continuing risk of substantial disruption to the educational process.

The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal, and not later than the commencement of the next school day, and take or initiate corrective action. The removal shall continue only until the danger or threat ceases or the principal or designee imposes corrective action.

DUE PROCESS (DISCIPLINE, SUSPENSION, EXPULSION, APPEALS)

Constitutionally and legally sound procedures of due process, as outlined below and specified in WAC 392-400, will be followed in the administration of corrective action 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 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. During this conference, the student, parent, or guardian shall be subject to questioning by the principal or designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent(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 during the Board's next regularly scheduled meeting. 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. Prior to the imposition of a short-term suspension, a conference will be conducted with the student. During this conference, the

student must receive notice of the alleged misconduct and the rule of conduct alleged to have been violated, an explanation of the evidence in support of the allegations, an explanation of the corrective action which may be imposed, and an opportunity to present his/her explanation. In cases of short-term suspension, 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 informal conference with the building principal or his designee. During this conference, the student, parent, or guardian shall be subject to questioning by the principal or designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent(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 the Board's next regularly scheduled meeting. 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 long-term suspension or expulsion, the student and his/her parent(s) or guardian(s) shall be notified of the alleged misconduct and the rule of conduct alleged to have been violated, the proposed corrective action and its duration, and the opportunity for a hearing. This notification will be in writing and will be delivered by certified mail or in person. If the student and/or parent/guardian predominantly speaks a language other than English, the notice shall be provided in that language, in accordance with Title VI of the Civil Rights Act of 1964. The notice will also

indicate that a written or oral request for a hearing must be received by the school district hearing officer or that individual's 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.

6. In cases of emergency expulsions the same procedure will be followed as for a long-term suspension or expulsion, 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. 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.
 - d. A hearing decision must be made within one school business day after the hearing.
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 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.
 - b. 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.
 - c. The student has the right to question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by

the hearing officer based on evidence of good reason for doing so. The evidence must establish either that the district made a reasonable effort to produce the witness and has been unable to do so, or that it is not advisable for a student to appear due to an expectation and fear of retaliation against the student.

- d. The student has the right to be represented by legal counsel.
 - e. The student may present his/her explanation of the alleged misconduct and make relevant showings by way of witnesses and the introduction of documentary and other physical evidence.
 - f. The hearing officer shall not be a witness and the final decision regarding the imposition of corrective action 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 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 of a decision by the School Board related to 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. If corrective action for one or more unexcused absences is imposed upon a student subject to compulsory attendance, the school district must:
 - a. Provide 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), that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

b. Schedule 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 to determine whether the student should be made a focus of concern for placement in special programs designed for his or her educational success; and

c. Take steps to reduce the student's absence which include, where appropriate in the judgment of local school officials) and where possible, discussed with the student, parent(s), or guardian(s), 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.

12. A student's academic grade or credit may be adversely affected by reason of absence or tardiness only if:
 - a. Attendance or participation is related to the instructional objectives or goals of the particular course;
 - b. Attendance or participation has been identified by the teacher pursuant to the policy of the district as a basis for grading in the particular subject or course; and
 - c. The circumstances pertaining to the student's inability to attend have been taken into consideration, including whether the absences or tardiness are directly related to a disability.
13. 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 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 on a probationary basis, 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.