STUDENT, TEACHER, AND PRINCIPAL RIGHTS AND RESPONSIBILITIES

BELLEVUE SCHOOL DISTRICT - BELLEVUE, WASHINGTON

It is the intent of the Board of Directors of the Bellevue School District that all students, parents, and school employees who deal directly with students have access to and an understanding of the state laws, regulations, and district policies that pertain to the procedural and substantive rights of students, teachers, and administrators.

In compliance with RCW 28A.600.010, WAC 392-400-225, and the intent of the Board of Directors, the following state laws, regulations, and district policies are made available annually to enable all members of the educational community to exercise their rights and assume their responsibilities of citizenship and effective teaching and learning.

WASHINGTON ADMINISTRATIVE CODE

WAC 392-400-200 PURPOSE AND APPLICATION. The purpose of this chapter is to implement RCW 28A.600.015 by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by or in behalf of a common school district: Provided, That the enforcement of rules promulgated by the Washington Interscholastic Activity Association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW 28A.600.200. The procedures and standards set forth in this chapter and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment (i.e., discipline, suspension and expulsion) upon any student by a school district and its agents.

The provisions of this chapter are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations and shall do so as necessary to accommodate the constitutional rights of students as now or hereafter established.

For rules regarding student conduct which supplement this chapter see chapter 392-l45 WAC governing the operation of school buses, particularly WAC 392-l45-0l5(4) regarding the responsibility of bus drivers and certificated staff members who accompany students for the behavior of students, and WAC 392-l45-035 regarding the duty to adopt and post rules, including rules of conduct, governing school bus passengers.

WAC 392-400-205 DEFINITIONS. As used in this chapter the term:

(1) "Discipline" shall mean all forms of corrective action or punishment other than suspension and expulsion and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not exceeding the balance of the immediate class period: Provided, That the student is in the custody of a school district employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity conducted by or in behalf of a school district.

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

(3) "Short-term suspension" shall mean a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.

(4) "Long-term suspension" shall mean a suspension which exceeds a "short-term suspension" as defined in subsection (3) of this section.

(5) "Expulsion" shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time. 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.

(6) "School business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

WAC 392-400-2l0 STUDENT RESPONSIBILITIES AND DUTIES. The mission of the common school system is to provide 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 pursue his/her course of studies, comply with written rules of a common school district which are adopted pursuant to and in compliance with WAC 392-400-225 and RCW 28A.600.010, and submit to reasonable corrective action or punishment imposed by a school district and its agents for violation(s) of such rules. The provisions of this chapter do not lessen the foregoing responsibilities and duties of each student. This chapter is intended to assure that corrective action or punishment is imposed for just cause and in a fair and just manner.

WAC 392-400-2l5 STUDENT RIGHTS. In addition to other rights established by law, each student served by or in behalf of a common school district shall possess the following substantive rights, and no school district shall limit these rights except for good and sufficient cause:

(1) No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory handicap.

(2) All students possess the constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have their schools free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising such rights.

(3) All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures.

(4) All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of a common school district.

(5) No student shall be deprived of the right to an equal educational opportunity in whole or in part by a school district without due process of law.

The foregoing enumeration of rights shall not be construed to deny or disparage other rights set forth in the constitution and the laws of the state of Washington or the rights retained by the people.

WAC 392-400-220 STUDENT DISCIPLINARY BOARDS—ESTABLISHMENT AT OPTION OF SCHOOL DISTRICT—FUNCTIONS. The board of directors of any school district may authorize the establishment of one or more student disciplinary boards composed of students, teachers, administrators, or parents, or any combination thereof. Disciplinary boards may be authorized to prescribe reasonable discipline and may recommend, but not prescribe, suspension or expulsion to the appropriate school authority. Such school authority shall be granted the power to set aside or modify any such prescription or recommendation. In addition, disciplinary boards may be authorized to periodically review rules of the school district defining the types of misconduct for which corrective action or punishment may be imposed and to recommend amendments thereto to the board of directors.

WAC 392-400-225 SCHOOL DISTRICT RULES DEFINING MISCONDUCT—DISTRIBUTION OF RULES.

(1) It shall be the responsibility and duty of each school district to adopt, publish, and make available to all students and parents written rules which state with reasonable clarity the types of misconduct for which discipline, suspension, and expulsion may be imposed. In addition, written procedures for administering corrective action shall be developed and reviewed periodically as follows:

(a) Each school district shall provide for the development with parent and community participation of written procedures for administering corrective action at each school as required by RCW 28A.600.020(3).

(b) In a manner consistent with the district procedures developed pursuant to (a) above, the principal and certificated employees in each school building shall confer at least annually for the purpose of developing, or reviewing, or both, building discipline standards and the uniform enforcement of those standards, as required by RCW 28A.400.110.

(2) Rules that establish types of misconduct pursuant to this section 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.

(3) The rules set forth in this chapter, the rules of a school district that establish types of misconduct pursuant to subsection (l) above, and the written procedures of a district for administering corrective action adopted pursuant to subsection (l) (a) above, shall be published and made available to all students and parents on an annual basis. If a school district chooses not to distribute such rules to all students and parents, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy thereof shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

WAC 392-400-226 SCHOOL DISTRICT RULES DEFINING HARASSMENT, INTIMIDATION AND BULLYING – DISTRIBUTION OF RULES A district's harassment, intimidation and bullying policy and procedure shall be published and made available to all parents or guardians, students, employees, and volunteers on an annual basis. The district will publish, at a minimum, the following materials: Policy and procedure, an incident reporting form and current contact information for the district's harassment, intimidation and bullying compliance officer. If a school district chooses not to distribute such rules to all parents or guardians, students, employees, and volunteers, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

WAC 392-400-227 SCHOOL DISTRICT RULES DEFINING STUDENT RELIGIOUS RIGHTS. It shall be the responsibility and duty of each school district to adopt policies of the district for implementation of students' rights to freedom of religion and to have their schools free from sectarian control or influence while they are participating in any school district conducted or sponsored activity or while they are otherwise subject to school district supervision and control. Such rules shall be adopted and transmitted to the superintendent of public instruction.

WAC 392-400-230 PERSONS AUTHORIZED TO IMPOSE DISCIPLINE, SUSPENSION, EXPULSION, OR EMERGENCY REMOVAL UPON STUDENTS.

(1) Each certificated teacher, each school administrator, each school bus driver, and any other school employee designated by the board of directors of a school district shall possess the authority to impose discipline upon a student for misconduct which violates rules of the school district established pursuant to WAC 392-400-225 and to impose an emergency removal from a class, subject, or activity upon a student pursuant to WAC 392-400-290.

(2) The board of directors of any school district may delegate to the superintendent and/or his or her designee(s) the authority to impose suspensions and expulsions upon students for misconduct which violates rules of the school district established pursuant to WAC 392-400-225. Each certificated teacher and each administrator shall possess the authority to recommend suspensions and expulsions for such misconduct.

(3) Any board of directors which chooses not to delegate the authority to impose suspensions and/or expulsions, nevertheless, shall be subject to the requirements set forth in this chapter when it imposes a suspension or expulsion.

(4) Notwithstanding any provision of this section to the contrary, each teacher is empowered to exclude any student who creates a disruption of the educational process in violation of the building disciplinary standards while under the teacher's immediate supervision from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first: Provided, That except in emergency circumstances as provided for in WAC 392-400-290, the teacher shall have first attempted one or more alternative forms of corrective action: Provided further, That in no event without the consent of the teacher shall an excluded student be returned during the balance of the particular class or activity period from which the student was initially excluded.

WAC 392-400-235 DISCIPLINE—CONDITIONS AND LIMITATIONS. Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC 392-400-225, subject to the following limitations and conditions and the grievance procedure set forth in WAC 392-400-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and
(b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course.

(3) Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited.

Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;

(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or

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

WAC 392-400-240 DISCIPLINE—GRIEVANCE PROCEDURE. Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC 392-400-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The discipline action shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

WAC 392-400-245 SHORT-TERM SUSPENSION-CONDITIONS AND LIMITATIONS. A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 392-400-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 392-400-250, and the grievance procedures set forth in WAC 392-400-255:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(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) 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, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken 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), guardian(s) or custodial parent(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 cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

WAC 392-400-250 SHORT-TERM SUSPENSION—PRIOR CONFERENCE REQUIRED—NOTICE TO PARENTS.

(1) Prior to the short-term suspension of any student a conference shall be conducted with the student as follows:

(a) An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student,

(b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student,

(c) An oral or written explanation of the corrective action or punishment which may be imposed shall be provided to the student, and

(d) The student shall be provided the opportunity to present his or her explanation.

(2) In the event a short-term suspension is to exceed one 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 deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to an informal conference pursuant to WAC 392-400-255 and that the suspension may possibly be reduced as a result of such conference.

(3) All short-term suspensions and the reasons therefore shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after imposition of the suspension.

WAC 392-400-255 SHORT-TERM SUSPENSION—GRIEVANCE PROCEDURE. 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 his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC 392-400-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The short-term suspension shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

WAC 392-400-260 LONG-TERM SUSPENSION—CONDITIONS AND LIMITATIONS. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 392-400-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 392-400-265 and the hearing requirements set forth in WAC 392-400-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(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) 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, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken 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), guardian(s) or custodial parent(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 cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to long-term suspension during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefore shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

WAC 392-400-265 LONG-TERM SUSPENSION—NOTICE OF HEARING—WAIVER OF HEARING.

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

(a) 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,

(b) Specify the alleged misconduct and the school district rule(s) alleged to have been violated,

(c) Set forth the corrective action or punishment proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s), and

(e) Set forth the facts that:

(i) a written (or "oral" if provided for by school districtpolicy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing, and

(ii) if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the date of receipt of notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

WAC 392-400-270 LONG-TERM SUSPENSION—PREHEARING AND HEARING PROCESS.

(1) If a request for a hearing is received pursuant to WAC l80-40-265 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so, or

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

(d) Present his or her explanation of the alleged misconduct, and

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

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

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

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

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

WAC 392-400-275 EXPULSION—CONDITIONS AND LIMITATIONS. A student may be expelled for violation of school district rules adopted pursuant to WAC 392-400-225, subject to the following limitations or conditions, the notice requirements set forth in WAC 392-400-280, and the hearing requirements set forth in WAC 392-400-285:

(1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also 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) 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, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken 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), guardian(s) or custodial parent(s), adjustment 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 cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter l3.04 RCW in order that such authorities may address the student's educational needs.

(5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(6) All expulsions and the reasons therefore shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

WAC 392-400-280 EXPULSION—NOTICE OF HEARING—WAIVER OF HEARING.

(l) Prior to the expulsion of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:

(a) 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,

(b) Specify the alleged misconduct and the school district rule(s) or policy alleged to have been violated,

(c) Set forth the corrective action or punishment proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s), and

(e) Set forth the facts that:

(i) a written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing, and

(ii) if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed expulsion may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the school district.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed expulsion may be imposed.

WAC 392-400-285 EXPULSION—PREHEARING AND HEARING PROCESS.

(1) If a request for a hearing is received pursuant to WAC 392-400-280 within the required three school business days, the school district shall schedule a hearing to commence within

three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so, or

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

(d) Present his or her explanation of the alleged misconduct, and

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

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

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

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

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

WAC 392-400-290 EMERGENCY REMOVAL FROM A CLASS, SUBJECT, OR ACTIVITY.

(1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the building principal or a designated school authority: PROVIDED, That the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. The removal from classes, subjects, or activities shall continue only until:

(a) The danger or threat ceases, or

(b) The principal or designated school authority acts to impose discipline, impose a short-term suspension, initiate a long-term suspension or an expulsion, or impose an emergency expulsion, pursuant to this chapter.

(2) The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action or punishment. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the next school day. Prior to, or at the time any such student is returned to the class(es), subjects, or activity(ies), the principal or school authority shall notify the teacher or administrator who removed the student there from of the action which has been taken or initiated.

WAC 392-400-295 EMERGENCY EXPULSION—LIMITATIONS. Notwithstanding any other provision of this chapter, a student may be expelled immediately by a school district superintendent or a designee of the superintendent in emergency situations: Provided, That the superintendent or designee has good and sufficient reason to believe that the student's presence poses 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. An emergency expulsion shall continue until rescinded by the superintendent or his or her designee, or until modified or reversed pursuant to the hearing provisions set forth in WAC 392-400-305 or the appeal provisions set forth in WAC 392-400-315.

WAC 392-400-300 EMERGENCY EXPULSION—NOTICE OF HEARING—WAIVER OF HEARING RIGHT.

(1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery, or (b) by certified letter(s) deposited in the United States mail within twenty-four hours of the expulsion: Provided: That if the emergency expulsion is based upon a failure to comply with the state immunization law (see chapter 392-380 WAC), the notice must be received by the student's parent(s) or guardian(s) prior to the emergency expulsion of the student regardless of the method of delivery. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) 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,

(b) Specify the alleged reason(s) for the emergency expulsion,

(c) Set forth the corrective action or punishment taken and proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and

(e) Set forth the facts that:

(i) a written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the tenth school business day after receipt of the notice of opportunity for a hearing, and

(ii) if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the emergency expulsion may be continued as

deemed necessary by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within ten school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

(3) If a request for a hearing is not received within the required ten school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

WAC 392-400-305 EMERGENCY EXPULSION—PREHEARING AND HEARING PROCESS.

(1) If a request for a hearing within the required ten school business days is received pursuant to WAC 392-400-300, the school district shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request or hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

(d) Present his or her explanation of the alleged misconduct, and

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

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

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

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

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

(7) An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance.

WAC 392-400-3l0 APPEALS—LONG-TERM SUSPENSION AND EXPULSION. Appeals from decisions rendered pursuant to WAC 392-400-270, 392-400-285 and 392-400-305 which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. School district disciplinary appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.

(2) If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his/her parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the district.

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

(4) If a timely appeal is taken to the board of directors or disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose 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 of the student's school;

(c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and

(d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

(i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(5) An appeal from any decision of a school board or disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board or disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

WAC 392-400-3I5 APPEALS—HEARING BEFORE SCHOOL BOARD OR DISCIPLINARY APPEAL COUNCIL—PROCEDURES.

(1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC 392-400-310(2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parents(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing.

(ii) question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(A) that the district made a reasonable effort to produce the witness and is unable to do so, or

(B) that it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(iii) present his or her explanation of the alleged misconduct, and

(iv) make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

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

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

WAC 392-400-317 APPEALS—DISCIPLINE AND SHORT-TERM SUSPENSION GRIEVANCES. Any school district board of directors may delegate its authority to hear and decide discipline and short-term suspension grievance appeals filed pursuant to WAC 392-400-240 and 392-400-253 to a school district disciplinary appeal council established pursuant to WAC 392-400-310(1).

WAC 392-400-320 SCHOOL BOARD OR DISCIPLINARY APPEAL COUNCIL DECISIONS. Any decision by a school board of directors or school district disciplinary appeal council pursuant to this chapter to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made:

(1) Only by those board or council members who have heard or read the evidence.

(2) Only by those board or council members who have not acted as a witness in the matter.

(3) Only at a meeting at which a quorum of the board or council is present and by majority vote.

DISTRICT POLICY

SEXUAL HARASSMENT **1600**

1.0 General Provisions

1.1 It is the policy of the Bellevue School District to maintain a positive and productive learning and working environment that is free from all forms of unlawful discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

1.2 This policy shall apply to all school district employees, volunteers, parents/guardians, and students, including conduct between students. If a teacher, administrator, or other employee knows that sexual harassment is or may be occurring, he or she must take immediate steps to correct or report the situation, even if the possible harassment is not

within his or her area of responsibility and has not been reported.

2.0 Definitions

2.1 "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

2.1.1 Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

2.1.2 Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

2.1.3 That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

2.2 For the purpose of this definition, sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female. Retaliation against any person making a complaint or any person participating in the investigation of a complaint is also prohibited and subject to discipline. False accusations of sexual harassment shall also be subject to discipline. It is understood that federal and state case law interpreting sexual harassment may be used as a guide in specific instances regarding complaints of sexual harassment.

2.3 With regard to interactions between district employees and students, any and all sexual advances, requests for sexual favors, or sexually motivated physical contact can never be deemed "welcome."

3.0 Remedies and Grievance Procedures

3.1 The District will promptly investigate all complaints that come to its attention, either formally or informally, and when appropriate will take immediate corrective action. Allegations of criminal acts will be reported to law enforcement. Violations of this policy which are established to have occurred will be dealt with according to the specific circumstances, including but not limited to, employee or student discipline, termination of volunteer opportunities, and/or other penalties which are consistent with requirements of applicable collective bargaining agreements, state and federal law, and district policy. To the maximum extent possible, allowing for a fair investigation, confidentiality of complaints will be provided.

3.2 The District strongly encourages individuals who believe they have been subjected to any form of sexual harassment within the district's educational or work environment to bring their complaints and concerns to the immediate attention of their principal, manager, supervisor, another administrator and/or the District's Title IX/Affirmative Action Officer. However, nothing in this policy should be construed to limit any individual who believes he or she has been the subject of sexual harassment from filing a complaint with any other agency with jurisdiction over such matters.

3.3 The grievance procedure set forth in district Policy 5910 Affirmative Action and Equal Opportunity shall be used for complaints brought under this policy.

4.0 Dissemination And Discussion

4.1 A copy of this policy shall be: (1) provided to each district employee, volunteer, and student; (2) conspicuously posted in each school building and facility; and (3) included in school or district publications that set forth rules, regulations, procedures and standards of conduct for the school or district. This should occur at least annually.

4.2 The superintendent, or his/her designee, will develop a process for having each school discuss this policy to ensure that the discussion addresses the definition of sexual harassment and issues covered in this policy.

5.0 Internal Review

5.1 The superintendent, or his/her designee, shall conduct an annual review of the utilization and implementation of this policy to review its effectiveness and to recommend any changes to the policy or its implementation. Records of documents related to complaints under this policy shall be retained so as to be available for possible future investigations and may be used as part of internal reviews and to identify any areas of concern relating to sexual harassment.

References: RCW 28A.640 Equal Equity Mandated for Public Schools
WAC 392-190 Equal Educational Opportunity
Policy 5910 Affirmative Action and Educational Opportunity
Replaces Policy 5915

HARASSMENT, INTIMIDATION AND BULLYING 1601

1.0 General Provisions

1.1 The district is committed to a safe and civil educational environment for all students, employees, parents/guardians, volunteers, patrons, and school Board members that are free from harassment, intimidation or bullying.

1.2 This policy shall apply to all school district employees, students, parents/guardians, volunteers, patrons, and school Board members including conduct between students. If a teacher, administrator, school Board member other employee, community representative or parent knows or suspects that harassment, bullying or intimidation is occurring, she or he should take steps to correct or report the situation, even if the possible act(s) is/are not within his or her area of responsibility.

1.3 As professionals, employees recognize that any actions which are established as having been taken as a reprisal by an employee against another staff member, a student and/or a parent who communicated a concern related to the performance of the employee are prohibited and shall be cause for discipline of the employee up to and including discharge.

2.0 Definitions

2.1 "Harassment, intimidation or bullying" is any intentionally written message or image, including those that are electronically transmitted, verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, culture, gender, socio-economic status, 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; or
- Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

"Other distinguishing characteristics" can include but are not limited to: physical appearance, clothing or other apparel, socioeconomic status, and weight.

2.2 "Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

2.3 Harassment, intimidation or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, physical or electronically transmitted messages or images.

2.4 This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of harassment, intimidation or bullying may still be prohibited by other district policies or building, classroom, or program rules.

3.0 Training

3.1 This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and shall be implemented in conjunction with comprehensive training of staff and volunteers.

4.0 Prevention

4.1 The district will provide students with strategies aimed at preventing harassment, intimidation and bullying. In its efforts to train students, the district will seek partnerships with families, law enforcement and other community agencies.

5.0 Interventions

5.1 Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the perpetrator, and to restore a positive school climate.

5.2 The district will consider the frequency of incidents, developmental age of the student, and severity of the conduct in determining intervention strategies. Interventions will range from counseling, correcting behavior and discipline, to law enforcement referrals.

6.0 Retaliation/False Allegations

6.1 Retaliation is prohibited and will result in appropriate discipline. It is a violation of this policy to threaten or harm someone for reporting harassment, intimidation, or bullying.

6.2 It is also a violation of district policy to knowingly report false allegations of harassment, intimidation, and bullying. Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

7.0 Internal Review

7.1 The superintendent, or his/her designee, shall conduct an annual review of the utilization and implementation of this policy to review its effectiveness and to recommend any changes to the policy or its implementation. Records of documents related to complaints under this policy shall be kept and retained according to the district's procedures and policies for such records. These records may be used by the district as part of internal reviews and to identify any areas of concern relating to harassment, intimidation and/or bullying.

References: SHB 1444
Chapter 207, Laws of 2002

RCW 28A.300.285 Harassment, intimidation and bullying prevention policies Management Resources: ***Policy News,*** December 2010 Harassment, Intimidation and Bullying Policy Strengthened
Policy News, April 2008 Cyberbyllying Policy Required
Policy News, April 2002 Legislature Passes and Anti-Bullying Bill

BSD Policy 4050 Student Rights and Responsibilities
BSD Policy 4070 Student rights and Responsibilities: Misconduct
BSD Policy 4071 Student Rights and Responsibilities: Exceptional Misconduct

ATHLETIC/ACTIVITY CODE **3252**

Participating in an athletic or other co-curricular activity is a privilege, not a right, and involves teamwork, responsibility, and self discipline. The Bellevue School District is committed to promoting the well-being, personal development, and successful performance of all high school students. This policy is designed to help students in athletics and other leadership roles to be safe, responsible, healthy, and successful participants. Student participants, whether in athletics or other activities, are expected and required to set an example for all students by their conduct

and to promote a school atmosphere free from harmful drug, alcohol, and tobacco use.

The Bellevue School District Athletic/Activity Code exists in order to provide specific guidelines to be followed by high school students from the date of their enrollment and has application to all interscholastic sports/athletics and any other school-approved activities, including but not limited to drill team, dance squad, cheer squad, elected offices (ASB, class), debate or other ASB-approved clubs, Natural Helpers, and music/drama performance events that are part of an extra curricular offering. This code is in effect: (1) throughout the school year, (2) at any school-sponsored programs/events even those occurring during breaks in the school year or summer including from the first day of turn out for a sport or activity that begins during the summer, and (3) at any event at which students are representing their school or the District regardless of when the event happens. All students choosing to participate in athletic and activity programs are to conduct themselves in accordance with this Code and are required to abstain from possessing, using, buying, consuming, selling, or giving away any illegal substance including legend/prescription drugs, controlled substances, anabolic steroids, alcoholic beverages, any tobacco product, or other substance banned by the WIAA.

In addition, students who choose to attend or remain at functions beyond the time reasonably necessary to leave the situation where it is apparent that there are alcohol/drugs being illegally used will be in violation of this policy. Any sanction imposed for a violation of this policy may be in addition to any action that might be taken under other District policies relative to conduct, misconduct and/or the use of alcohol/drugs/tobacco.
Sanctions issued under this policy will be cumulative throughout a student's high school years for any and all activities/athletics and will not start over each year. The Superintendent will establish appropriate procedures for the implementation and for any violations of this policy, and will provide that this policy and related procedures are broadly disseminated in school and district publications and in a manner that will reasonably provide students notification of the Code and provisions.

NONDISCRIMINATION **4040**

The district shall provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without regard to race, creed, color, national origin, religion, sex, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The district shall provide equal access to the Boy Scouts and other designated youth groups.
The Superintendent shall provide for the annual evaluation, periodic surveys, and annual notice and complaint procedures as required by law to ensure that there is in fact equal opportunity for all students in the district.
The board shall delegate to the superintendent to designate at least one staff member to coordinate the District's efforts to ensure nondiscrimination.

Reference: RCW 28A.640
RCW 28A.642.005
RCW 49.60

WAC 392-400-215
392-190

28 CFR 35
34 CFR 104
34 CFR 100
34 CFR 106

STUDENT RIGHTS AND RESPONSIBILITIES **4050**

RCW 28A.600.010 requires the Board of Directors of each school district in the state of Washington to adopt and make available annually to each student and parent in the district reasonable rules and regulations regarding student conduct, discipline and rights. In accordance with this statute and the applicable Washington Administrative Code, the Board of Directors of the Bellevue School District adopts the following policies pertaining to the substantive and procedural due process rights and responsibilities of students.

In adopting these policies, the Bellevue School District acknowledges the rights of citizenship of its students within the context of the school environment. One of the major goals of this school system is to prepare students for effective citizenship. To that extent which is consistent with the orderly operation of the school and which is in accordance with their maturity, students should be given opportunities to act upon their choices in rational and constructive ways. Students also share responsibility to uphold and respect those conditions in the school which are conducive to the exercise of the rights of citizenship. School staff members also have rights and responsibilities. They are required by law to maintain a suitable environment for learning. The following policies are intended to enable all members of the educational community to exercise their rights and assume their responsibilities of citizenship and effective teaching and learning. In an effort to create better understanding and consistent enforcement of student, teacher and principal rights and responsibilities, it will be the responsibility of each building principal to involve the school's certificated and classified employees, students and parents in the development of building discipline standards and to confer at least annually with those groups to review and evaluate those discipline standards. This review should also include the state regulations and district policies and procedures on these topics. The procedures must assure that all staff work cooperatively toward consistent enforcement of proper student behavior throughout the school and within each classroom.

School discipline standards shall:

1. View discipline as primarily educational, not punitive.
2. Be appropriate for the developmental level of students.
3. Expect people to be responsible for their own actions, to show respect for personal and public property and to show consideration for others.
4. Permit a variety of approaches that recognize individual needs and differences.
5. Treat students in a manner which emphasizes changing unacceptable behavior.
6. Recognize that positive reinforcement is effective in changing behavior.
7. Recognize that skills for decision-making and problem-solving can be taught and reinforced.
8. Recognize that role models are important elements in learning self- discipline and that teachers, students and administrators have mutual responsibilities.
9. Provide that any consideration of behavior in a student's academic evaluation be related to the district student learning objectives or course objectives required by procedures which implement policy 3210, Curriculum Development and Implementation.
10. Be consistent with state law and regulations and district philosophy, policies and procedures.
11. Be tailored to the individual needs of each school or program.
12. Encourage the resolution of problems within the school setting.
13. Include students in the resolution of conflict.

14. Encourage parent participation in the resolution of ongoing problems.

15. Seek consequences which are fair and natural for the situation.

16. Recognize that schools cannot solve all problems and that there may be times when students must be removed from the situation or school.

17. Be written in terms that will be easily understood by those for whom they are written.

Components of the school's discipline plan shall include the following:

1. School philosophy of discipline.

2. Goals and objectives of the discipline plan.

3. Rights and responsibilities of students, teachers and administrators.

4. Behavioral expectations of students, teachers and administrators.

5. Possible or predetermined consequences prior to suspension unless related to exceptional misconduct.

6. Roles and responsibilities of administrators, staff, parents and students in implementing the plan.

7. Procedural steps to carry out the plan.

8. A method for informing all students and parents of the plan.

9. Evaluation and review procedures.

It is the intent of the Board of Directors that all students, parents and school district employees who deal directly with students have access to and understanding of state of Washington laws and regulations, district policies and procedures and school discipline procedures and standards pertaining to procedural and substantive rights of students. This policy reaffirms those student rights contained in RCW 28A.305.160 and WAC 180-40-200 through 180-40-320, clarifies procedures contained in the WAC and designates authority to certain staff members to carry out those procedures.

1.0 Authority Designated. In accordance with WAC 180-40-230, authority is given to the staff listed below to administer these WACs. When authority is given to certificated principals in this policy, that authority is also extended to any district administrator who has direct control over student programs.

1.1 All certificated teachers, administrators and school-bus drivers may administer discipline in accordance with WAC 180-40-230. This shall include the right of the certificated teacher to exclude a student from his/her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until an administrator and teacher have conferred, whichever occurs first. Except in emergency circumstances as provided for in WAC 180-40-290, the teacher shall have first attempted one or more alternative forms of corrective action. A student excluded under this provision shall not be returned during the balance of the class or activity period from which the student was excluded without the consent of the teacher.

1.2 All certificated administrators may administer short-term suspension in accordance with WAC 180-40-245 and WAC 180-40-250. Note: The form in Exhibit No. 4050.1.A is recommended as a record of this action for parents/guardians and a copy of it may be used to comply with the reporting requirement of WAC 180-40-250(3).

1.3 All certificated administrators may administer long-term suspension in accordance with WAC 180-40-260.

1.4 All certificated teachers and administrators may administer emergency removal from a class, subject or activity in accordance with WAC 180-40-290.

1.5 All superintendents, or certificated administrators may administer an emergency expulsion in accordance with WAC 180-40-295.

1.6 All superintendents, or certificated administrators may administer expulsion in accordance with WAC 180-40-275.

2.0 Suspension and Expulsion. Any suspension and expulsion from a school in the Bellevue School District shall include the denial of admission to or entry upon real and personal property that is owned, leased, rented or controlled by the Bellevue School District during the period of such suspension or expulsion unless express exceptions are provided.

3.0 Hearing Notices and Requests. All notices given or received by the Bellevue School District with reference to suspension and expulsion hearings shall be in writing.

4.0 Appeal of Disciplinary Actions. In the event a student and/or his or her parent(s) or guardian(s) disagree with the disciplinary, suspension, or expulsion actions taken under section 1.0 above, the student and/or his or her parent(s) or guardians may appeal the action as provided in WAC 180-40.

4.1 Hearing Officer. School-level appeal hearings shall be conducted by a certificated administrator or other person as determined by the superintendent or his or her designee**.**

4.2 District-level Appeals. Authority to hear and decide appeals of disciplinary grievances, of short-term and long-term suspensions, and of expulsions which would otherwise be heard by the Board of Directors is delegated to a school district disciplinary appeal council which shall consist of five persons appointed by the Board in accordance with WAC 180-40-310. At least three members of the Council must be present to conduct hearings.

4.3 Composition of Disciplinary Appeal Council. The chair of the Disciplinary Appeal Council shall be the Executive Director of Student Services. The other four members will be comprised of one representative of the PTSA, one board member, one at-large community member, and two secondary certificated administrators (one of whom is to serve as an alternate council member).

5.0 Appeal of the Disciplinary Appeal Council Decision. The decision of the Council to affirm a long-term suspension or an expulsion shall take effect immediately, notwithstanding an appeal to a court,

except as otherwise ordered by a court of competent jurisdiction.

Note also:

Policy 4070 Student Rights and Responsibilities: Misconduct
Policy 4071 Student Rights and Responsibilities: Exceptional Misconduct
Chapter 321, Laws of 1996
WAC 180-40-310

STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT GOVERNMENT **4055**

School administrators shall encourage the development of responsible student leadership at the local school level. Student government is the appropriate framework through which school leaders can emerge and gain experience. Student government shall provide the mechanism for students to share in decisions which are of daily concern to them by participating in the formulation of school rules and regulations and by participating in discussion pertaining to curriculum content, materials, methods and student evaluation. Time shall be set aside on a regular basis for student government officers to discuss with students and with school staff the issues which are of concern to them.

Full and free participation in student government shall be encouraged by an understanding that neither marks, course credits, graduation, college recommendations nor other aspects of scholastic life will be adversely affected as a consequence of a stand or action with which faculty or administration may disagree. The statements, votes, decisions or actions of a student, incident to his/her role in student government, shall be judged solely within the sphere of the school civic life, through the medium of electoral action by his/her peers, or through pre-established constitutional process.

The organization, operation and scope of the student government shall be specified in a published constitution. This constitution should be the result of joint administration-faculty-student discussions, and should be a document which all groups (though not necessarily all individuals) find acceptable. Student government should function with scrupulous regard for all constitutional provisions, which should be changed only by a prescribed process of amendment in which there should be student participation. No constitutional provision, by-law or practice should permit decisions, including expenditure of student organization funds, to be made exclusively by the faculty or administration. However, expenditure of student organization funds may not be made without approval of appropriate faculty or administration staff members. Decisions of student government shall not conflict with law or Board of Directors policy or procedure. All students have the right to vote and to hold office, according to eligibility rules as defined in their student government constitution. Eligibility rules for candidates and rules for conducting campaigns and elections as fixed by the constitution, should be published, widely distributed and uniformly enforced.

STUDENT RIGHTS AND RESPONSIBILITIES: FREEDOM OF EXPRESSION **4060**

Students have certain constitutional rights to express their opinions at school orally, symbolically and in writing. Materials distributed, displayed or spoken by students on school premises must meet the following standards:

1. They may not contain language or ideas of such nature that it is reasonably probable that their expression will create hostility or violent or unlawful behavior; be libelous, slanderous, or obscene, or materially and substantially interfere with the educational process.

2. They may not attack ethnic, religious or racial groups.

3. No materials may be circulated for nonschool agencies which are designed to solicit funds unless approved by the Superintendent.

The school administrator has the right to prohibit any written, oral or symbolic expression by students on school premises which does not meet the above general standards or the specific standards listed below. Such prohibition of expression may be appealed by students through the procedure for "Adjusting Student Grievances" (Policy No. 4100).

This policy shall be implemented and interpreted neither to expand upon nor limit those rights provided to students under the state and federal constitution.

Rights and responsibilities of students in exercising their freedom of expression in specific ways shall be:

Assembly: Students shall have the right peaceably to assemble but such assemblies shall not materially and/or substantially interfere with the regular operation of the school and shall be subject to regulations established by the school administrator, with the student government, as to time, place and manner. School administrators shall publish and make available such regulations annually at the beginning of the school year to all students. Classroom attendance takes precedence over freedom to assemble.

Symbolic Speech: Students shall be allowed to wear buttons, badges, arm bands and other insignia as a form of expression. Students shall be required to conform to reasonable regulations established by the school administrator, with the student government, as to time, place in the school and manner of circulation of symbolic speech materials. School administrators shall publish and make available such regulations annually at the beginning of the school year to all students.

Right to Petition: Students shall be allowed to present petitions to the administration. The circulation of petitions shall conform to reasonable regulations established by the school administrator, with the student government, as to time, place in the school and manner of circulation. A written response stating the reasons for acceptance or rejection shall be sent to the petitioners.

School Publications: School publications shall include materials written and produced by scheduled classes or chartered school clubs. A faculty member shall serve as an advisor to the groups involved in the writing, producing and/or distribution of school publications. School publications shall be permitted to report news and editorialize free from arbitrary and capricious censorship when published within the accepted canons of responsible journalism such as completeness, objectivity and accuracy of reporting. Students not on the newspaper staff shall have access to its pages subject to reasonable editing by the editorial staff. It is recommended that editorial evaluation be done by a student-faculty board consisting of at least as many students as faculty members. The school administrator has the right to review in advance the contents of any school publication to ensure against publication of material which does not meet the standards of content prescribed in this policy. School-sponsored newspapers and other school-sponsored publications are not public forums.

Nonschool Publications: Materials written, produced or sponsored by students enrolled in the Bellevue School District shall be considered "nonschool publications." Students wishing to circulate nonschool publications shall be required to conform to reasonable regulations established by the school administrator, with the student government, as to time, place and manner of distribution or posting of printed material. Such regulations shall include the designation of a student bulletin board. School administrators shall publish and make available such regulations annually at the beginning of the school year to all students. Students who write, produce or sponsor such nonschool publications must assume responsibility for the content of the materials.

Dress and Appearance: Students shall have the right to dress and groom as the individual pleases except where damage to school property will result, a health or safety hazard is present or substantial and material disruption or obstruction to the

educational process is caused by the manner of dress or appearance.

Reference: WAC 180-40-215
Hazelwood School District v. Kuhlmeier
Bethel School District v. Fraser

STUDENT RIGHTS AND RESPONSIBILITIES: 4065
INSPECTION OF STUDENT'S PERSON AND PROPERTY

A student shall be free from searches by school officials of his/her clothing and other personal property unless there is reasonable grounds to believe that the search is necessary in the aid of maintaining school discipline and order.

Student lockers, desks and other storage areas remain the property of the school district and school officials retain the right to inspect lockers, desks or other storage areas assigned to students. No right nor expectation of privacy exists for any student as to the use of any locker, desk, or other storage area(s) issued or assigned to a student, and these areas may be inspected or searched by school authorities at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule. Any container(s) found as the result of a search of a locker, desk, or other storage area may be searched if there is reasonable suspicion that the container(s) holds evidence of a student's violation of law or school rule.

Illegal items or other possessions reasonably determined to be a threat to the safety or security of others shall be seized by school authorities. Items which are used to disrupt or interfere with the educational process may be temporarily removed from students' possession.

Reference: RCW 28A.600.210, et seq.

STUDENT RIGHTS AND RESPONSIBILITIES: 4070
MISCONDUCT

The following are prohibited on school premises, at school-sponsored activities, or if conducted in a manner having a real and substantial relationship to the operation of school or educational programs, and shall be cause for discipline and/or intervention. Discipline/intervention cannot be cause for suspension on the first offense during a single school year.

1. Failure to comply, in a passive way, with the lawful directions of school personnel or volunteers who are acting on behalf of the district in the performance of their duties.
2. Using and/or possessing any tobacco products.
3. Presence during school hours on the campus of any Bellevue school other than the school in which the student is enrolled, except when the student has first checked in at the administrative office of the school and received permission to visit. Such permission will be granted if the visit is in furtherance of the educational goals of the student or for a school district purpose.
4. Harassment, intimidation and/or bullying of others.
5. Profanity, obscenity, indecent and/or lewd conduct.
6. Vandalism, destruction, damage, or theft of school property or the property of others that is less than $50.
7. Gambling for the purpose of monetary gain.
8. Possession of drug paraphernalia.
9. Hazing in any form not covered by Policy 4071, except for initiation or similar activities which are expressly approved by school administrator.
10. Cheating.

Reference: WAC 180-40-225

STUDENT RIGHTS AND RESPONSIBILITIES: 4071
EXCEPTIONAL MISCONDUCT

Preserving a safe and orderly learning environment and ensuring the safety and well-being of all students are primary concerns of the Board of Directors.

The following are prohibited on school or district premises, at school-sponsored events or activities, on school buses or vehicles provided by the District, or if conducted in a manner having a real and substantial relationship to the operation of school or educational programs, and represents exceptional misconduct that can be cause for discipline, suspension or expulsion.

1. Abusing and/or Insulting Teachers while carrying out their official duties.
2. The Aiding and Abetting of Others in the commission of any of the acts prohibited under this policy, as well as the attempt to commit any of these acts, may also be subject to appropriate disciplinary action.
3. Arson meaning intentionally setting a fire or causing an explosion.
4. Assault meaning being physically violent or using unwarranted force toward another person(s).
5. Cheating of substantial nature, including but not limited to, stealing or providing questions and/or answers to one or more persons prior to any type of assessment.
6. Computer Misuse of substantial nature, including but not limited to, use of Bellevue School District networking system that violates any part of the act prohibited under this policy, intentionally violating a school or Bellevue School District computer system or database including but not limited to:
    a) Stealing, hacking, deleting, interfering with, or copying software, systems, or programs.
    b) Transmitting a virus or other material that is wholly inconsistent with the fundamental values of public school education.
    c) Changing of school, District, or student records without authorization.
    d) Accessing a district or teacher's computer without authorization.
    e) Using a proxy site or other Internet site from a District computer to deliberately evade District filters.
7. "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. These include but are not limited to the following:
    a) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means.

b) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect.

c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

d) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse.

e) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

f) Slung shot device consisting of a weight, or "shot," affixed to the end of a long cord.

g) Sand club such as a bag of sand which is used as a weapon.

h) Metal knuckles.

i) Spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement.

8. Extortion/Blackmail/Coercion meaning obtaining or attempting to extort obtain money, property, or other consideration by violence or threat of violence, or forcing someone to do something against his or her will by force or threat of violence.

9. Failure to Comply meaning repeatedly violating school district policies or school rules.

10. Fighting which means engaging in or provoking mutual physical contact involving anger or hostility. Fighting includes verbally inciting or physically supporting a fight by one's encouragement or presence.

11. Fireworks/Explosives including the possession, handling or transmission of any form of firework and/or explosive, chemical or incendiary device. These devices include, but are not limited to, firecrackers, sparklers, smoke bomb or stink bomb, cherry bomb, M80, bottle rocket, other explosive, incendiary or poison gas, or gas pen/gas pencil.

12. The Forging of any Signature or the Making of any False Entry or the Alteration of any Document used or intended to be used in connection with the operation of the school.

13. "Harassment, Intimidation or Bullying" means any intentional written message or image, including those that are electronically transmitted, verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, culture, gender, socio-economic status, sexual orientation including gender expression or identity, mental or physical disability, or other distinguishing characteristics, when the intentional written, verbal, or physical act:

- Physically harms any person or damages the person'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.

14. The Hazing of any students or persons. "Hazing" includes initiating students into a school, group, grade level, or office through persecuting, harassing, or coercive behaviors that cause or are likely to cause social or emotional harm. Evidence of hazing may include but is not limited to, activities with any of the following components: degrading, disgraceful, or humiliating behaviors or treatment. The term "hazing" does not include school-authorized athletic events, contests, competitions or other activities that have express administrative approval.

15. Lewd/Obscene Behavior including engaging in inappropriate sexual behavior, including sexual intercourse, oral sex, sexual touching, indecent exposure, or voyeurism, and/or sexual behavior that has the potential to substantially disrupt or obstruct any school function or operation.

16. Look-Alike Weapons that can reasonably be considered a firearm, air soft gun, compressed air gun, or dangerous weapon.

17. Possession, Handling or Transmission of Firearms on school property. This will result in a one-year mandatory expulsion, subject to appeal, with notification to parents and law enforcement.

18. Possession, Handling, or Transmission of any Object which can Reasonably be Considered a Weapon.

19. Possession, Transmission, or Use of Personal Protection Spray Devices without prior written parental/guardian permission is prohibited. Students over 18 years of age and students between 14 and 18 years of age with written parental/guardian permission may possess personal protection spray devices. No one under 18 years of age may transmit such devices nor may they be used other than in self defense as defined by state law.

20. Retaliation and False Allegations meaning the act of retaliation for reporting any violation of the acts prohibited under this policy, as well as the attempt to commit any of these acts, or knowingly reporting false allegation or corroboration of false allegations of any violation under this policy.

21. Robbery meaning taking another's property by force or threat of force.

22. Theft meaning stealing district or personal property having a value of $50 or more.

23. Trespass/Unauthorized Entry meaning wrongful or unauthorized entry onto district property or facility.

24. Threat to Cause Bodily Harm by any means which causes a person to believe his or her or another person's life, safety, or property is in danger.

25. Any Violation of Policy 4085, Students Rights and Responsibilities: Drugs and Alcohol.
This includes, but is not limited to, the following on school grounds and/or immediate vicinity of school property:

a) Possess, use, or be under the influence of any drug or look alike drug, except as authorized by valid prescription.

b) Possess, use, or be under the influence of alcohol.

c) Use or be under the influence of any other intoxicant.

d) Sell, purchase, barter, trade, exchange, give, or transmit any drug, alcohol, or intoxicant, or offer to do so.

In addition, students shall not use any drug (except as authorized by valid prescription), alcohol, or intoxicant before attending school or any mandatory school-sponsored activity, and they shall not attend any optional school-sponsored activity after using any drug (expect as authorized by valid prescription), alcohol, or intoxicant.

26. Wearing, Carrying, Possessing and/or Displaying Gang-Related Apparel, Grooming, or Exhibiting or Implying Behavior or Gestures which Symbolize Gang Membership or Affiliation by written communication, marks, drawing, painting, design, emblem, etc., upon any school or personal property or one's person or causing and/or participating in activities which intimidate or affect the attendance of another student or staff member.

27. Vandalism/Property Damage, meaning intentionally causing damage to any district or personal property, including writing, painting, drawing, or otherwise marking graffiti on any district or personal property that is $50 of damage or more.

28. Any action, event or group of events which constitutes a Violation of Federal, State or Local Law.

The district reserves the right to refer to the appropriate nonschool agency any act or conduct of its students which may constitute a crime under federal, state, county or local law.

References: RCW 28A.320
RCW 28A.600
RCW 9.41
RCW 28A.635
RCW 9.91.160
RCW 9A.36.080
WAC 392-400

Note Also:

Board Policy 1601 Prohibition of Harassment, Intimidation and Bullying
Board Policy 3223 Electronic Information Systems
Board Policy 3226 Alcohol and Other Drugs: Prevention, Intervention and Aftercare
Board Policy 4050 Student Rights and Responsibilities
Board Policy 4070 Student Rights and Responsibilities: Misconduct
Board Policy 4085 Student Rights and Responsibilities: Drugs and Alcohol
Board Policy 4200 School Relations with Public Law-Enforcement Agencies

Board Procedure 3223.1 Access to and Use of Electronic Network Resources
Board Procedure 1601.1 Prohibition of Harassment, Intimidation and Bullying

STUDENT RIGHTS AND RESPONSIBILITES: 4075
ATTENDANCE

The importance of prompt and regular school attendance by students shall be emphasized at all grade levels. Regular attendance is necessary if students are to profit fully from learning experiences offered in school. Absences create difficulty for both the student and the teacher in maintaining continuity in the student's educational program. Because students miss significant instruction when they are absent from school, any absence may affect their learning. Regular school attendance cultivates a personal value which will be of significance to the student throughout life. It is, therefore, the purpose of this policy to encourage regular attendance in school.

All student absences will be classified as excused or unexcused. Absences for the following reasons will be excused if there is timely verification of such reasons provided to the school:

1. Illness or medical emergency.

2. Family emergencies.

3. Observances of established special days of a religious calendar.

4. Pre-arranged medical and dental appointments.

5. Pre-arranged school-sponsored activities, such as field trips.

6. Absences which, according to the discretion of the principal, or his/her designee, after consulting with the parent, guardian, or adult student, may be deemed appropriate but not covered in the above-stated instances.

A student who is absent from school without excuse shall be considered for discipline, suspension or expulsion, provided the actions required by WAC 180-40-235(I), 180-40-245(3), 180-40-260(3) and 180-40-275(3) have been taken. A student who is truant under the definition contained in RCW 28.A.225 will be prosecuted in accordance with state law.

A student who has been absent from school or class because of an excused absence, discipline or short-term suspension shall be provided a reasonable opportunity to make up the work missed. Failure to make up assignments or tests missed in a reasonable time because of excused absence, discipline, or short-term suspension may result in a reduction of grades or credits.

A student's grades and credits may be adversely affected by a long-term suspension or expulsion. They may also be adversely affected because of any absence, excused or unexcused, if:

1. The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course and

2. The student's attendance and/or participation has been identified by the teacher as a basis for grading, in whole or in part, in the particular subject or course and

3. The student has not taken advantage of the opportunity to make up work.

If absences result in lower achievement (failure to turn in assignments, poor performance on class assignments or tests), then the student's grade and credits may be reduced, whether the absences are excused or unexcused.

The superintendent shall have the authority to develop and publish procedures regarding the loss of credit due to excessive absences.

Each school shall prepare written attendance procedures. These shall include procedures for dealing with patterns of frequent absences and/or tardiness and a method of notifying parents no later than a student's fifth absence from school or a class in a semester.

A written copy of the policies and procedures encompassing the district, building and, where appropriate, teacher requirements shall be distributed to all secondary-school students and made available to elementary-school students. Each secondary-school

teacher will have on file with the building principal a copy of his/her class attendance procedure. Such procedures shall be consistent among all teachers and equitably applied to all students.

It is the responsibility of each teacher to keep accurate attendance records of students in the teacher's grade book and to report attendance to the principal as requested.

References: RCW 28A.225
RCW 28A.150.240(2)d
WAC 180-40-235, -245, -260, -275

STUDENT RIGHTS AND RESPONSIBILITIES: 4080
USE OF TOBACCO PRODUCTS

1. The District will take active measures to discourage use of tobacco by any of its students by including in the instructional program emphasis upon the health hazards of the use of tobacco.

2. Visible use or possession of any tobacco product on or in the immediate vicinity of school property is prohibited. School property includes all buildings, grounds, and vehicles owned and used by the District. Students who violate this policy are subject to disciplinary action as determined by their school.

3. Notification of the prohibition shall be through annual publication of the Student Rights and Responsibilities document and the posting of signs on school property.

Reference: RCW 28A.210.310

STUDENT RIGHTS AND RESPONSIBILITIES: 4085
DRUGS AND ALCOHOL

The following drug and alcohol-related conduct is prohibited at school, on or adjacent to school premises, in school vehicles, and at school-sponsored activities. Students shall not:

A. Possess, use, or be under the influence of any drug, except as authorized by valid prescription;

B. Possess, use, or be under the influence of alcohol;

C. Use or be under the influence of any other intoxicant; or

D. Sell, purchase, barter, trade, exchange, give, or transmit any drug, alcohol, or intoxicant, or offer to do so.

In addition, students shall not use any drug (except as authorized by valid prescription), alcohol, or intoxicant before attending school or any mandatory school-sponsored activity, and they shall not attend any optional school-sponsored activity after using any drug (except as authorized by valid prescription), alcohol, or intoxicant.

As used in this policy:

A. "Drug" means any controlled substance, as defined by the Uniform Controlled Substances Act (RCW 69.50), any drug that requires a prescription (so-called "legend drugs") and any "look alike" drug or substance believed to be or represented as being a drug or controlled substance;

B. "Alcohol" includes any beverage, mixture, or preparation containing alcohol; and

C. "Intoxicant" means any other chemical substance (including industrial chemicals and over-the-counter medications) when used contrary to directions or warnings to affect the user's perception, behavior, or mood, excluding tobacco and caffeine.

Violation of this policy constitutes cause for discipline, suspension or expulsion of a student. Offenders may be referred to an appropriate social agency. The District reserves the right to refer to law-enforcement authorities any act or conduct of its students relating to this policy that may constitute a crime under any federal, state, county or local law.

References: RCW 69.41
RCW 69.50
Note also: Policy 4050, Student Rights & Responsibilities (SRR)
Policy 4070 SRR: Misconduct
Policy 4071 SRR: Exceptional Misconduct

STUDENT RIGHTS AND RESPONSIBILITIES: 4090
STUDENT USE OF MOTOR VEHICLES ON HIGH SCHOOL CAMPUSES

High-school students with a valid driver's license may be permitted to drive legal vehicles to school and park them in an approved, designated area on the high-school campuses of the district.
Each high school shall publish, announce to students and make available upon request copies of the approved parking regulations. These regulations shall include but are not limited to:

1. Designated parking area for students, faculty, visitors, and individuals with disabilities.

2. Any and all penalties for violations of these regulations including reasonable fine rates.

3. Information about tow-away procedures.

4. Due process (appeal) procedures to be used by students objecting to regulations or fines assessed.

5. Safety regulations including speed limit.

6. The establishment of reasonable parking fees, if any, and a description or explanation of their purpose.

The Board specifically authorizes the principal of any building to have any vehicle removed if it is parked in violation of these regulations. The owner/driver of the vehicle shall be solely responsible for cost of the removal. Parking on campus is a privilege, not a right, and may be disallowed if abused or for other reasons.

STUDENT RIGHTS AND RESPONSIBILITIES: 4095
APPLICATION FOR READMISSION AFTER SUSPENSION OR EXPULSION

A student who has been suspended or expelled who wishes to reenter the Bellevue School District prior to termination of the imposed sanction may be readmitted if sufficient evidence is submitted to the Director of Alternative Programs to indicate that the student may reasonably be expected to comply with school regulations upon readmittance. Such a student shall submit a written request to return to school to the Director. This request shall include:

1. Why the student believes readmittance at this time is appropriate.

2 New evidence, if any, which would support the student's request.

3. Supporting references, if any, such as statements from the parent or guardian or agencies or private practitioners who may have assisted the student.

The Director of Alternative Programs is solely responsible for determining whether or not a student can and should be readmitted. This will be determined based on the student's statement, information from previous school officials and/or other information supplied by the student and his/her parent(s)/guardian(s) (e.g., counseling records, other school records, etc). The Director, if satisfied that the student can/should be readmitted, will determine the student's school placement, and

any conditions that may be contingent for readmission. This may or may not be the student's resident school. Placement in any Bellevue school is predicated on the student's adhering to school board policies and procedures.

The school authority who initially imposed the sanction, the hearing officer and/or the Disciplinary Appeal Council may establish reasonable conditions for readmission, including reimposition of the remainder of the term of the sanction, should the student fail to fulfill these conditions. The decision on the student's request for readmission shall be rendered within l0 school days after receipt of the request by the Director of Alternative Programs.

STUDENT RIGHTS AND RESPONSIBILITIES: 4l00
ADJUSTING STUDENT GRIEVANCES

Grievance procedures as provided in this policy may be initiated by any student who is aggrieved by a district policy, school regulation, action of a district employee (other than disciplinary actions) or conditions controlled by the district, when any such policy, regulation, action or condition is deemed by the student (1) to be an infringement of the student's constitutional rights or (2) to have been inequitably applied to the student's particular case. Students who wish to appeal disciplinary actions by school officials will follow procedures for that purpose as specified elsewhere.

Informal Resolution of Grievances

Every effort shall first be made by the student to resolve grievances or potential grievances through free and informal communication between the student and other persons in the school or district who may be in a position to assist in resolving the student's concerns. If such informal procedures fail to provide an adjustment acceptable to the student, then the student may initiate grievance procedures.

Formal Resolution of Grievances

1.0 School-Level Grievances

1.1 Within 30 days of the event or action which is the subject of the grievance, the student shall first have the right to a hearing at the school level. The student may choose to have the grievance heard either by one of the school administrators or a school grievance board. The school administrator or the school grievance board shall convene a hearing to investigate the grievance, which shall result in one of the following actions:

1.1.1 The school administrator may take action to resolve the grievance or may recommend a resolution.

1.1.2 The school grievance board may recommend a resolution of the grievance.

1.1.3 The school administrator or the school grievance board may refer the grievance to the Superintendent if resolution of the matter would require a decision of the Superintendent or the Board of Directors.

1.1.4 Disputes concerning a grade are not subject to a school grievance board unless both the student and staff member giving the grade agree.

1.2 Upon conclusion of the school-level grievance proceedings, the student may appeal to the Superintendent if the student remains aggrieved by any of the following:

1.2.1 The recommendation of the school grievance board.

1.2.2 The decision or recommendation of the school administrator.

1.2.3 The action or inaction of other school officials in response to the recommendation of the school grievance board or the school administrator.

2.0 District-Level Grievances

2.1 Upon receipt of an appeal from a student or referral of a grievance by the school administrator or the school grievance board, the Superintendent or his/her designee shall take one of the following actions:

2.1.1 Conduct a hearing to investigate the matter and take action to resolve the grievance.

2.1.2 Convene a district grievance board to conduct a hearing and advise with regard to resolution of the grievance; the Superintendent or designee shall then take action to resolve the grievance, taking into consideration the recommendation of the district grievance board.

2.2 The decision of the Superintendent or designee shall be final except as provided in subsection 2.3, or as appeals to the Superintendent of Public Instruction, other agencies or the courts are permitted by law.

2.3 If the Superintendent or designee recommends that a Board of Directors policy or other previous action of the Board be changed in order to resolve the grievance, this recommendation shall be presented to the Board for its consideration. The decision of the board with regard to this recommendation shall be final, except as appeals to the Superintendent of Public Instruction, other agencies or the courts are permitted by law.

3.0 Grievance Boards

3.1 School and district grievance boards shall be advisory only. Their recommendations shall be submitted to the grievant and to such other persons as may by their actions or authority be in a position to adjust the grievance.

4.0 Hearing Procedure

4.1 The student may request the assistance of a parent, school staff member, another student, or other persons of the student's choice during any of the proceedings. All hearings shall be closed except to any witnesses while testifying and to participants.

STUDENT RIGHTS AND RESPONSIBILITIES: 4105
CORPORAL PUNISHMENT AND PHYSICAL RESTRAINT OF STUDENTS

The use of corporal punishment is prohibited.

Corporal punishment is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student.

Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;

(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not

limited to, physical education exercises, field trips or vocational education projects; or

(d) Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC 392-172-388, et seq.

References: WAC 180-40-235
RCW 28A.150.300

AFFIRMATIVE ACTION/TITLE IX GRIEVANCE PROCEDURE **59I0.1**

The complaint procedure set forth below is established to process complaints raised by employees or students in the areas of discrimination or affirmative action in employment. Nothing in this procedure shall prohibit the processing of grievances by (1) an employee bargaining representative and/or a member of a bargaining unit pursuant to grievance procedures established at the school district level by local bargaining agreement or (2) by a student pursuant to grievance procedures established at the school district level. At the time of filing a written complaint, an employee or student shall elect one procedure from among those available and shall follow that procedure exclusively. Prior to deciding which procedure to follow, the grievant may consult with the Affirmative Action/TitleIX Compliance Officer and the grievant's bargaining unit representative, if any, to obtain information regarding the available procedures.

LEVEL I - Informal disposition

Prior to implementing the formal procedure, as outlined in level 2, an employee may complain informally to his or her supervisor, the Affirmative Action/Title IX Compliance Officer or the Human Resources Department about alleged noncompliance with equal employment opportunity or equal access laws. The affirmative Action/Title IX Compliance Officer or designee will attempt to informally resolve the complaint and shall notify the complainant within thirty (30) days of a proposed resolution.

LEVEL 2 - Formal disposition

a. Each formal complaint communicated to the school district shall be: (l) written, (2) signed by the complainant, and (3) set forth specific acts, conditions, or circumstances alleged to be violative of the district's policies or obligations with regard to discrimination, and (4) be filed with the Affirmative Action/Title IX Compliance Officer as soon as possible, but no later than thirty (30) calendar days following the alleged discrimination.

b. Upon receipt of a complaint by the school district in the manner herein described, the Affirmative Action/Title IX Compliance Officer or designee shall investigate the allegations set forth and shall institute such other reasonable procedures to effect a prompt resolution of the complaint.

c. Upon completion of the investigation, the Affirmative Action/Title IX Compliance Officer or designee shall provide the district Superintendent with a full written report of the complaint and results of the investigation, unless the matter is resolved to the satisfaction of the complaining party prior to the submission of a full report.

d. The district Superintendent shall respond in writing to the complainant as expeditiously as possible but in no event later than thirty (30) calendar days following receipt of such complaint by the school district. The response of the Superintendent shall clearly state either: (l) that the school district denies the allegations contained in the complaint received, or (2) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district.

e. Corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty (30) calendar days following the Superintendent's mailing of a written response to the complainant. (WAC 392-l90-065)

LEVEL 3 - Appeal to Board of Directors

a. In the event a complainant remains aggrieved following a written response from the Superintendent, said complainant may appeal to the school district Board of Directors by filing a written notice of appeal with the Secretary of the School Board on or before the tenth (l0th) day following (1) the date upon which the complainant received the Superintendent's written response, or (2) the expiration of the thirty (30) day response period set forth in Section 2(e) above, whichever occurs first.

b. An appeal to the Board of Directors shall require the Board of Directors to schedule a hearing to commence on or before the twentieth (20th) day following the filing of the written notice of appeal; (1) Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board hearing will be public unless a confidential hearing is requested by the complainant. (2) The Board of Directors shall render a written decision on or before the tenth (10th) day following the termination of the hearing and shall provide a copy to all parties involved. (WAC 392-190-070)

LEVEL 4 - Appeal to the Superintendent of Public Instruction

In the event a complainant charging sex discrimination in violation of Chapter 28A.640 RCW or Chapter 392-l90 WAC remains aggrieved with the decision of the Board of Directors, the complainant may appeal the Board's decision to the Superintendent of Public Instruction under WAC 392-190-075.

a. A notice of appeal must be received by the Superintendent of Public Instruction on or before the tenth (l0th) day following the date upon which the complainant received written notice of the Board of Directors' decision.

b. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:

(1) A concise statement of the original complaint and the portions of the Board of Directors' decision being appealed.

(2) The relief requested by the complainant/appellant.

Note: Concerns, complaints, or questions about the accessibility or location of programs for the disabled should be directed to Patty Siegwarth, Executive Director of Special Education, Guidance and School Support, at (425) 456-4156, or the Assistant Superintendent Human Resources/Employee Relations/General Counsel, (425) 456-4074.

TEACHER/PRINCIPAL RIGHTS AND RESPONSIBILITIES

The following references are some of the state laws which either (l) expressly encompass the rights, responsibilities and authority of teachers and principals regarding the discipline of students or (2) expressly encompass duties or prohibited practices which may possibly involve or form a basis for the discipline of students. The statutes are referenced in sequential order with a brief description of the pertinent contents.

RCW 13.04.155 - NOTIFICATION TO SCHOOL PRINCIPAL OF CONVICTION, ADJUDICATION, OR DIVERSION AGREEMENT – PROVISION OF INFORMATION TO TEACHERS AND OTHER PERSONNEL – CONFIDENTIALITY - Principals must provide certain staff members with information about students who have been convicted of, adjudicated for, or entered into diversion for selected crimes. This information is confidential and may not be disseminated except as provided by law.

RCW 26.44 - REQUIRED REPORTING OF SUSPECTED CHILD ABUSE - All professional school personnel and child care workers must report to DSHS or law enforcement whenever there is reasonable cause to believe a child or adult dependent or disabled person has been abused by any person. See Policy 4271.

RCW 28A.150.240 - BASIC EDUCATION ACT PROVISION - Requires certificated teaching and administrative staff to be "accountable for the proper and efficient conduct of classroom teaching," including responsibility to implement prescribed curriculum, maintain records, maintain good discipline, hold students accountable for conduct, require excuses for absences, maintain safe and healthful atmosphere, evaluate educational growth, and report to parents or guardians. Failure to meet these requirements can be grounds for discharge.

RCW 28A.225 - COMPULSORY SCHOOL ATTENDANCE – Requires students of school age to attend school and that truants be prosecuted.

RCW 28A.225.330 - ENROLLING STUDENTS FROM OTHER DISTRICTS – REQUESTS FOR INFORMATION AND PERMANENT RECORDS – WITHHELD TRANSCRIPTS, EFFECT – IMMUNITY FROM LIABILITY – NOTIFICATION TO TEACHERS AND SECURITY PERSONNEL – RULES – When enrolling a student who has attended school in another school district, the school enrolling the student shall request the school the student previously attended to send the student's permanent record, including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

RCW 28A.230.140 - FLAG CEREMONIES - Requires daily flag ceremonies.

RCW 28A.400.100 - PRINCIPALS AND VICE PRINCIPALS - Provides for the employment of public school principals and/or vice principals and outlines their duties and responsibilities, including instructional leadership, compliance with policies, supervision, and discipline.

RCW 28A.400.110 - PRINCIPAL TO ASSURE APPROPRIATE STUDENT DISCIPLINE - Requires the principal and certificated employees of a school to confer at least annually to develop and/or review building disciplinary standards and uniform enforcement of those standards.

RCW 28A.400.317 - PHYSICAL ABUSE OR SEXUAL MISCONDUCT BY SCHOOL EMPLOYEES – DUTY TO REPORT - A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee shall report such abuse or misconduct to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

RCW 28A.405.060 - CERTIFICATED EMPLOYEES TO ENFORCE RULES - Requires certificated employees to faithfully enforce the course of study and rules prescribed by their district, the state board and the state superintendent.

RCW 28A.410.090 - TREATMENT OF CHILDREN - Provides in part that a certificate to teach may be revoked for immorality and for conviction of any crime involving the physical neglect of children, the physical injury of children, the sexual abuse of children, or other crimes against children.

RCW 28A.600.020 - OPTIMUM LEARNING ATMOSPHERE - **Teachers' Authority to Exclude** - **Discipline Procedures** - Requires that the rules of a district governing student conduct be interpreted to ensure an optimum learning atmosphere in the classroom. Grants teachers the authority to exclude students from their classes and activities up to two days. Requires that written district procedures be developed for administering discipline, with the participation of parents and the community, and that reasonable efforts be made to involve parents and the student in the resolution of student discipline problems. Requires principal to consider long-term suspension or expulsion in certain circumstances.

RCW 28A.600.030 - GRADES AND ATTENDANCE - Allows school board to adopt policies which permit teachers to consider attendance when assigning grades and credits.

RCW 28A.600.040 - STUDENT TO OBEY - Requires students to comply with rules established for the government of schools, to pursue required courses and to submit to the authority of teachers, subject to such disciplinary action as school officials shall determine.

RCW 28A.600.420 - FIREARMS ON SCHOOL PREMISES, TRANSPORTATION, OR FACILITIES - Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, state school for the deaf, or state school for the blind may modify the expulsion of a student on a case-by-case basis.

RCW 28A.635.020 - REFUSAL TO LEAVE SCHOOL GROUNDS - Makes it a crime to disobey the order of a district's chief administrative officer or his/her designee to leave school premises or property when committing certain acts of interference or obstruction, or to refuse to obey the order of a law enforcement officer to leave public property immediately adjacent to school property under certain circumstances.

RCW 28A.635.030 - DISTURBANCES - Makes it a crime to willfully create a disturbance on school premises during school hours or at school activities or meetings.

RCW 28A.635.040 - DISCLOSURE OF EXAM QUESTIONS - Makes it a crime to disclose questions prepared for an

examination of students prior to the time appointed for the use of the questions.

RCW 28A.635.060 - INJURY TO PROPERTY - Provides that students who deface or injure school property may be suspended and punished.

RCW 28A.635.090 - INTERFERENCE BY FORCE OR VIOLENCE - Makes it a crime to interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student who is in the peaceful discharge or conduct of his or her duties or studies. The reasonable exercise of disciplinary authority by school administrators and teachers does not, however, constitute such a crime. RCW 28A.635.110.

RCW 28A.635.100 - INTIMIDATION OF ADMINISTRATOR, TEACHER, CLASSIFIED EMPLOYEE, OR STUDENT - Makes it a crime to intimidate by threat of force or violence any administrator, teacher, classified employee, or student who is in the peaceful discharge or conduct of his or her duties or studies. The reasonable exercise of disciplinary authority by school administrators and teachers does not, however, constitute such a crime. RCW 28A.635.110.

AGENCY REGULATIONS

WAC 180-44-010 - TEACHER INSTRUCTIONAL REQUIREMENTS - Outlines the instructional responsibilities of teachers including:

(1) Following prescribed courses of study and enforcing the rules and regulations of the school district.

(2) Directing and controlling within reasonable limits the studies of their pupils.

(3) Evaluating each pupil's educational growth and development, and for making periodic reports to parents or guardians.

(4) Making daily preparation for their duties.

WAC I80-44-020 - CLASSROOM CONDUCT - Requires teachers to maintain good order and discipline in their classrooms.

WAC 180-51 - HIGH SCHOOL GRADUATION REQUIREMENT – Establishes state minimum requirements.

WAC 181-87 - ACTS OF UNPROFESSIONAL CONDUCT - Contains grounds of unprofessional conduct which can result in loss of certification.

WAC 392-145-016 – TRANSPORTATION – RULES GOVERNING RIDING PRIVILEGES AND CONDUCT – Replaces WAC 392-145-035. The policies or rules for students riding school buses shall include, but are not necessarily limited to, the following:

(1) Identification of the individual who has authority over the passengers;

(2) Student riding privileges;

(3) Loading and unloading procedures, including that if students must cross the roadway, they shall only cross in front and never behind the school bus;

(4) Seat assignment;

(5) Student conduct, including acceptable practices with respect to talking, moving around the school bus, use of windows, behavior at highway rail grade crossings, and other behavior;

(6) Unacceptable hazards that may cause injury to others, e.g., firearms, breakable containers, etc.;

(7) School bus cleanliness; and

(8) Emergency exit procedures.

WAC 392-145-021(3) - TRANSPORTATION OF UNSAFE ARTICLES. Replaces WAC 392-145-015(6). Heavy, sharp, bulky, and/or other articles which may be hazardous in the event of an accident or an emergency stop shall not be transported unsecured in the passenger area of any school bus. Specific attention is directed to items such as skis, ski poles, vaulting poles, large musical instruments, riser platforms, etc. In no case will items be secured in such a manner as to impede access to any exit. Items which shall not be transported within the passenger area of a school bus include all forms of animal life (except service animals), firearms, weapons, breakable containers, flammables, and all other articles which could adversely affect the safety of the school bus and passengers.

Teachers and all other school district staff members shall be annually notified that students shall not be requested to transport prohibited items between home and school on a school bus.

WAC 392-145-021(4) - TRANSPORTATION - RESPONSIBILITY FOR STUDENT BEHAVIOR. Replaces WAC 392-145-015(4). When a teacher, coach, or other certificated staff member is assigned to accompany students on a school bus, such person shall be responsible for the behavior of the students in his or her charge and shall ensure that passengers comply with state rules, and district policies and procedures for student transportation. However, the school bus driver shall have final authority and responsibility.

WAC 392-151 - SCHOOL SAFETY PATROLS - Organization, Supervision, Dismissal - Establishes the criteria for the selection of a school patrol supervisor, the duties of a school patrol supervisor, and the responsibility of each school patrol member over the care of equipment. Willful abuse of equipment by a patrol member is grounds for dismissal.

WAC 392-I60 - SPECIAL SERVICE PROGRAM – TRANSITIONAL BILINGUAL – Contains state's version of programs related to English as Second Language (ESL) instruction.

WAC 392-I72A - SPECIAL EDUCATION - Explains the educational rights of children with disabilities to assessment and placement in special education programs.

WAC 392-400 - STUDENT RIGHTS AND RESPONSIBILITIES, AND DUE PROCESS PROCEDURES - Establishes the substantive rights of and prohibited practices on the part of students; defines the various forms of discipline that may be imposed upon students; establishes the notice and procedural requirements governing student discipline; and, establishes the requirements and procedures governing appeals by students and parents from discipline actions. (See pp. 1-9.)

WAC 392-500-025 - STUDENT RECORDS - Requires school districts to adopt written policies relating to the compilation and maintenance of student records, and the inspection of such records.

ACCESS TO THE BELLEVUE SCHOOL DISTRICT NETWORK

All schools have a fully functioning computer network, with access from every classroom, library and office. Typical student use of the network might include use of a World Wide Web browser, use of a shared classroom account for communication purposes or saving work files to a local file server. Access to this network, the Bellevue School District's data network system, is a privilege, not a right. For students, access is limited to academic use. Students are determined to have parental consent for access to the Internet unless a parent directs the school to exclude his/her

student from using the Internet. All students who access the Internet must agree to abide by these student use guidelines.

All students, staff, and agents of the District who access the District's data network system (network) should refer to Policy 3223 and Procedure 3223.1.

Students may not access their own personal accounts from private Internet providers via the network. Students publishing work on district-supported Internet pages will not receive current or future compensation for their work from the District.

Violations of student access rules will be dealt with under the provisions of Policy 4070, "Student Rights and Responsibilities: Misconduct," and Policy 4071, "Student Rights and Responsibilities: Exceptional Misconduct." Penalties may include revocation or suspension of network access and related privileges as well as other discipline as warranted.

Copyright laws apply to web publishing. All pages posted on a district-supported server must be in compliance with copyright laws. The permission of a copyright holder is needed to publish information, graphics or photographs on a website. Making a link to another site does not require permission, although as a courtesy, the page creator should inform the linked site and suggest a reciprocal link if appropriate.

When copying materials from another website, the permissions for that copying should be prominently posted with the copied material. When copying of materials is permitted on a website supported by the Bellevue School District, those permissions should be clearly stated where the notice can be easily found.

Important personal safety issues arise when accessing computer networks. For this reason, students must pay attention to the following guidelines:

- Personal information such as addresses and telephone numbers should remain confidential when communicating on the network. Students should never reveal such information without permission from their teacher or other adult.
- Students should never make appointments to meet people in person that they have contacted on the network without district and parent permission.
- Students should notify their teacher or other adult whenever they come across information or messages that are dangerous, inappropriate or make them feel uncomfortable.

OFFICIAL NOTICES

For information about the Family Educational Rights and Privacy Act (FERPA), the Protection of Pupil Rights Amendment (PPRA), Childfind, the pesticide and asbestos notifications, and a variety of other topics, please see the District's Official Notices, which can be obtained at your student's school.

Electronic copies of the Student Rights and Responsibilities and Official Notices are available at www.bsd405.org/SRR.