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**NONDISCRIMINATION**  
(Policy 3210)

The district will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination based on race, religion, creed, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation, gender expression or identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The district will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment. Auxiliary aids and services will be provided upon request to individuals with disabilities.

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

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

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

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

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

## **NONDISCRIMINATION**

(Procedure 3210)

Anyone may file a complaint against the district alleging that the district has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure will apply to the general conditions of the nondiscrimination policy (Policy 3210) and more particularly to policies dealing with guidance and counseling (Policy 2140), special services (Policy 6141), co-curricular program (Policy 2150), service animals in schools (Policy 2030) and curriculum development and instructional materials (Policy 2020). As used in this procedure:

### **I. Definitions**

- A. "Grievance" means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.
- B. "Complaint" means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any district, school or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.
- C. "Respondent" means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.
- D. "Parent" means a parent, guardian or person having legal custody of a child. If the student is eighteen (18) years or older, or is legally emancipated, the procedures for the parent in this regulation may be exercised by the student.

### **II. Filing a Complaint**

- A. The time period for filing a complaint is one year from the date of the allegations that are the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem that form the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.
- B. The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

### **III. Informal Process for Resolution**

Anyone with an allegation of discrimination may request an informal meeting with the school principal, unless the principal is the alleged respondent, in which case the complainant shall move to Level One – Formal Review to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the compliance officer. During the course of the informal process, the district must notify complainant of their right to file a formal complaint.

### **IV. Formal Process for Resolution**

- A. Level One - Complaint to District
  - 1. A complaint must be written, signed by the complainant and set forth the specific acts, conditions or circumstances alleged to be in violation and submitted to the compliance officer,

which is for elementary students the Executive Director of Elementary Education at 313-1000, and for secondary students the Executive Directors Secondary Education at 313-1000. Upon receipt of a complaint, the compliance officer will investigate the allegations set forth within thirty (30) calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation.

2. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer shall provide the superintendent with a full written report of the complaint and the results of the investigation.
3. The superintendent or designee will respond to the complainant and respondent with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.
4. The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.
5. Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

#### B. Level Two – Appeal to the Board of Directors

1. If a complainant or respondent disagrees with the superintendent's or designee's written decision or if the superintendent fails to respond, the complainant or respondent may appeal the decision to the district board of directors by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.
2. The board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

#### C. Level Three - Complaint to the Superintendent of Public Instruction

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

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20<sup>th</sup>) calendar day following the date upon which the complainant and respondent

received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.

2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.
4. All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.
5. A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

D. Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

#### **IV. Mediation**

- A. At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.
- B. The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.
- C. Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.
- D. If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and a district

representative who has authority to bind the district.

**V. Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the compliance officer for a period of six years.

**VI. Resources**

A. District Contacts / Compliance Officers

Chris Olsen, Executive Director, Teaching & Learning, Secondary Education  
[Chris.Olsen@vansd.org](mailto:Chris.Olsen@vansd.org)  
360.313.1000

Kathy Everidge  
Assistant Superintendent Human Resources  
[Kathy.Everidge@vansd.org](mailto:Kathy.Everidge@vansd.org)  
360-313-1000

B. State Contacts

Superintendent of Public Instruction Equity and Civil Rights Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
360.725.6162

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
P.O. Box 42490  
Olympia, WA 98504-2490  
360.753.6770

**\*\*\*NOTICE\*\*\***

**EDUCATION RECORDS RIGHTS FOR PARENTS AND STUDENTS UNDER FERPA**  
**(SEE PROCEDURE 3231 FOR MORE DETAILED INFORMATION)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day the school receives a request for access. Parents or eligible students should submit to the school principal or designee a written request that identifies the records they wish to inspect. The principal or designee will notify the parent of the time and place the records may be inspected, and provide appropriate school personnel to interpret and discuss the records. If the student is no longer enrolled in the district, the request should be made to the Student Records Department at 360-313-1000.
2. The right to request the amendment of their student's education records that the parent or eligible student believes is inaccurate or misleading. To request amendment of the record, the parent or eligible student should make the request in writing to the principal or designee and clearly identify the record or part of the record they want changed and explain why they believe it is inaccurate or misleading. A school or district is not required to consider requests that seek to 1) change a grade or disciplinary decision; 2) change opinions or reflections of a school official or other person reflected in an education record; or 3) change a child's status under special education programs. If the principal or designee decides not to amend the record as requested, the school will notify the parent or eligible student of the decision and advise the parent or eligible student of their right to a hearing. The parent or eligible student may place a statement to be kept and disclosed with the record if, as a result of the hearing, the school still decides not to amend the record.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception is to disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member, including medical and law enforcement personnel; a school board director; a person or company with whom the school has contracted to perform a special task (such as therapist, medical consultant, technology services or auditor) or a parent or student serving on an official school committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Another exception is that the school district, upon request, will forward the student's records to another district in which the student is enrolled or intends to enroll.
4. Schools may release Directory Information about your student without your consent unless you have notified the school in writing within 10 days of receipt of this notice that you do not want Directory Information released. Directory Information will be released for use in school publications such as the yearbook and school newspaper, honor roll and athletic programs. It also will be released, upon request, to outside organizations such as the media, colleges, and military recruiters. Directory Information for elementary and middle school students includes name, height, and weight for members of athletic teams, date of birth, participation in activities and sports, dates of attendance, awards received, and the current and most recent school attended. For high school students, directory information includes the above, plus the student's major field of study, and the parent(s) electronic mail address, telephone number, home address and names of parents.
5. Military Access to Student Records

Military recruiters have the right under federal law to obtain the name, address and telephone number of every junior and senior student, unless the parent or student "opts out" of this disclosure. There are two ways to prevent the disclosure: 1) the parent can make a general request in writing that no directory information about the student be disclosed, as explained above. 2) the parent or student can specifically request directory information not be disclosed to military recruiters. Directory information then still may be released to other requestors, such as colleges and newspapers.

A form for the "opt out" purpose is available in the main office at each high school. The request also may be in the student or parent's own words, so long as it is in writing. The form or written request must be given to the student's school.

6. The right to file a complaint with the US Department of Education concerning alleged failure of the district to comply with the requirements of FERPA. The address for such complaint is

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, D.C.

**\*\*\*NOTICE\*\*\***

**RIGHTS UNDER PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

The Protection of Pupil Rights Amendment (PPRA) gives parents and students who are 18 or older or emancipated minors ("eligible students") certain rights regarding the school district's conduct of surveys, collection and use of information for marketing purposes, and conduct of certain physical exams. These include the right to:

**1. Consent to federally funded surveys concerning "protected information."** If the U.S. Department of Education funds a survey in whole or in part, a student's parents or an eligible student must consent in writing before the student may provide information relating to the following categories:

- Political affiliations;
- Mental or psychological problems of the student or student's family;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of student's family members;
- Privileged or similar relations recognized by law, such as with attorneys, doctors, and ministers;
- Religious practices, affiliations, or beliefs of the student or student's parents; or
- Income other than that required by law to determine program eligibility.

A survey that concerns any of these points is called a "protected information survey."

**2. Opt out of certain surveys and exams.** Parents and eligible students will receive notice of any of the following activities and will have the right to opt out of them:

- Activities involving collection, disclosure, or use of personal information obtained from students for purposes of marketing or selling or otherwise distributing the information to others;
- Any protected information survey, regardless of funding; and
- Any nonemergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent and scheduled by the school, and not necessary to protect the immediate health and safety of a student or of another student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law.

**3. Inspect certain material.** Parents and eligible students have the right to inspect the following, upon request, before the district administers or uses them:

- Protected information surveys of students (including any instructional materials used in connection with the survey);
- Documents used to collect personal information from students for any of the above marketing sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

**4. Receive notification of district policy.** Parents and eligible students will be notified of the district policy at least annually.

**5. Report violations.** Parents and eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, D.C.



## STUDENT CONDUCT RULES - MIDDLE SCHOOLS

The following is a summary of misconduct for which a student may be disciplined, suspended or expelled. The number of the policy or procedure follows the heading for each. You may view the full text of the policies and procedures on the district's website at [www.vansd.org](http://www.vansd.org). During the year, the school board may revise or repeal existing policies and procedures, or adopt new policies and procedures. The current version of the policies and procedures will be on the district's website.

Following this section, you will find certain policies and procedures printed in full because of state or federal requirements, or the determination that they are particularly important to our students and parents.

### **ALCOHOL OR ILLEGAL DRUGS (Proc. 3241)**

See Procedure 3241- Student Discipline, following this section.

### **ATTENDANCE (Proc. 3122 and Proc. 3241)**

See summary of Compulsory School Attendance Law following this section.

### **BOMB THREAT CONSEQUENCES (Proc. 3241)**

See Procedure 3241 Student Discipline.

### **BULLYING (Pol./Proc. 3207)**

Bullying is strictly prohibited. See Policy and Procedure 3207 – Prohibition of Harassment, Intimidation, and Bullying, following this section.

### **BUS RULES (Proc. 6605)**

See Procedure 6605, Walking, Biking and Riding Buses to School

### **CELL PHONES AND OTHER PERSONAL COMPUTING DEVICES (Proc. 2022)**

See Procedure 2022 Electronic Resources and Internet Safety, following this section.

### **CLOSED CAMPUS (Pol. 3242, Closed Campus)**

All Vancouver Public Schools have closed campuses. Any student who leaves the school grounds without authorization shall be considered truant and subject to discipline.

### **COOPERATION WITH SCHOOL PERSONNEL (Proc. 3241)**

Students are expected to cooperate with school personnel. If the child refuses to comply, appropriate disciplinary action will be taken by the principal.

### **CRIMINAL ACTS (Proc. 3241)**

Any act, which would constitute a felony or misdemeanor under Washington law, is prohibited in schools, on school district property or at school-sponsored events. See Proc. 3241, Student Discipline, following this section.

### **DAMAGE AND DESTRUCTION TO DISTRICT PROPERTY (Proc. 3241 and Proc. 3520)**

If a student loses, damages or destroys district property or causes the interruption of electronic services, the school administrator will investigate, notify the parents and seek appropriate restitution for the loss or damage. A student's grades, transcripts, and diploma may be withheld until restitution is made, or the student satisfactorily completes approved volunteer work. In cases of willful destruction, vandalism or theft, authorities will be notified and the student may be subject to disciplinary action and payment or restitution. When amounts are beyond the earning capacity of the student, the parent/guardian/custodian will be asked to assume the student's obligation.

### **DISCIPLINE, SUSPENSION AND EXPULSION (Proc. 3241)**

See Proc. 3241, Student Discipline

### **DISRUPTIVE CONDUCT (Proc. 3241)**

Conduct, which interferes with the educational process, is prohibited. Students who disrupt the educational process will be subject to discipline.

### **DRESS AND APPEARANCE (Proc. 3224, Student Dress)**

The dress and appearance of students is the direct responsibility of their parents/guardians/custodians. Dress or appearance, however, cannot disrupt the educational process, or present health or safety problems. Certain classes, activities, or athletics may require certain dress and grooming. Shoes must be worn at all times.

### **FIREARMS/DANGEROUS WEAPONS – POSSESSION OF (Pol. 4210, and Proc. 3241 Student Discipline)**

See Policy 4210 – Procedure of Dangerous Weapons on School Premises and Proc. 3241, Student Discipline, following this section.

### **MALICIOUS HARASSMENT (Proc. 3241)**

See Proc. 3241, Student Discipline.

### **MEDICATION IN THE SCHOOL (Proc. 3416)**

See Proc. 3416, Medication in the School, following this section.

### **OFF-CAMPUS EVENTS (Proc. 3241)**

Students at school-sponsored off-campus events shall be governed by school district rules and procedures and are subject to the authority of school district officials.

### **PROHIBITED ACTIVITIES (Proc. 3241)**

See Proc. 3241, Student Discipline, following this section.

### **PROFANITY AND VULGARITY (Proc. 3241)**

Profane, lewd or obscene speech, or vulgar behavior is not allowed in school or on school grounds. Students using such language or gestures will confer with the principal and appropriate disciplinary action will be taken.

**REFUSAL TO IDENTIFY SELF (Proc. 3241)**

All persons must, upon request, identify themselves to proper school authorities in the school building, on school grounds or at school-sponsored events.

**SEXUAL HARASSMENT (Pol./Proc. 3205)**

See Pol./Proc. 3205, Sexual Harassment of Students Prohibited, following this section.

**SMOKING (Pol. 4215 and Proc. 3241)**

See Policy 4215, Use of Tobacco, Nicotine Products and Delivery Devices and Proc. 3241, Student Discipline, following this section.

**STOLEN PERSONAL PROPERTY**

The school is not responsible for the student's or parent's personal property that has been stolen from school district property. This includes musical instruments that have been left overnight or weekend at the school. The school will do what it can to protect students' personal property, but it cannot purchase insurance to cover stolen items. The only way stolen instruments/property can be covered is through parents' homeowners' insurance policies.

**TECHNOLOGY USE, ETHICS, AND INTERNET SAFETY (Proc. 2022)**

See Proc. 2020 – Electronic Resources and Internet Safety, following this section.

**THREATS OF VIOLENCE AND REPORTING OF THREATS (Proc. 3241)**

Staff, students, volunteers, and others involved in school activities have the responsibility to report to the administrator or designee any threats of violence or harm. Depending on the significance and credibility of the threat, it shall be reported to law enforcement. Persons found to have made threats of violence or harm against district property, students, employees or others will be subject to relevant district discipline policies and, if necessary and appropriate, will be referred to relevant community agencies including law enforcement and mental health services.

**TRESPASSING (Proc. 3241)**

See Proc. 3241, Student Discipline, following this section.

**TRUANCY (Proc. 3122 and RCW 28A.225, Compulsory School Attendance Law)**

The parent/guardian/custodian must provide an excuse for a student's absence within three (3) days of the student's return to school. A student who is truant (absent without an excuse) will confer with the principal. The principal will contact the parent/guardian/custodian with regard to preventing future truanancies. Habitual truancy will be dealt with according to state law and Vancouver Public Schools' Policies and Procedures. See Proc. 3122, Excused and Unexcused Absences and a summary of the Compulsory School Attendance Law (RCW 28A.225), following this section.

## STUDENT / PARENT RIGHTS - MIDDLE SCHOOL

### **BASIC RIGHTS (Pol./Proc. 3220, Freedom of Expression)**

Students shall have the right to freedom of speech and of the press and the right to peaceably assemble and petition the district regarding school issues.

### **CHILD ABUSE OR NEGLECT (Pol./Proc. 3421, Child Abuse, Neglect and Exploitation Prevention)**

All Vancouver Public Schools' personnel are required by state law and board policy to report suspected cases of child abuse or neglect to the child protective division of the Department of Social and Health Services or law enforcement within 48 hours of becoming aware of the suspected abuse or neglect.

### **CHILDREN WITH DISABILITIES (Proc. 2161, Special Education and Services for Eligible Students and Proc. 2162, Education of Students under Section 504 of the Rehabilitation Act of 1973)**

Vancouver Public Schools will identify, evaluate and provide a free, appropriate public education to students who are disabled within the meaning of all state and federal statutes, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. In the event that a student's health, academic or social/emotional circumstances change, the parent or student should inform the school counselor or principal so that we can work together to provide appropriate instruction and supports for the student. *For questions about IDEA, or to refer a student for evaluation, you may contact the school principal or psychologist. For questions about Section 504, contact the Section 504 representative at 313-1000.*

### **DUE PROCESS (Pol./Proc. 3241)**

See Proc. 3241, Student Discipline, following this section.

### **EQUAL EDUCATIONAL OPPORTUNITY (Pol./Proc. 3210, Pol./Proc. 3211, Pol./Proc. 2161)**

No student shall be unlawfully denied equal educational opportunity or be discriminated against because of national origin, race, religion, disability, economic status, sex, or sexual orientation. Also, no student shall be denied equal educational opportunity solely because of pregnancy, marital status, previous arrest, or incarceration. *If a student or parent believes a student has been discriminated against, he/she should contact the principal or executive director of teaching & learning for secondary education at 313-1011. See Proc. 3210, Nondiscrimination, for the complaint resolution process.*

### **GRADES/REPORTING TO PARENTS (Proc. 2420)**

See Proc. 2420, Grading and Progress Reports, following this section.

### **MAGNET PROGRAM (Proc. 2265)**

See Procedure 2265, Magnet Program, following this section.

### **MAINTAINING EMPLOYEE-STUDENT BOUNDARIES (Pol./Proc. 5253, Maintaining Professional Staff-Student Boundaries)**

Staff, students, volunteers and others involved in school activities must understand their role in protecting children from inappropriate conduct by adults; and assist in ensuring that all contact and communication between students and school staff is conducted in a professional manner. Interactions and relationships between school staff and students must be based upon mutual respect and trust, and understanding of the appropriate boundaries in and outside of the educational setting. If a student, parent or community member believes that inappropriate interactions occurred between school staff and students they should contact the principal or the executive director of elementary or secondary education, as appropriate. See Policy and Procedure 5253, Maintaining Professional Staff-Student Boundaries for guidelines on acceptable conduct and the process for reporting suspected violations.

### **PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

See Parents/Students Rights Notice, following this section.

**RECORDS - (1) PARENT ACCESS TO, (2) RIGHT TO AMEND, (3) RELEASE OF DIRECTORY INFORMATION (Proc. 3231)** See Education Rights for Parents and Students Under FERPA and Proc. 3231, Student Records, following this section.

### **SEARCH AND SEIZURE (Proc. 3230, Student Privacy and Searches)**

Students or their property may be searched when there is reasonable cause to believe that some item(s) in the student's possession is illegal, stolen, is a threat to the safety, security or welfare of other students, or the possession of the item(s) would violate a school rule. No student may ever be strip searched by school officials. Note: Student or parent permission is not required before a search of a student's person or belongings, including a vehicle (bicycle, car, scooter, etc.) on school grounds.

### **SERVICE ANIMALS FOR STUDENTS (Pol. 2030, Service Animals in Schools)**

The district recognizes that some students with disabilities may need service animals in order to access district facilities and educational opportunities. A service animal means any animal that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. No student will be discriminated against based on the use of a service animal. School personnel may verify that the animal is a service animal unless the disability is immediately apparent and may inquire what task or function the animal performs for the student. More information is available in Policy 2030, Service Animals in Schools.

**VISITATIONS BY PARENTS AND PATRONS (Proc. 4200, Safe and Orderly Learning Environment)**

Vancouver Public Schools are open to parents and citizens to observe and discuss the instructional program. To maximize the visit and minimize the classroom disruption, classroom visit times are to be arranged through the principal, who will confer with the teacher. The teacher will have the opportunity to talk with the visitor before and after the visitation. ***All visitors must check in at the main office and receive a visitor's pass before leaving the office area.***

**EXCUSED AND UNEXCUSED ABSENCES**  
(Procedure 3122)

**I. Excused Absences**

A. The following are valid excuses for absences and tardiness:

1. Illness, health condition or medical appointment (including, but not limited to, medical, counseling, dental, optometry, pregnancy, and in-patient or out-patient treatment for chemical dependency or mental health) for the student or person for whom the student is legally responsible;
2. Family emergency including, but not limited to, a death or illness in the family;
3. Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction;
4. Court, judicial proceeding, court-ordered activity, or jury service;
5. Post-secondary, technical school or apprenticeship program visitation, or scholarship interview;
6. State-recognized search and rescue activities consistent with RCW 28A.225.055;
7. Absence directly related to the student's homeless or foster care/dependency status;
8. Absences related to deployment activities of a parent or legal guardian who is an active duty member consistent with RCW 28A.705.010;
9. Absences due to suspensions, expulsions or emergency expulsions imposed pursuant to chapter 392-400 WAC if the student is not receiving educational services and is not enrolled in qualifying "course of study" activities as defined in WAC 392-121-107;
10. Absences due to student safety concerns, including absences related to threats, assaults, or bullying;
11. Absences due to a student's migrant status; and
12. An approved activity that is consistent with district policy and is mutually agreed upon by the principal or designee and a parent, guardian, or emancipated youth.

The school principal or designee makes the final determination whether the absence meets the criteria for an excused absence.

B. Assignments and/or activities not completed because of an excused absence or tardiness may be made up in the manner provided by the teacher:

1. Participation in school-approved activity or instructional program. To be excused this absence must be authorized by a staff member and the affected teacher must be notified prior to the absence unless it is clearly impossible to do so; and
2. Absence due to illness; health condition; medical appointment; family emergency; religious purposes; court, judicial proceeding or serving on a jury; post-secondary, technical school or apprenticeship program visitation, or scholarship interview; state recognized search and rescue activities consistent with RCW 28A.225.055; and directly related to the student's homeless status. If a student is ill for five (5) or more days in a month, a note from a doctor is required to have the absences excused unless the principal, for good cause, waives the requirements.

C. When possible, the parent/guardian is expected to notify the school office on the morning of the absence by phone, email, the district's family access, or written note and to provide the excuse for the absence. If no excuse is provided with the notification, or no notification is provided, the parent/guardian will submit an excuse within three school days via phone, email, the district's family access or written note upon the student's return to school. Adult students (those over eighteen (18) and emancipated students (those over sixteen (16) who have been emancipated by court action) will notify the school office of their absences with a note of explanation. Students fourteen (14) years old or older who are absent from school due to testing or treatment for a sexually transmitted disease will notify the school of their absence with a note of explanation, which will be kept confidential. Students thirteen (13) years and older may do the same for mental health, drug or alcohol treatment; and all students have that right for family planning and abortion.

- D. A parent/guardian may request that a student be excused from attending school in observance of a religious holiday. In addition, a student, upon the request of his/her parent, may be excused for a portion of a school day to participate in religious instruction provided such is not conducted on school property. A student will be allowed one makeup day for each day of absence.
- E. Absences for pre-arranged parental-approved activities will be counted as excused for purposes agreed to by the principal and the parent/guardian. A jointly created educational plan will describe how the student will achieve educational objectives and how grading will occur during the absences. In participation-type classes (e.g., certain music and physical education classes) the student may not be able to achieve the objectives of the unit of instruction as a result of absence from class. In such a case, a parent or guardian-approved absence would have an adverse effect on the student's educational progress which would ultimately be reflected in the grade for such a course. A student, upon the request of his/her parent/guardian, may be excused for a portion of a school day to participate in religious instruction provided such is not conducted on school property or otherwise involves the school to any degree.
- F. Absences resulting from disciplinary actions — or short-term suspension. As required by law, students who are removed from a class or classes as a disciplinary measure or students who have been placed on short-term suspension, will have the right to make up assignments or exams missed during the time they were denied entry to the classroom if the effect of the missed assignments will be a substantial lowering of the course grade.
- G. Extended illness or health condition. If a student is confined to home or hospital for an extended period, the school will arrange for the accomplishment of assignments at the place of confinement whenever practical. If the student is unable to do his/her schoolwork, or if there are major requirements of a particular course which cannot be accomplished outside of class the student may be required to take an incomplete or withdraw from the class without penalty.
- H. Excused absence for chronic health condition. Students with a chronic health condition which interrupts regular attendance may qualify for placement in a limited attendance and participation program. The student and his/her parent will apply to the principal or counselor, and a limited program will be written following the advice and recommendations of the student's medical advisor. The recommended limited program will be approved by the principal. Staff will be informed of the student's needs, though the confidentiality of medical information will be respected at the parent's request.
- I. Required conference for elementary school students
  - 1. If an elementary school student has five (5) or more excused absences in a single month during the current school year or ten (10) or more excused absences in the current school year, the district will schedule a conference with the student and their parent(s) at a reasonably convenient time. The conference is intended to identify barriers to the student's regular attendance and to identify supports and resources so the student may regularly attend school.
  - 2. The conference must include at least one (1) school district employee, preferably a nurse, counselor, social worker, teacher or community human service provider, and may occur on the same day as the scheduled parent-teacher conference, provided it takes place within thirty days of the absences. If the student has an Individualized Education Program (IEP) or a Section 504 Plan, the team that created that program must reconvene. A conference is not required if prior notice of the excused absences was provided to the district or if a doctor's note has been provided and a plan is in place to ensure the student will not fall behind in their coursework.

## **II. Unexcused Absences**

- A. An "unexcused absence" means that a student has failed to attend the majority of hours or periods in an average school day, has failed to comply with a more restrictive school district policy on absences, or has failed to comply with alternative learning experience program attendance requirements.
- B. Unexcused absences occur when:
  - 1. The parent, guardian or adult student submits an excuse that does not meet the definition of an excused absence as defined above; or
  - 2. The parent, guardian, or adult student fails to submit any type of excuse statement or doctor's note within three school days, whether by phone, email, the district's family access or in writing, for an absence.

- C. Each unexcused absence within any month of the current school year will be followed by a letter or phone call to the parent informing them of the consequences of additional unexcused absences. The school will make reasonable efforts to provide this information in a language in which that parent is fluent. A student's grade will not be affected if no graded activity is missed during such an absence.
- D. After three (3) unexcused absences within any month of the current school year, a conference will be held between the principal, student and parent to analyze the causes of the student's absenteeism. If a regularly scheduled parent-teacher conference is scheduled to take place within thirty (30) days of the third (3<sup>rd</sup>) unexcused absence, the district may schedule the attendance conference on the same day. If the parent/guardian does not attend the scheduled conference, the conference may be conducted with the student and principal. However, the parent will be notified of the steps to be taken to eliminate or reduce the student's absences.
  - 1. Not later than the student's fifth (5<sup>th</sup>) unexcused absence in a month the district will enter into an agreement with the student and parents that establishes school attendance requirements, refer the student to a community truancy board or file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010.
  - 2. At some point after the second (2<sup>nd</sup>) and before the fifth (5<sup>th</sup>) unexcused absence, the district will take data-informed steps to eliminate or reduce the student's absences.
    - a) Elementary School. The district will schedule a conference with the parent to identify barriers, supports and resources.
    - b) Middle school and high school. These steps will include application of the Washington Assessment of the Risks and Needs of Students (WARNS) or other assessment by the district's designated employee.
- E. For any student with an existing Individualized Education Program (IEP) or Section 504 Plan, these steps will include convening the student's IEP team or Section 504 team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the student's absences. If necessary, and if the student's parent gives consent, the district will conduct a functional behavior assessment and will complete a detailed behavior plan to explore the function of the absence behavior.
- F. For any student who does not have an IEP or Section 504 Plan, but who is reasonably believed to have a mental or physical disability or impairment, these steps will include informing the student's parent/guardian of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the student has a disability or impairment and needs accommodations, special education services, or related services. This includes students with suspected emotional or behavioral disabilities. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the student is found to be eligible for accommodations, special education services, or related services, a plan will be developed to address the student's needs.
- G. The district will designate a staff member to apply the Washington Assessment of the Risks and Needs of Students (WARNS) and, where appropriate, provide the student with best practice or research-based interventions consistent with WARNS. As appropriate, the district will also consider:
  - 1. Adjusting the student's course assignments;
  - 2. Providing the student more individualized instruction;
  - 3. Providing appropriate vocational courses or work experience;
  - 4. Requiring the student to attend an alternative school or program;
  - 5. Assisting the parent or student to obtain supplementary services; or
  - 6. Referring the student to a community truancy board.

### **III. Transfers**

- A. In the case of a student who transfers from one district to another during the school year, the sending district will provide to the receiving district, together with a copy of the WARNS assessment and any interventions previously provided to the student, the most recent truancy information for that student. The

information will include the online or written acknowledgment by the parent and student. The sending district will use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.

- B Not later than a student's fifth (5<sup>th</sup>) unexcused absence in a month, the district will:
1. Enter into an agreement with the student and parents/guardians that establishes school attendance requirements;
  2. Refer the student to a community truancy board; or
  3. File a petition to juvenile court (see below).

#### **IV. Community Truancy Board**

- A. A "community truancy board" means a board established pursuant to a memorandum of understanding (MOU) between a juvenile court and the school district and composed of members of the local community in which the student attends school. The district will enter into an MOU with the juvenile court in Clark County to establish a community truancy board prior to the 2017-2018 school year.
- B. The district will designate and identify to the juvenile court (and update as necessary) and to the Office of the Superintendent of Public Instruction, a staff member to coordinate district efforts to address excessive absenteeism and truancy, including outreach and conferences, coordinating the MOU, establishing protocols and procedures with the court, coordinating trainings, sharing evidence-based and culturally appropriate promising practices. The district will also identify a person within each school to serve as a contact regarding excessive absenteeism and truancy and assisting in the recruitment of community truancy board members.
- C. Not later than a student's seventh (7<sup>th</sup>) unexcused absence within any month during the current school year, or a tenth (10<sup>th</sup>) unexcused absence during the current school year, if the district's attempts to substantially reduce a student's absences have not been successful and if the student is under the age of seventeen (17), the district will file a petition and supporting affidavit for a civil action in juvenile court.

#### **V. Petition to Juvenile Court**

- A. The petition will contain the following:
1. A statement that the student has unexcused absences in the current school year. (District Note: While petitions must be filed if the student has seven or more unexcused absences within any one (1) month, or ten (10) or more unexcused absences in the current school year, a petition may be filed earlier. Unexcused absences accumulated in another school or school will be counted when preparing the petition);
  2. An attestation that actions taken by the school district have not been successful in substantially reducing the student's absences from school;
  3. A statement that court intervention and supervision are necessary to assist the school district to reduce the student's absences from school;
  4. A statement that RCW 28A.225.010 has been violated by the parent, student or parent and student;
  5. The student's name, date of birth, school, address, gender, race and ethnicity; and the names and addresses of the student's parents/guardians, whether the student and parent are fluent in English, whether there is an existing individualized education program (IEP) and the student's current academic status in school;
  6. A list of all interventions that have been attempted, a copy of any previous truancy assessment completed by the student's current school district, the history of approved best practices intervention or research-based intervention(s) previously provided to the student by the district, and a copy of the most recent truancy information document provided to the parent; and
  7. Facts that support the above allegations.
- B. Petitions may be served by certified mail, return receipt requested, but if such service is unsuccessful, personal service is required. At the district's choice, it may be represented by a person who is not an attorney at hearings related to truancy petitions.



- C. If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for a period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the student, to most likely cause the student to return to and remain in school while the student is subject to the court's jurisdiction.
- D. If the court assumes jurisdiction, the school district will periodically report to the court any additional unexcused absences by the student, actions taken by the school district, and an update on the student's academic status in school at a schedule specified by the court. The first report must be received no later than three (3) months from the date that the court assumes jurisdiction.
- E. All sanctions imposed for failure to comply with the attendance policies and procedures will be implemented in conformance with state regulations and district procedures regarding discipline or corrective action. (*See* Policy 3241, Classroom Management, Discipline and Corrective Action.)

**VI. Students Dependent Pursuant to Chapter 13.34, RCW**

A school district representative or certificated staff member will review unexpected or excessive absences of a student who has been found dependent under the Juvenile Court Act with that student and adults involved with that student. Adults include the student's caseworker, educational liaison, attorney if one is appointed, parent or guardians, foster parents and/or the person providing placement for the student. The review will take into consideration the cause of the absences, unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and the student's unavoidable appointments that occur during the school day. The representative or staff member will work with other adults to support the student's management of their school work.

**COMPULSORY SCHOOL ATTENDANCE LAW**  
**(RCW 28A.225 and Procedure 3122, Excused and Unexcused Absences)**

All parents/guardians/custodians in the State of Washington of any child eight (8) years of age and under eighteen (18) years of age shall cause such child to attend public school. If the parent/guardian/custodian enrolls the child prior to eight years old, the child is then required to attend school under the same compulsory attendance law. Such child shall have the responsibility to attend full time when such school may be in session unless he/she qualifies as an exception under the law. Such exceptions include private and home school options, and other special circumstances.

In an effort to encourage all students and their families to comply with the compulsory attendance law, new requirements have been added which include notification of parents/guardians/custodians of non-attendance, scheduling of conferences, and other steps to eliminate or reduce a student's absences. District truancy procedures are available at school offices; and attendance exceptions are listed in the Compulsory School Attendance and Admission law, Chapter 28A.225 RCW, available at each school office, the district administration office, and the public library.

Annually, the district will provide students and parents information on the importance of building a habit of good attendance, the impact of absenteeism, the district's expectations for regular attendance and resources available to assist parents in complying with the state's Compulsory School Attendance and Admission law.

- "Unexcused absence" means that a student has failed to attend the majority of hours or periods in an average school day, has failed to comply with a more restrictive school district policy on absences, or has failed to comply with alternative learning experience program attendance requirements.
- Any absence from school is unexcused unless it meets one of the following criteria for excused absences: Illness, health care appointments, emergencies, participation in a district or school activity (such absences shall be approved by the principal or designee), observance of religious or cultural holidays or instruction; any judicial proceeding, deployment of an active duty military parent or guardian, absence related to a student's homeless status, state recognized search and rescue activities, and visitations for post-secondary education, disciplinary or corrective action; as well as trips taken by students that involve direct supervision by the school or family and have been mutually agreed upon by the principal or designee.
- The parent is expected to notify the school for the reason of the absence within three (3) school days. Notification can include, telephone, email, a written note or through the family access system.

Annually, the district will provide students and parents information on the importance of building a habit of good attendance, the impact of absenteeism, the district's expectations for regular attendance and resources available to assist parents in complying with the state's Compulsory School Attendance and Admission law.

If a child required to attend school fails to do so without valid justification, the school in which the child is enrolled shall:

- After one (1) unexcused absence within any month during the current school year inform the child's custodial parent/guardian/custodian by a notice in writing or by telephone that the child has failed to attend school without valid justification. School officials shall inform the parent/guardian/custodian of the potential consequences of additional unexcused absences.
- After three (3) unexcused absences within any month of the current school year, a conference will be held between the principal, student and parent to analyze the causes of the student's absenteeism. If a regularly scheduled parent-teacher conference is scheduled to take place within thirty (30) days of the third (3<sup>rd</sup>) unexcused absence, the district may schedule the attendance conference on the same day. If the parent/guardian does not attend the scheduled conference, the conference may be conducted with the student and principal. However, the parent will be notified of the steps to be taken to eliminate or reduce the student's absences.
- At some point after the second (2<sup>nd</sup>) and before the fifth (5<sup>th</sup>) unexcused absence, the district will take data-informed steps to eliminate or reduce the student's absences. In middle school and high school, these steps will include application of the Washington Assessment of the Risks and Needs of Students (WARNS) or other assessment by the district's designated employee.
- The district will designate a staff member to apply the Washington Assessment of the Risks and Needs of Students (WARNS) and, where appropriate, provide the student with best practice or research-based interventions consistent with WARNS. As appropriate, the district will also consider:
  1. Adjusting the student's course assignments;
  2. Providing the student more individualized instruction;

3. Providing appropriate vocational courses or work experience;
  4. Requiring the student to attend an alternative school or program;
  5. Assisting the parent or student to obtain supplementary services; or
  6. Referring the student to a community truancy board.
- Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program or assisting the parent/guardian/custodian or student to obtain supplementary services that might eliminate or ameliorate (to improve) the cause or causes for the absence from school.
  - If the actions taken by a school are not successful in substantially reducing an enrolled student's absences from school, upon the seventh unexcused absence by a child within any month during the current school year or upon the tenth unexcused absence during the current school year, the school district shall file a petition with the juvenile court alleging a violation of RCW 28A.225.010: (1) by the parent/guardian/custodian, (2) by the child, or (3) by the parent/guardian/custodian and the child.

**STUDENT DRESS**  
(Procedure 3224)

**I. Determination of Student's Dress and Grooming Standards**

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

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

**II. Regulation of Student Dress and Grooming**

- A. The principal, in connection with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity if the principal reasonably believes that the student's dress or grooming:
  - 1. Creates a hazard to the student's safety or to the safety of others; or
  - 2. Will prevent, interfere with or adversely affect the purpose, direction, or effort required for the activity to achieve its goals.
- B. If the student's dress or grooming is objectionable under these provisions, the principal will request that the student make appropriate corrections. If the student refuses, the principal will notify the parent, if reasonably possible, and request that the parent make the necessary correction. If both the student and parent refuse, the principal will take appropriate disciplinary action. Students may be suspended, if circumstances so warrant. Students who violate provisions of the dress code relating to extracurricular activities may be removed or excluded from the extracurricular activity for such period as the principal may determine. All students will be accorded due process safeguards before any corrective action may be taken.
- C. Students identified as being gang involved, influenced or affiliated will be provided assistance and/or programs which discourage gang involvement or affiliation, enhance self-esteem, encourage interest and participation in school or other positive activities and promote membership in authorized school organizations.

**STUDENT DISCIPLINE**  
(Procedure 3241)

**I. Definitions**

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

- A. **"Behavioral violation"**<sup>1</sup> means inappropriate student behavior that violates the district's discipline policies.
- B. **"Classroom exclusion"** means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements of WAC 392-400-330 and 392-400-335. Classroom exclusion does not include action that results in missed instruction for a brief duration when:
  - 1. A teacher or other school personnel attempts "other forms of discipline" to support the student in meeting behavioral expectations; and
  - 2. The student remains under the supervision of the teacher or other school personnel during such brief duration.
- C. **"Culturally responsive"** has the same meaning as "cultural competency" in RCW 28A.410.270, which states "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.
- D. **"Discipline"** means any action taken by a school district in response to behavioral violations.
- E. **"Disciplinary Appeal Council"** means three (3) current board members appointed by the board president to preside over student disciplinary hearings for the school year.
- F. **"Disruption of the educational process"** means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.
- G. **"Emergency expulsion"** means the removal of a student from school because the student's statements or behavior pose an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.
- H. **"Expulsion"** means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.
- I. **"Initial hearing"** means a meeting, to obtain the student's perspective, conducted by the school administrator prior to imposing an in-school/short-term suspension, suspension or expulsion. During the initial hearing, the school administrator informs the student of the behavioral violation, the evidence gathered and the discipline. Depending on the discipline, either the student or school administrator attempt to notify parents.
- J. **"Length of an academic term"** means the total number of school days in a single trimester or semester, as defined by the board of directors.
- K. **"Other forms of discipline"** means actions used in response to problem behaviors and behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- L. **"Parent"** has the same meaning as in WAC 392-172A-01125, and means (a) a biological or adoptive parent of a child; (b) a foster parent; (c) a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state; (d) an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare; or a surrogate parent who has been appointed in accordance with WAC 392-

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<sup>1</sup> Spanish translation: The terms "behavioral violation" and "violation" should be translated as "inappropriate behavior that does not comply with school policies."

172A.05130. If the biological or adoptive parent is attempting to act as the parent and more than one party meets the qualifications to act as a parent, the biological or adoptive parent will be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child or to make educational decision on behalf of a child, then that person or persons shall be determined to be the parent for purposes of this policy and procedure.

- M. **"Reengagement meeting"** means a meeting held between the district, the student and parent/guardian to discuss how to return a long-term suspended or expelled student to an educational setting as soon as possible.
- N. **"Reengagement plan"** means a culturally responsive written plan developed between the district, a student and his/her parent or guardian designed to aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion and to return the student to the educational setting as soon as possible. Parents or guardians of students must have access to, provide meaningful input on, and have the opportunity to participate in the student's reengagement plan.
- O. **"Restorative Practices"** means establishing a sense of meaningful accountability that is intended to focus on the harm done to either an individual or the school community, and for the student to have an opportunity to repair the harm by making things right for the person or persons harmed.
- P. **"School board"** means the governing board of directors of the Vancouver School District.
- Q. **"School business day"** means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent is open to the public for business. A school business day concludes or terminates upon the closure of the superintendent's office for the calendar day.
- R. **"School day"** means any day or partial day that students are in attendance at school for instructional purposes.
- S. **"Suspension"** means the denial of attendance in response to inappropriate behavior from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.
- T. **"In-school suspension"** means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten (10) consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
- U. **"Short-term suspension"** means a suspension in which a student is excluded from school for up to ten (10) consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
- V. **"Long-term suspension"** means a suspension in which a student is excluded from school for more than ten (10) consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

## **II. Engaging with Families & Language Assistance**

- A. The district will provide for early involvement of parents in efforts to support students in meeting behavioral expectations. Additionally, the district will make every reasonable attempt to involve the student and parent in the resolution of inappropriate behavior. Unless an emergency circumstance exists, providing opportunity for this parental engagement is required before administering a suspension or expulsion.
- B. The district will ensure that it provides all discipline related communications both oral and written required in connection with this policy and procedure in a language the student and parent(s) understand. These discipline related communications include notices, hearings, conferences, meetings, plans, proceedings, agreements, petitions, and decisions. This effort may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

**III. Supporting Students with "Other Forms of Discipline" - Interventions**

- A. Unless a student’s on-going behavior poses an immediate and continuing danger to others, or a student’s on-going behavior poses an immediate and continuing threat to the educational process, staff members will first attempt one or more forms of “other forms of discipline” to support students in meeting behavioral expectations before imposing classroom exclusion, short-term suspension, or in-school suspension. Before imposing a long-term suspension or expulsion, the district will first consider “other forms of discipline”.
- B. The types of behaviors for which the staff members may use “other forms of discipline” include any violation of the rules of conduct, as developed by the superintendent or designee. In connection with the rules of conduct, school administrators and certificated building staff will confer at least annually to develop precise definitions and build consensus on what constitutes manifestation of problem behaviors. The purpose of developing definitions and consensus on manifestation of a problem behavior is to address the differences in perception of subjective behaviors and reduce the effect of implicit or unconscious bias.
- C. These “other forms of discipline” may involve the use of best practices and strategies included in the state menu for behavior available online at: <http://www.k12.wa.us/SSEO/pubdocs/BehaviorMenu.pdf>.

The district has identified the following examples of supports and interventions that staff may use as “other forms of discipline”:

Examples of Classroom Interventions Prior to Exclusion	Examples of Building Interventions Prior to Exclusion
<ul style="list-style-type: none"> <li>• Specific Praise</li> </ul>	<ul style="list-style-type: none"> <li>• School-wide behavior expectations that are taught and retaught</li> </ul>
<ul style="list-style-type: none"> <li>• Reinforcement plans</li> </ul>	<ul style="list-style-type: none"> <li>• Building-wide lessons taught to the expectations</li> </ul>
<ul style="list-style-type: none"> <li>• Ongoing teaching/re-teaching of behavioral expectations</li> </ul>	<ul style="list-style-type: none"> <li>• Video modeling</li> </ul>
<ul style="list-style-type: none"> <li>• Social-emotional curriculum taught consistently</li> </ul>	<ul style="list-style-type: none"> <li>• Visual expectations</li> </ul>
<ul style="list-style-type: none"> <li>• Specialized schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Expectation expos</li> </ul>
<ul style="list-style-type: none"> <li>• Visual break schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Re-teaching expectation</li> </ul>
<ul style="list-style-type: none"> <li>• Visuals for expectations</li> </ul>	<ul style="list-style-type: none"> <li>• Positive behavior intervention strategies</li> </ul>
<ul style="list-style-type: none"> <li>• Sensory space in the classroom</li> </ul>	<ul style="list-style-type: none"> <li>• Community circles</li> </ul>
<ul style="list-style-type: none"> <li>• Prompt entire class about expectations</li> </ul>	<ul style="list-style-type: none"> <li>• Give verbal and/or visual warning about expectations</li> </ul>
<ul style="list-style-type: none"> <li>• Give verbal and/or visual warning about expectation</li> </ul>	<ul style="list-style-type: none"> <li>• Meet with prevention / intervention specialist</li> </ul>
<ul style="list-style-type: none"> <li>• Provide choices</li> </ul>	<ul style="list-style-type: none"> <li>• Work with an advocate or counselor</li> </ul>
<ul style="list-style-type: none"> <li>• Re-teaching behavior expectations</li> </ul>	<ul style="list-style-type: none"> <li>• Check in/check out process</li> </ul>
<ul style="list-style-type: none"> <li>• Behavior support plan</li> </ul>	<ul style="list-style-type: none"> <li>• Behavior plan</li> </ul>
<ul style="list-style-type: none"> <li>• Behavioral progress monitoring record</li> </ul>	<ul style="list-style-type: none"> <li>• Anger management skills</li> </ul>
<ul style="list-style-type: none"> <li>• Trauma-informed practices</li> </ul>	<ul style="list-style-type: none"> <li>• Freshman academy (teachers provide extra support)</li> </ul>
<ul style="list-style-type: none"> <li>• Check-in / check-out process</li> </ul>	<ul style="list-style-type: none"> <li>• AVID (teacher/peers provide extra support)</li> </ul>
<ul style="list-style-type: none"> <li>• Move seat</li> </ul>	<ul style="list-style-type: none"> <li>• Alter passing time to limit time in hallways with other students</li> </ul>
<ul style="list-style-type: none"> <li>• Discipline by proximity</li> <li>• "Caught you being cool"</li> </ul>	<ul style="list-style-type: none"> <li>• Restorative practices</li> <li>• Buddy Rooms</li> </ul>
<ul style="list-style-type: none"> <li>• Behavior and classroom management techniques for healthy relationships</li> </ul>	<ul style="list-style-type: none"> <li>• Brain breaks – de-escalation strategies</li> <li>• Whole group incentives</li> </ul>
<ul style="list-style-type: none"> <li>• Mentor advocates for students</li> </ul>	<ul style="list-style-type: none"> <li>• Work with PBIS coach/MTSS team</li> </ul>
<ul style="list-style-type: none"> <li>• De-escalation strategies</li> <li>• Brain/physical break/calming walk</li> </ul>	<ul style="list-style-type: none"> <li>• Peer mediation</li> </ul>

- D. Staff members may choose to use the interventions above, but are not restricted to the above list and may use any “other forms of discipline” compliant with WAC 392-400-025(9).
- E. Additionally, teachers may use after-school detention as another form of discipline for not more than thirty (30) minutes for kindergarten (K) through fifth (5<sup>th</sup>) grades or sixty (60) minutes for sixth (6<sup>th</sup>) through twelfth (12<sup>th</sup>) grades on any given day. Before assigning after-school detention, the teacher will inform the student of the specific behavior prompting the detention and provide the student with an

opportunity to explain or justify the behavior. At least one professional staff member will directly supervise students in after-school detention.

- F. Administrators may assign detention as extended school time not to exceed four (4) hours on any single day as another form of discipline. For example, assigning a student four (4) hours of Saturday school.
- F. Administering "other forms of discipline" cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.
- G. Students and parents may challenge the administration of "other forms of discipline", including the imposition of after-school detention using the grievance process below.

#### **IV. Staff Authority and Exclusionary Discipline**

- A. District staff members are responsible for supervising students immediately before and after the school day; during the school day; during school activities (whether on or off campus); on school grounds before or after school hours when a school group or school activity is using school grounds; off school grounds, if the actions of the student materially or substantially affect or interferes with the educational process; and on the school bus.
- B. Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The superintendent has general authority to administer discipline, including all exclusionary discipline. The superintendent designates disciplinary authority to impose short-term suspension, long-term suspension, expulsion and emergency expulsion to school administrators, executive directors, associate superintendents, assistant superintendents and to the director of student welfare and attendance.

#### **V. Classroom Exclusions**

- A. After attempting at least one other form of discipline, as set forth above, teachers have statutory authority to impose classroom exclusion. Classroom exclusion means the exclusion of a student from the classroom or instructional activity area based on a behavioral violation that disrupts the educational process. As stated above, the superintendent, school administrators, and certificated staff will work together to develop definitions and consensus on what constitutes behavior that disrupts the educational process to reduce the effect of implicit or unconscious bias. Additionally, the district authorizes school administrators, executive directors, associate superintendents, assistant superintendents and the director of student attendance and welfare to impose classroom exclusion with the same authority and limits of authority as classroom teachers.
- B. Classroom exclusion may be for all or any portion of the balance of the school day. Classroom exclusion does not encompass removing a student from school, including sending a student home early or telling a parent to keep a student at home, based on a behavioral violation. Removing a student from school constitutes a suspension, expulsion, or emergency expulsion and will include the notification and due process as stated in the section below.
- C. Classroom exclusion cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.
- D. The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion. The district will not administer any form of discipline, including classroom exclusions, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.
- E. Following the classroom exclusion of a student, the teacher or other district personnel as identified will report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the school administrator or the school administrator's designee as soon as reasonably possible. The school administrator or designee will report all classroom exclusions, including the behavioral violation that led to the classroom exclusion to the superintendent or designee. Reporting of the behavioral violation that led to the classroom exclusion as "other" is insufficient.
- F. The teacher, school administrator, or the school administrator's designee will notify the student's parents regarding the classroom exclusion as soon as reasonably possible. As noted above, the district will ensure that this notification is in a language and form (i.e. oral or written) the parents understand.



- G. When the teacher or other authorized school personnel administers a classroom exclusion because the student's statements or behavior pose an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:
  - 1. The teacher or other school personnel will immediately notify the school administrator or the school administrator's designee; and
  - 2. The school administrator or the school administrator's designee will meet with the student as soon as reasonably possible and administer appropriate discipline.
- H. The district will address student and parent grievances regarding classroom exclusion through the grievance procedures.

**VI. Grievance Process for "Other Forms of Discipline" and Classroom Exclusion**

- A. Any parent/guardian or student who is aggrieved by the imposition of "other forms of discipline" and/or classroom exclusion has the right to an informal conference with the school administrator for resolving the grievance. If the grievance pertains to the action of an employee, the district will notify that employee of the grievance as soon as reasonably possible.
- B. At such conference, the student and parent will have the opportunity to voice issues and concerns related to the grievance and ask questions of staff members involved in the grievance matter. Staff members will have opportunity to respond to the issues and questions related to the grievance matter. Additionally, the school administrator will have opportunity to address issues and questions raised and to ask questions of the parent, student, and staff members.
- C. If after exhausting this remedy the grievance is not yet resolved, the parent and student will have the right, upon two (2) school business days prior notice, to present a written and/or oral grievance to the superintendent or designee. The superintendent or designee will provide the parent and student with a written copy of its response to the grievance within ten (10) school business days.
- D. Use of the grievance process will not impede or postpone the disciplinary action, unless the school administrator or superintendent elects to postpone the disciplinary action. Discipline that may be grieved under this section includes other forms of discipline, including after-school detention, classroom exclusion, removal or suspension from athletic activity or participation, and removal or suspension from school-provided transportation.

**VII. Suspension and Expulsion – General Conditions and Limitations**

- A. The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the school district, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning. The district will not expel, suspend, or discipline in any manner for a student's performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of preserving the educational process. The district will not administer any form of discipline in a manner that would prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.
- B. As stated above, the district will have provided the parent(s) opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion. Additionally, the superintendent or designee will consider the student's individual circumstances and the nature of the violation before administering a short-term or in-school suspension.
- C. The school administrator or designee at each school will report all suspensions and expulsions, including the behavioral violation that led to the suspension or expulsion, to the superintendent or designee within twenty-four (24) hours after the administration. Reporting the behavioral violation that led to the suspension or expulsion as "other" is insufficient.
- D. An expulsion or suspension of a student may not be for an indefinite period and will have an end date. After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, the district will allow the student to petition for readmission at any time. The district will not administer any form of discipline in a manner that prevents a student from completing subject, grade-level, or graduation requirements.

- E. When administering a suspension or expulsion, the district may deny a student admission to, entry upon, real and personal property that the district owns, leases, rents, or controls. The district will provide an opportunity for students to receive educational services during a suspension or expulsion (see Section XIV - Educational Services).
- F. The district will not suspend or expel a student from school for absences or tardiness.
- G. If, during a suspension or expulsion, the district enrolls a student in another program or course of study, the district may not preclude the student from returning to the student's regular educational setting following the end of the suspension or expulsion, unless one of the following applies:
  - 1. The superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;
  - 2. The change of setting is to protect victims under WAC 392-400-810; or
  - 3. Other law precludes the student from returning to his or her regular educational setting.
- H. In accordance with RCW 28A.600.420, a school district will expel a student for no less than one (1) year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The superintendent may modify the expulsion on a case-by-case basis.
- I. A school district may also suspend or expel a student for up to one (1) year if the student acts with malice (as defined under RCW 9A.04.110) and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. These provisions do not apply to students while engaged in a district authorized military education; a district authorized firearms convention or safety course; or district authorized rifle competition.

#### **VIII. In-School Suspension and Short-Term Suspension**

- A. The superintendent designates school administrators, executive directors, associate superintendents, assistant superintendents and the director of student welfare and attendance with the authority to impose in-school and short-term suspension. Before administering an in-school or short-term suspension, staff members will first attempt one (1) or more "other forms of discipline" to support the student in meeting behavioral expectations and considered the student's individual circumstances. The district will not administer in-school suspension that would result in the denial or delay of the student's nutritionally adequate meal.
- B. Unless otherwise required by law, the district is not required to impose in-school or short-term suspensions and instead, strives to keep students in school, learning in a safe and appropriate environment. However, there are circumstances when the district may determine that in-school or short-term suspension is appropriate. As stated above, the district will work to develop definitions and consensus on what constitutes behavioral violations to reduce the effect of implicit or unconscious bias. In accordance with the other parameters of this policy, these circumstances may include the following types of student behaviors. Staff may determine that in-school or short-term suspension are appropriate for the following behaviors:
  - 1. Being intoxicated or under the influence of controlled substance, alcohol or marijuana at school or while present at school activities;
  - 2. False fire alarms that cause a disruption to the school program;
  - 3. Cheating or disclosure of exams;
  - 4. Dress code violations that the student refuses to correct including but not limited to clothing with lewd, sexual, drug, tobacco, alcohol-related messages, or apparel closely associated with gangs or hate groups;
  - 5. Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where physical blows are exchanged, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, choking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;

6. Initial incident of gang-related activity;
7. Harassment/intimidation/bullying (not involving a statutorily protected group);
8. Closed campus violation;
9. Use of profanity or vulgarity;
10. Disrupting or disturbing school activities;
11. Malicious mischief, such as obstructing an entrance or exit, defacing or destroying property;
12. Failure to cooperate, including but not limited to refusal to cease prohibited behavior;
13. Failure to identify self;
14. Cell phone use or technology ethics violations;
15. Initial act of spectator inciting misconduct;
16. Providing false evidence;
17. Extortion, blackmail coercion; and
18. Insubordination/failure to cooperate, including but not limited to failure to follow the direction or instructions of a district employee while in school or attending a district sponsored event.

C. Initial Hearing: Obtaining the Student's Perspective

1. Before administering any in-school or short-term suspension, the school administrator will provide an opportunity for the student to contact parents. Additionally, the building administrator or designee will conduct an informal initial hearing with the student to hear the student's perspective. The district will hold the initial hearing in a language the parent and student understand.
2. At the initial hearing, the school administrator or designee will provide the student:
  - a) Notice of the student's violation of this policy;
  - b) An explanation of the evidence regarding the behavioral violation;
  - c) An explanation of the discipline that may be administered; and
  - d) An opportunity for the student to share his or her perspective and provide explanation regarding the behavioral violation.

D. Notice

1. Following the initial hearing, the building administrator or designee will inform the student of the disciplinary decision regarding the inappropriate behavior, including the date when any suspension or expulsion will begin and end;
2. No later than one (1) school business day following the initial hearing with the student, the district will provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email in a language and form the student and parents will understand. The written notice will include:
  - a) A description of the student's behavior and how the behavior violated this policy;
  - b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
  - c) The "other forms of discipline" that the district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;

- d) The opportunity to receive educational services during the suspension or expulsion;
  - e) The right of the student and parent(s) to an informal conference with the school administrator or designee; and
  - f) The right of the student and parent(s) to appeal the in-school or short-term suspension.
- E. For students in kindergarten through fourth (4<sup>th</sup>) grade, the district will not administer in-school or short-term suspension for more than ten (10) cumulative school days during any academic term. For students in fifth (5<sup>th</sup>) through twelfth (12<sup>th</sup>) grade, the district will not administer in-school or short-term suspension for more than fifteen (15) cumulative school days during any single semester, or more than ten (10) cumulative school days during any single trimester. Additionally, the district will not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.
- F. The district will not administer in-school or short-term suspensions in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.
- G. When administering an in-school suspension, school personnel will ensure they are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension. Additionally, school personnel will ensure they are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.

## **IX. Long-Term Suspensions and Expulsions**

- A. Before administering a long-term suspension or an expulsion, district personnel will consider "other forms of discipline" to support the student in meeting behavioral expectations. The district will also consider the other general conditions and limitations listed above.
- B. Unless otherwise required by law, the district is not required to impose long-term suspension or expulsion and may impose long-term suspension or expulsion only for specific misconduct. In general, the district strives to keep students in school, learning in a safe and appropriate environment. However, in accordance with the other parameters of this policy there are circumstances when the district may determine that long-term suspension or expulsion is appropriate for student behaviors listed in RCW 28A.600.015 (6)(a) through (d), which include, but are not limited to:
1. A bomb threat that causes a disruption to the school program;
  2. Commission of any crime on school grounds or during school activities;
  3. Possession, use, sale, or delivery of illegal or controlled chemical substances;
  4. Sexual misconduct that could constitute sexual assault or harassment on school grounds, at school activities, or on school provided transportation;
  5. Threats of violence to other student or staff;
  6. Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
  7. Any of the following offenses listed in RCW 13.04.155, including:
    - a) Any violent offense as defined in RCW 9.94A.030;
    - b) Any felony that Washington law defines as a class "A" felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
    - c) Manslaughter;
    - d) Indecent liberties committed by forcible compulsion;
    - e) Kidnapping;
    - f) Arson;
    - g) Assault in the second degree;

- h) Assault of a child in the second degree;
  - i) Robbery;
  - j) Drive-by shooting; and
  - k) Vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner.
8. Any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to registered as a sex offender in violation of 9A.44.132), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
  9. Inhaling toxic fumes in violation of chapter 9.47A RCW;
  10. Any controlled substance violation of chapter 69.50 RCW;
  11. Any liquor violation of RCW 66.44.270;
  12. Any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
  13. Any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon assistance for an injured victim of a crime in need of assistance;
  14. Any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
  15. Any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation;
  16. Any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti; and
  17. Two (2) or more violations of the following within a three (3) year period:
    - a) Criminal gang intimidation in violation of RCW 9A.46.120;
    - b) Gang activity on school grounds in violation of RCW 28A.600.455;
    - c) Willfully disobeying school administrative personnel in violation of RCW 28A.635.020;
    - d) Defacing or injuring school property in violation of RCW 28A.635.060; and
    - e) Any student behavior that adversely affects the health or safety of other students or educational staff.
- C. In addition to a behavior specified in RCW 28A.600.015, before imposing long-term suspension or expulsion, building administrators or district personnel will also determine that if the student returned to school before completing a long-term suspension or expulsion the student would pose an imminent danger to students, school personnel, or pose an imminent threat of material and substantial disruption to the educational process. As stated above, the district will work to develop definitions and consensus on what constitutes such an imminent threat to reduce the effect of implicit or unconscious bias.
- D. Behavior agreements
1. The district authorizes staff to enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance. Behavior agreements will also describe district actions planned to support behavior changes by the students. The district will provide any behavior agreement in a language and form the student and parents understand.
  2. A behavior agreement does not waive a student's opportunity to participate in a reengagement meeting or to receive educational services. The duration of a behavior agreement will not exceed

the length of an academic term. A behavior agreement does not preclude the district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.

E. Initial Hearing: Obtaining the Student's Perspective

1. Before administering any suspension or expulsion, the school staff will attempt to notify the student's parent(s) as soon as reasonably possible regarding the behavioral violation. Additionally, the school administrator or designee will conduct an informal initial hearing with the student to hear the student's perspective. The school administrator or designee will make a reasonable attempt to contact the student's parents and provide an opportunity for the parents to participate in the initial hearing in person or by telephone. The district will hold the initial hearing in a language the parent and student understand. At the initial hearing, the school administrator or designee will provide the student:
  - a) Notice of the student's violation of this policy;
  - b) An explanation of the evidence regarding the behavioral violation;
  - c) An explanation of the discipline that may be administered; and
  - d) An opportunity for the student to share his or her perspective and provide explanation regarding the behavioral violation.
2. Following the initial hearing, the school administrator or designee will inform the student of the disciplinary decision regarding the behavioral violation, including the date when any suspension or expulsion will begin and end.

F. Notice

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

1. A description of the student's behavior and how the behavior violated this policy;
  2. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
  3. The "other forms of discipline" that the district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;
  4. The opportunity to receive educational services during the suspension or expulsion;
  5. The right of the student and parent(s) to an informal conference with the school administrator or designee;
  6. The right of the student and parent(s) to appeal the suspension or expulsion; and
  7. For any long-term suspension or expulsion, the opportunity for the student and parents to participate in a re-engagement meeting.
- G. Other than for the firearm exception under WAC 392-400-820, the district will not impose a long-term suspension or an expulsion for any student in kindergarten through fourth (4<sup>th</sup>) grade.
- H. If a long-term suspension or expulsion may exceed ten (10) days, the district will consider whether the student is currently eligible or might be deemed eligible for special education services. If so, the school administrator will notify relevant special education staff of the suspension or expulsion so that the district can ensure it follows its special education discipline procedures as well as its general education discipline procedures.

**X. Difference between Long-Term Suspension and Expulsion**

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

**XI. Emergency Expulsions**

- A. The district may immediately remove a student from the student's current school placement, when the district has sufficient cause to believe that the student's statements or observable behaviors pose:
  - 1. An immediate and continuing danger to other students or school personnel; or
  - 2. An immediate and continuing threat of material and substantial disruption of the educational process.
- B. The district may not impose an emergency expulsion solely for investigating student conduct.
- C. For purposes of determining sufficient cause for an emergency expulsion, the phrase "immediate and continuing threat of material and substantial disruption of the educational process" means:
  - 1. The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
  - 2. School personnel have exhausted reasonable attempts at administering "other forms of discipline" to support the student in meeting behavioral expectations.
- D. An emergency expulsion may not exceed ten (10) consecutive school days. An emergency expulsion will end or be converted to another form of discipline within ten (10) school days from its start.
- E. After an emergency expulsion, the district will attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's statements or behaviors pose an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the education process.
- F. Notice

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

  - 1. The reason the student's statements or behaviors pose an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
  - 2. The duration and conditions of the emergency expulsion, including the date on which the emergency expulsion will begin and end;
  - 3. The opportunity to receive educational services during the emergency expulsion;
  - 4. The right of the student and parent(s) to an informal conference with the school administrator or designee; and
  - 5. The right of the student and parent(s) to appeal the emergency expulsion, including where and to whom the appeal will be requested.
- G. If the district converts an emergency expulsion to a suspension or expulsion, the district will:
  - 1. Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
  - 2. Provide the student and parents with notice and due process rights under WAC 392-400-455 through 392-400-480 appropriate to the new disciplinary action.

- H. All emergency expulsions, including the reason the student's statements or behaviors pose an immediate and continuing danger to other students or school personnel, will be reported to the superintendent or designee within twenty-four (24) hours after the start of the emergency expulsion.

## **XII. Appeal, Reconsideration, and Petition**

### **A. Optional informal conference with school administrator**

1. If a student or the parent(s) disagree with the district's decision to suspend, expel, or emergency expel the student, the student or parent(s) may request an informal conference with the school administrator or designee to resolve the disagreement. The parent or student may request an informal conference orally or in writing.
2. The school administrator or designee will hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent(s).
3. During the informal conference, the student and parent(s) will have the opportunity to share the student's perspective and explanation regarding the events that led to the behavioral violation. The student and parent will also have the opportunity to confer with the school administrator or designee and school personnel involved in the incident that led to the suspension or expulsion. Further, the student and parent will have the opportunity to discuss "other forms of discipline" that the district could administer.
4. An informal conference will not limit the right of the student or parent(s) to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.

### **B. Informal resolution options**

In addition to the legally mandated appeal options, the district offers the following informal resolution options to encourage prompt and collaborative resolution of disciplinary actions.

1. **Informal Pre-Hearing.** When students/parents are not contesting the facts or discipline, they may request an informal pre-hearing with the director of student welfare and attendance. The parent/student retain their due process rights to an appeal hearing if the parties are unsuccessful in reaching an agreement for the student to attend school. A re-engagement plan is created as part of this hearing.
2. **Informal appeal hearing.** When a student/parent is contesting the facts or discipline imposed, they may request an informal appeal hearing with the director of student welfare and attendance. The parent/student retain their due process rights to a formal appeal hearing if the parties are unsuccessful in reaching an agreement in regards to the discipline and the student's readmission to school. A re-engagement plan is created as part of this hearing.
3. **Placement hearing.** If an informal pre-hearing or an appeal hearing was not requested within five (5) business days, the parent/student can request a placement hearing with the director of student welfare and attendance to discuss educational options and placement. A re-engagement plan is created as part of this hearing.
4. **Re-admission hearing.** If the expulsion or long-term suspension has expired, or if the student has completed the "Back on Track" Program, the parent/student may request a re-admission hearing. A student may also request a re-admission hearing at any time during the exclusion. The purpose of this hearing is to transition the student back into their original school through the use of restorative practices. A re-engagement plan is created as part of this hearing.
5. **Informal resolution process**
  - a) The parent/student is welcome to invite anyone to attend the informal hearing to support the student i.e., mentors, counselors, probation counselors, extended family. If the parent/student would like to bring legal representation, a formal hearing will be scheduled.
  - b) The informal hearing process includes the school administrator responsible for imposing the discipline or designee, director of student welfare and attendance in the role of hearing officer, student and parent/guardian, and additional support staff i.e., student success coordinator to



discuss educational options, restorative practices specialist to assist with school transition, interpreters as needed.

- c) The informal hearing process begins with the school administrator explaining what harm happened to the school community that resulted in discipline. Next, the student has a chance to share their view of the incident, motivation behind the incident, and provide context to the situation. At this time, the parent and any other support people for the student can also share their perspective and information. The purpose of the hearing is for the director of student welfare and attendance to find the best school or program placement for the student and to create supports for the student to be successful moving forward. If all parties are in agreement about next steps, a hearing agreement is signed and a re-engagement plan is created.
- d) If the parent/student or director of student welfare and attendance find they cannot resolve the situation and reach an agreement, any of them may ask to stop the pre-hearing and request a formal appeal process, as describe below.

### C. Appeals

1. The appeal provisions for in-school and short-term suspension differ from those for long-term suspension and expulsion. The appeal provisions for long-term suspension or expulsion and emergency expulsion have similarities but the timelines differ.
2. A student or the parent(s) may appeal a suspension, expulsion, or emergency expulsion to the superintendent or designee orally or in writing. For suspension or expulsion, the request to appeal will be within five (5) school business days from when the district provided the student and parent with written notice. For emergency expulsion, the request to appeal will be within three (3) school business days from when the district provided the student and parent with written notice.
3. When an appeal for long-term suspension or expulsion is pending, the district may continue to administer the long-term suspension or expulsion during the appeal process, subject to the following requirements:
  - a) The suspension or expulsion is for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
  - b) The district will apply any days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and
  - c) If the student returns to school before the appeal is decided, the district will provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.
4. In-school and short-term suspension appeal
  - a) For short-term and in-school suspensions, the superintendent or designee will provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.
  - b) The superintendent or designee will deliver a written appeal decision to the student and parent(s) in person, by mail, or by email within two (2) school business days after receiving the appeal. The written decision will include:
    - i. The decision to affirm, reverse, or modify the suspension;
    - ii. The duration and conditions of the suspension, including the beginning and ending dates;
    - iii. The educational services the district will offer to the student during the suspension; and
    - iv. Notice of the student and parent(s)' right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

5. Long-term suspension or expulsion and emergency expulsion appeal
  - a) For long-term suspension or expulsion and emergency expulsions, the superintendent or designee will provide the student and parent(s) written notice in person, by mail, or by email, within one (1) school business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:
    - i. The time, date, and location of the appeal hearing;
    - ii. The name(s) of the official(s) presiding over the appeal;
    - iii. The right of the student and parent(s) to inspect the student's education records;
    - iv. The right of the student and parent(s) to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
    - v. The rights of the student and parent(s) to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
    - vi. Whether the district will offer a reengagement meeting before the appeal hearing.
  - b) For long-term suspension or expulsion, the student, parent(s) and district may agree to hold a reengagement meeting and develop a reengagement plan before the appeal hearing. The student, parent(s), and district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

#### D. Hearings

1. A hearing to appeal a long-term suspension or expulsion or emergency expulsion is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the district will hold hearing without public notice and without public access unless the student(s) and/or the parent(s) or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the district will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.
2. When several students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:
  - a) A single hearing will not likely result in confusion; and
  - b) No student will have his/her interest substantially prejudiced by a group hearing.
3. If the official presiding over the hearing finds that a student's interests will be substantially prejudiced by a group hearing, the presiding official may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.
4. For long-term suspension or expulsion, the district will hold an appeal hearing within three (3) school business days after the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parent(s).
5. For emergency expulsion, the district will hold an appeal hearing within two (2) school business days after the superintendent or designee received the appeal request, unless the student and parent(s) agree to another time.
6. The school board will designate a discipline appeal council, composed of three current board members, to hear and decide any appeals in this policy and procedure or to review and reconsider a district's appeal decisions. All members of the discipline appeal council will be provided with the rules in Chapter 392-400 WAC and this policy and procedure. The presiding board members will not have been involved in the student's behavioral violation or the decision to suspend or expel the student.

7. Upon request, the student and parent(s) or their legal representative may inspect any documentary or physical evidence and list of any witnesses that the district will introduce at the appeal hearing. The district will make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing. The district may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parent(s) intend to introduce at the appeal hearing. The student and parent(s) will make this information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
8. Upon request, the student and parent(s) may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
9. If a witness for the district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness' nonappearance if the district establishes that:
  - a) The district made a reasonable effort to produce the witness; and
  - b) The witness' failure to appear is excused by fear of reprisal or another compelling reason.
10. The district will audio record the appeal hearing by manual, electronic, or other type of recording device and upon request of the student or parent(s) provide them a copy of the recording.
11. For long-term suspension or expulsion, the presiding official(s) will base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and parent(s) in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision will include:
  - a) The findings of fact;
  - b) A determination whether (i) the student's behavior violated this policy; (ii) the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and (iii) the suspension or expulsion is affirmed, reversed, or modified;
  - c) The duration and conditions of suspension or expulsion, including the beginning and ending dates;
  - d) Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and
  - e) Notice of the opportunity for a reengagement meeting and contact information for the person who will schedule it.
12. For emergency expulsion, the district will provide a written decision to the student and parent(s) in person, by mail, or by email within one (1) school business day after the appeal hearing. The written decision will include:
  - a) The findings of fact;
  - b) A determination whether the student's statements or behaviors continue to pose (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process;
  - c) Whether the district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the district converts the emergency expulsion to a suspension or expulsion, the district will provide the student and parent(s) notice and due process consistent with the disciplinary action to which the emergency expulsion was converted; and
  - d) Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

D. Reconsideration of appeal

1. The student or parent(s) may request the discipline appeal council, review and reconsider the district's appeal decision for long-term suspensions or expulsions and emergency expulsions. This request may be either oral or in writing.
2. For long-term suspension or expulsion, the student or parent(s) may request a review within ten (10) school business days from when the district provided the student and parent(s) with the written appeal decision.
3. For emergency expulsion, the student or parent(s) may request a review within five (5) school business days from when the district provided the student and parent(s) with the written appeal decision:
  - a) In reviewing the district's decision, the discipline appeal council, will consider (i) all documentary and physical evidence from the appeal hearing related to the behavioral violation; (ii) any records from the appeal hearing; (iii) relevant state law; and (iv) the district's policy and procedure;
  - b) The discipline appeal council may request to meet with the student and parent(s), the school administrator, witnesses, and/or school personnel to hear further arguments and gather additional information; and
  - c) The decision of the discipline appeal council will be made only by discipline council members who were not involved in (i) the behavioral violation; (ii) the decision to suspend or expel the student; or (iii) the appeal decision. If the discipline appeal council presided over the appeal hearing, the school board will conduct the review and reconsideration.
4. For long-term suspension or expulsion, the discipline appeal council will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision will identify:
  - a) Whether the discipline appeal council affirms, reverses, or modifies the suspension or expulsion;
  - b) The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
  - c) For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.
5. For emergency expulsion, the discipline appeal council will provide a written decision to the student and parent(s) in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration. The written decision will identify:
  - a) Whether the discipline appeal council affirms or reverses the school district's decision that the student's statements or behaviors posed (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process; and
  - b) If the emergency expulsion has not yet ended or been converted, whether the district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the district converts the emergency expulsion to a suspension or expulsion, the district will provide the student and parent(s) notice and due process under WAC 392-400-455 through 392-400-480 consistent with the disciplinary action to which the emergency expulsion was converted.

**XIII. Petition to Extend an Expulsion**

- A. When risk to public health or safety warrants extending a student's expulsion, the school administrator or designee may petition the superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition will inform the superintendent or designee of:

1. The behavioral violation that resulted in the expulsion and the public health or safety concerns;
  2. The student's academic, attendance, and discipline history;
  3. Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
  4. The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
  5. The proposed extended length of the expulsion; and
  6. The student's reengagement plan.
- B. The school administrator or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820 involving a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools, the school administrator or designee may petition to extend an expulsion at any time.
- C. Notice
- The district will provide written notice of a petition to the student and parent(s) in person, by mail, or by email within one (1) school business day from the date the superintendent or designee received the petition. The written notice will include:
1. A copy of the petition;
  2. The right of the student and parent(s) to an informal conference with the superintendent or designee to be held within five (5) school business days from the date the district provided written notice to the student and parent(s); and
  3. The right of the student and parent(s) to respond to the petition orally or in writing to the superintendent or designee within five (5) school business days from the date the district provided the written notice.
- D. The superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The superintendent or designee will deliver a written decision to the school administrator, the student, and the student's parent(s) in person, by mail, or by email within ten (10) school business days after receiving the petition.
- E. If the superintendent or designee does not grant the petition, the written decision will identify the date when the expulsion will end.
- F. If the superintendent or designee grants the petition, the written decision will include:
1. The date on which the extended expulsion will end;
  2. The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
  3. Notice of the right of the student and parent(s) to request a review and reconsideration. The notice will include where and to whom to make such a request.
- G. Review and reconsideration of extension of expulsion
1. The student or parent(s) may request that the discipline appeal council review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing within ten (10) school business days from the date the superintendent or designee provides the written decision;
  2. The discipline appeal council may request to meet with the student or parent(s) or the school administrator to hear further arguments and gather additional information;

3. The decision of the discipline appeal council may be made only by discipline appeal council members who were not involved in the responding to the inappropriate behavior, the decision to expel the student, or the appeal decision;
4. The discipline appeal council will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision will identify:
  - a) Whether the discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
  - b) The date when the extended expulsion will end.
5. Any extension of an expulsion may not exceed the length of an academic term; and
6. The district will annually report the number of petitions approved and denied to the Office of Superintendent of Public Instruction (OSPI).

#### **XIV. Educational Services**

- A. The district will offer educational services to enable a student who is suspended or expelled to:
  1. Continue to participate in the general education curriculum;
  2. Meet the educational standards established within the district; and
  3. Complete subject, grade-level, and graduation requirements.
- B. When providing a student the opportunity to receive educational services during exclusionary discipline, the school will consider:
  1. Meaningful input from the student, parents, and the student's teachers;
  2. Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's access to educational services; and
  3. Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.
- C. After considering the factors and input described above, the district will determine a student's educational services on a case-by-case basis. The types of educational services the district will consider include, but are not limited to:
  1. Classwork assigned and returned through email;
  2. On-line class materials with a staff contact person who can offer support to the student;
  3. A certificated teacher as a tutor for each day a student is excluded, or a para educator if a certificated teacher is not available;
  4. An assigned staff person to work with the student/parent(s) to provide support;
  5. Access to online courses;
  6. Alternative schools or an alternative classroom;
  7. Daily check-ins, conferences, progress checks with the student regarding coursework / assignments; and
  8. Opportunities to complete coursework/assignments in-school with adult assistance and supervision.

- D. Any educational services in an alternative setting will be comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline.
- E. As soon as reasonably possible after administering a suspension or expulsion, the district will provide written notice to the student and parents about the educational services the district will provide. The notice will include a description of the educational services and the name and contact information of the school personnel who can offer support to keep the student current with assignments and course work.
- F. For students subject to suspension or emergency expulsion up to five (5) days, a school will provide at least the following:
  - 1. Course work, including any assigned homework, from all of the student's regular subjects or classes;
  - 2. Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and
  - 3. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.
- G. For students subject to suspension or emergency expulsion for six (6) to ten (10) consecutive school days, a school will provide at least the following:
  - 1. Course work, including any assigned homework, from all of the student's regular subjects or classes;
  - 2. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and
  - 3. Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three (3) school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:
    - a) Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and
    - b) Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.
- H. For students subject to expulsion or suspension for more than ten (10) consecutive school days, a school will make provisions for educational services in accordance with the "Course of Study" provisions of WAC 392-121-107.

**XV. Readmission**

- A. The readmission process is different from and does not replace the appeal process. Students who have been suspended or expelled may make a written request for readmission to the district at any time. If a student desires to be readmitted at the school from which he/she has been suspended/expelled, the student will submit a written application to the school administrator, who will recommend readmission or non-admission. If a student wishes admission to another school, he/she will submit the written application to the superintendent. The application will include:
  - 1. The reasons the student wants to return and why the request should be considered;
  - 2. Any evidence that supports the request; and
  - 3. A supporting statement from the parent or others who may have assisted the student.
- B. The superintendent or designee will advise the student and parent of the decision within seven (7) school days of the receipt of such application.

## **XVI. Reengagement**

- A. The reengagement process is distinct from a written request for readmission. The reengagement meeting is also distinct from the appeal process, including an appeal hearing, and does not replace an appeal hearing. The district will convene a reengagement meeting for students with a long-term suspension or expulsion.
- B. Before convening a reengagement meeting, the district will communicate with the student and parent(s) to schedule the meeting time and location. The purpose of the reengagement meeting is to discuss with the student and his or her parent(s)/guardian(s) a plan to reengage the student.
- C. The reengagement meeting will occur:
  - 1. Within twenty (20) calendar days of the start of the student's long-term suspension or expulsion, but no later than five (5) calendar days before the student's return to school; or
  - 2. As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.
- D. The district will collaborate with the student and parents to develop a culturally-sensitive and culturally-responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the district will consider:
  - 1. The nature and circumstances of the incident that led to the student's suspension or expulsion;
  - 2. As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
  - 3. Shortening the length of time that the student is suspended or expelled;
  - 4. Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
  - 5. Supporting the student parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.
- E. The district will document the reengagement plan and provide a copy of the plan to the student and parents. The district will ensure that both the reengagement meeting and the reengagement plan are in a language the student and parents understand.
- F. Exceptions for protecting victims

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

- 1. A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned;
- 2. A student who commits an offense under RCW 28A.600.460 (3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.



## **ELECTRONIC RESOURCES AND INTERNET SAFETY**

(Procedure 2022)

These procedures are written to support the Electronic Resources Policy of the board of directors and to promote positive and effective digital citizenship among students and staff. Digital citizenship includes the norms of appropriate, responsible, and healthy behavior related to current technology use. Successful, technologically-fluent digital citizens recognize and value the rights, responsibilities, and opportunities of living, learning, and working in an interconnected digital world. They cultivate and manage their digital identity and reputation, and are aware of the permanence of their actions in the digital world. Expectations for student behavior online are no different from face-to-face interactions.

### **I. Use of Personal Electronic Devices**

In accordance with all district policies and procedures, students may use personal electronic devices (e.g. laptops, mobile devices and e-readers) to further the educational and research mission of the district. School staff will retain the final authority in deciding when and how students may use personal electronic devices on school grounds and during the school day. Absent a specific and articulated need (e.g. assistive technology), students do not have an absolute right to possess or use personal electronic devices at school.

### **II. Network**

- A. The district network includes wired and wireless devices and peripheral equipment, files and storage, e-mail and Internet content (blogs, websites, collaboration software, social networking sites, wikis, etc.). The district reserves the right to prioritize the use of, and access to, the network.
- B. All use of the network must support education and research and be consistent with the mission of the district.

### **III. Acceptable Network Use by District Students Include:**

- A. Creation of files, digital projects, videos, web pages, and podcasts using network resources in support of education and research;
- B. Participation in blogs, wikis, bulletin boards, social networking sites and groups, and the creation of content for podcasts, e-mail, and webpages that support education and research;
- C. With parental permission, the online publication of original educational material, curriculum-related materials, and student work. Sources outside the classroom or school must be cited appropriately;
- D. Staff use of the network for incidental personal use in accordance with all district policies and procedures; or
- E. Connection of personal electronic devices (wired or wireless), when authorized, including portable devices with network capabilities, to the district network after checking with the director of informational technology services to confirm that the device is equipped with up-to-date virus software, compatible network card, and is configured properly. Connection of any personal electronic device is subject to all procedures in this document and district policy.

### **IV. Unacceptable Network Use by District Students Includes but is Not Limited to:**

- A. Personal gain, commercial solicitation, and compensation of any kind;
- B. Actions that result in liability or cost incurred by the district;
- C. Downloading, installing and use of games, audio files, video files, games, or other applications (including shareware or freeware) without permission or approval from the director of information technology services;
- D. Support for or opposition to ballot measures, candidates, and any other political activity;
- E. Hacking, cracking, vandalizing, the introduction of malware, including viruses, worms, Trojan horses, time bombs, and changes to hardware, software, and monitoring tools;

- F. Unauthorized access to other district computers, networks, and information systems;
- G. Action constituting harassment, intimidation or bullying, including cyberbullying, hate mail, defamation, discriminatory jokes, and remarks. This may also include the manufacture, distribution, or possession of inappropriate digital images;
- H. Information posted, sent, or stored online that could endanger others (e.g., bomb construction, drug manufacturing);
- I. Accessing, uploading, downloading, storage and distribution of obscene, pornographic, or sexually explicit material;
- J. Attaching unauthorized devices to the district network. Any such device will be confiscated and additional disciplinary action may be taken; or
- K. Any unlawful use of the district network, including but not limited to stalking, blackmail, violation of copyright laws, and fraud.
- L. The district will not be responsible for any damages suffered by any user, including but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by his/her own negligence or any other errors or omissions. The district will not be responsible for unauthorized financial obligations resulting from the use of, or access to, the district's computer network or the Internet.

## **V. Internet Safety**

Personal information and inappropriate content:

- A. Students should not reveal personal information, including a home address and phone number on web sites, blogs, podcasts, videos, social networking sites, wikis, e-mail, or as content on any other electronic medium;
- B. Students and staff should not reveal personal information about another individual on any electronic medium without first obtaining permission;
- C. No student pictures or names can be published on any public class, school or district website unless the appropriate permission has been obtained according to district policy
- D. If students encounter dangerous or inappropriate information or messages, they should notify the appropriate school authority; and
- E. Students should be aware of the persistence of their digital information, including images and social media activity, which may remain on the Internet indefinitely.

## **VI. Filtering and Monitoring**

Filtering software is used to block or filter access to visual depictions that are obscene and all child pornography in accordance with the Children's Internet Protection Act (CIPA). Other objectionable material could be filtered. The determination of what constitutes "other objectionable" material is a local decision.

- A. Filtering software is not one hundred percent (100%) effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his/her use of the network and Internet and avoid objectionable sites;
- B. Any attempts to defeat or bypass the district's Internet filter or conceal Internet activity are prohibited (e.g., proxies, https, special ports, modifications to district browser settings, and any other techniques designed to evade filtering or enable the publication of inappropriate content);
- C. E-mail inconsistent with the educational and research mission of the district will be considered SPAM and blocked from entering district e-mail boxes;

- D. The district will provide appropriate adult supervision of Internet use. The first line of defense in controlling access by minors to inappropriate material on the Internet is deliberate and consistent monitoring of student access to district devices;
- E. Staff members who supervise students, control electronic equipment, or have occasion to observe student use of said equipment online, must make a reasonable effort to monitor the use of this equipment to assure that student use conforms to the mission and goals of the district
- F. Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct, and assist effectively;
- G. The district may monitor student use of the district network, including when accessed on students' personal electronic devices and devices provided by the district, such as laptops, netbooks, and tablets; and
- H. The district will provide a procedure for students and staff members to anonymously request access to internet websites blocked by the district's filtering software. The procedure will indicate a timeframe for a designated school official to respond to the request. The requirements of the Children's Internet Protection Act (CIPA) will be considered in evaluation of the request. The district will provide an appeal process for requests that are denied.

## **VII. Internet Safety Instruction**

All students will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response:

- A. Age appropriate materials will be made available for use across grade levels; and
- B. Training on online safety issues and materials implementation will be made available for administration, staff, and families.

## **VIII. Copyright**

Downloading, copying, duplicating, and distributing software, music, sound files, movies, images, or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. However, the duplication and distribution of materials for educational purposes is permitted when such duplication and distribution falls within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC) and content is cited appropriately.

## **IX. Ownership of Work**

- A. All work completed by employees as part of their employment will be considered property of the district. The district will own any and all rights to such work including any and all derivative works, unless there is a written agreement to the contrary.
- B. All work completed by students as part of the regular instructional program is owned by the student as soon as it is created, unless such work is created while the student is acting as an employee of the school system or unless such work has been paid for under a written agreement with the school system. If under an agreement with the district, the work will be considered the property of the district. Staff members must obtain a student's permission prior to distributing his/her work to parties outside the school.

## **X. Network Security and Privacy**

- A. Passwords are the first level of security for a user account. System logins and accounts are to be used only by the authorized owner of the account for authorized district purposes. Students and staff are responsible for all activity on their account and must not share their account password.
- B. The following procedures are designed to safeguard network user accounts:
  1. Change passwords according to district policy;
  2. Do not use another user's account;

3. Do not insert passwords into e-mail or other communications;
  4. If you write down your user account password, keep it in a secure location;
  5. Do not store passwords in a file without encryption;
  6. Do not use the "remember password" feature of Internet browsers; and
- C. Lock the screen or log off if leaving the computer.

#### **XI. Student Data is Confidential**

District staff must maintain the confidentiality of student data in accordance with the Family Educational Rights and Privacy Act (FERPA).

#### **XII. No Expectation of Privacy**

- A. The district provides the network system, e-mail, and Internet access as a tool for education and research in support of the district's mission. The district reserves the right to monitor, inspect, copy, review, and store, without prior notice, information about the content and usage of:
1. The district network, including when accessed on students' personal electronic devices and on devices provided by the district, such as laptops, netbooks, and tablets;
  2. User files and disk space utilization;
  3. User applications and bandwidth utilization;
  4. User document files, folders and electronic communications;
  5. E-mail;
  6. Internet access; and
  7. Any and all information transmitted or received in connection with network and e-mail use.
- B. No student or staff user should have any expectation of privacy when using the district's network. The district reserves the right to disclose any electronic messages to law enforcement officials or third parties as appropriate. All documents are subject to the public records disclosure laws of the State of Washington.

#### **XIII. Educational Applications and Programs**

- A. District staff may request students to download or sign up for applications or programs on the students' personal electronic devices. Such applications and programs are designed to help facilitate lectures, student assessment, communication, and teacher-student feedback, among other things.
- B. Prior to requesting students to download or sign up for educational applications or programs, staff will review "terms of use," "terms of service," and/or "privacy policy" of each application or program to ensure that it will not compromise students' personally identifiable information, safety, and privacy. Staff will also provide notice in writing of potential use of any educational application or program to the appropriate school administrator or IT staff including the anticipated purpose of such application or program. Specific expectations of use will be reviewed with students.
- C. Staff should also, as appropriate, provide notice to students' parents/guardians that the staff person has requested that students download or sign up for an application or program, including a brief statement on the purpose of application or program.

#### **XIX. Archive and Backup**

Backup is made of all district e-mail correspondence for purposes of public disclosure and disaster recovery.

Barring power outage or intermittent technical issues, staff and student files are backed up on district servers regularly.

## **XX. Disciplinary Action**

All users of the district's electronic resources are required to comply with the district's policy and procedures (and agree to abide by the provisions set forth in the district's user agreement). Violation of any of the conditions of use explained in the (district's user agreement), Electronic Resources policy, or in these procedures could be cause for disciplinary action, including suspension or expulsion from school and suspension or revocation of network and computer access privileges.

## **XXI. Accessibility of Electronic Resources**

- A. Federal law prohibits people, on the basis of disability (such as seeing and hearing impairments), from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by the district. To ensure that individuals with disabilities have equal access to district programs, activities, and services, the content and functionality of websites associated with the district should be accessible. Such websites may include, but are not limited to, the district's homepage, teacher websites, district-operated social media pages, and online class lectures.
- B. District staff with authority to create or modify website content or functionality associated with the district will take reasonable measures to ensure that such content or functionality is accessible to individuals with disabilities.

## **HOMWORK, GRADING AND PROGRESS REPORTS**

(Procedure 2420)

The term "parent" as used in this procedure means a parent, guardian or person having legal custody of a child. If the student is eighteen (18) years or older, or is legally emancipated, the procedures for the parent in this procedure may be exercised by the student.

The superintendent or designee shall work cooperatively with building administration and staff to ensure that the following procedure effectively implements board Policy 2420, Grading and Progress Reports. In addition, the procedure should serve to promote consistency and uniformity among schools and individual teachers at each level.

Group or individual conferences will be held in the fall at all levels to discuss the following:

1. Washington State Learning Standards and grade level expectations for the coming term;
2. Reporting and grading practices;
3. School programs and curriculum;
4. Parental support of student's learning; and
5. In grades 9-12, credit accrual toward on-time graduation.

### **Homework Guidelines for Secondary Education**

- A. Work may be assigned to be completed outside of the student's school day for a number of reasons:
  1. Practice-to help students to master specific skills, which have been presented in class;
  2. Preparation-to help students gain the maximum benefits from future lessons;
  3. Extension-to provide students with opportunities to transfer specific skills or concepts to new situations;
  4. Creativity-to require students to integrate many skills and concepts in order to produce original responses; and
  5. Finish work-to complete work for which time was provided during the school day.
- B. Work designed to be completed outside the student's school day should be meaningful, motivating, engaging, and consistent with and relative to the subject taught, and reviewed by the assigning teacher.
- C. The work assigned shall be of a reasonable amount:
  1. The amount should not be a burden to the student's taking part in normal student and family activities;
  2. The amount of work assigned should take into account other teachers' assignments so that the total assigned is reasonable for the student. The staff at each building will make every attempt to coordinate assignments; and
  3. The amount of work assigned should take into account the age of the student.
- D. Teachers will communicate homework guidelines and expectations to parents as a part of general communications related to classroom procedures.
- E. The principal will be responsible to clarify the nature and use of homework assignments to supplement, support and/or improve school achievement.
- F. Guidelines for assigning homework

The frequency and duration of mandatory assignments should be:

1. Grades 6 to 8 - three (3) to five (5) assignments a week, each lasting forty-five (45) to seventy-five (75) minutes;
  2. Students enrolled in special K-12 programs, including language immersion, Highly Capable, Honors, Advanced Placement, International Baccalaureate, and College in the High School may have additional assignments in accordance with program goals and requirements.
- G. Teachers should state clearly:
1. The classroom expectations regarding homework to students and parents;
  2. How the assignment is related to the grade level academic standards and learning target(s) under study;
  3. The purpose of the assignment;
  4. How the assignment might best be carried out; and
  5. What the student needs to do to demonstrate that the assignment has been completed (Success Criteria).
- H. Teachers are expected to provide feedback (oral or written) on assigned homework and return to students in a timely manner. Homework exclusive of completion of classroom learning activities may not represent more than 10% of the student's grade.

Complex and comprehensive assignments should be in writing.

### **Progress Reporting and Report Cards: General Education**

A. Secondary - grades 6-12

1. Reporting periods

The high schools shall report grades to parents on a 9-18 week quarter-semester basis. Middle schools shall report grades to parents on a 12 week trimester basis. Schools with students in grades 6 through 12 shall use the high school schedule for reporting to parents.

2. Letter grade definitions

Secondary teachers shall report academic achievement to parents using the following letter grades and their definitions. These letter grades are based on the student's level of achievement of the course goals and objectives, with a focus on achievement of academic knowledge and skills. Pluses and minuses may be used to indicate gradations of achievement.

"A" Grade - The student's performance demonstrates superior achievement of knowledge and skills presented in the course.

"B" Grade - The student's performance demonstrates advanced achievement of knowledge and skills presented in the course.

"C" Grade - The student's performance demonstrates satisfactory achievement of knowledge and skills presented in the course.

"D" Grade - The student's performance demonstrates minimal achievement of knowledge and skills presented in the course.

"F" Grade - The student has shown insufficient evidence of acquisition of knowledge and skills presented in the course. No credit shall be granted toward graduation.

"W" Students who withdraw from a course following the guidelines established in Section 7 a and b of this procedure shall receive a "W" for that course. A grade of "W" shall not be included in the computation of the student's GPA (high school only)

3. Criteria for evaluation

- a) Grading will be based upon attainment of learning standards (state and district).
- b) Course grades will be earned from individually completed summative assignments, participation related to demonstration of academic and career and technical education (CTE) standards, projects and assessments. Group grades will not be included in course grades unless individual student work and contribution can be accurately and independently assessed.
- c) Skills and behaviors that support learning such as effort, attendance, behavior, improvement below academic standards, and ability to meet deadlines may be reported separately using comment codes but may not be included in determining the achievement grade.
- d) Students will have multiple opportunities to achieve a standard for full credit. This includes re-taking portions of tests. The teacher may limit the number of re-take attempts and require evidence of additional work prior to reassessment.
- e) Alternate assignments, projects and assessments linked to course standards may be accepted and included in course grades.
- f) Extra credit not aligned to demonstration of attainment of course standards (e.g. attendance at a performance, watching a movie version of a book) will not be included in course grades.
- g) A grade of "\*" will be assigned for missing assignments, projects and summative scores in the gradebook. Students are expected to complete all summative activities in the original or alternative form and they will be provided opportunities to do so.
- h) Homework can be valuable for practice purposes but will not represent more than 10% of a student's achievement grade.
- i) The principal of each high school shall require each teacher to identify students' attendance as one of the criteria for student evaluation only as it relates to the goals and objectives of the course.
- j) During the first ten (10) school days of each semester, each teacher will communicate in writing to the student, the basis for the assessment of achievement in each course.

4. Credit/No Credit for Elective and Service Courses

Secondary schools shall permit an alternative grading system (credit/no credit) as follows:

- a) "CR" (credit) The student's achievement demonstrates satisfactory progress in the mastery of knowledge and skills presented in the course;
- b) "NC" (no credit) The student has not shown satisfactory progress in the mastery of knowledge and skills presented in the course;
- c) There is a limit of two elective courses per semester that may be marked credit/no credit;
- d) In an elective course of one-period duration, students may be marked credit/no credit. Students taking multi-period, multi-credit elective courses may petition, with parental approval that the building principal issue a waiver of the limitation in c) above;
- e) No course required for high school graduation is eligible for the alternative grade system.
- f) The teacher will evaluate the students on the same criteria as those receiving a letter grade. All evaluations of academic achievement will be in terms of letter grades until the ninth week and eighteenth week report to parents. At that time, instead of marking a



letter grade, the teacher will mark CR or NC. These marks will appear on the report card and transcript;

- g) The "CR" or "NC" marks will not count in the student's high school grade point average;
- h) By the third week of the trimester (middle school) sixth week of each semester (high school), the parent must approve the requested alternative grading of credit/no credit;
- i) Once the option has been approved by the parent, the alternative marks will be used for the subsequent achievement reports for the current term. There will be no changes from credit/no credit to grades for that grading term;
- j) All service courses will be graded credit/no credit. Service courses are defined as those courses that are of a service rather than an academic nature; and
- k) A student may earn a maximum of one credit (or two semesters) for graduation purposes in grades 9-12 in service type courses. Service courses are distinguished from academic courses in four ways:
  - (1) Academic preparation is not required for the class course;
  - (2) The course does not have specific grading criteria;
  - (3) The course does not include tutorial duties; and
  - (4) The title of the course reflects service or assistance.

5. Progress monitoring and communication to parents

- a) Secondary teachers shall use a variety of means to report to parents the progress of students. Teachers shall utilize the student progress report not only for those students who are failing or are in danger of failing, but as a means of encouraging and reinforcing exemplary student behavior and performance. In all cases of students who are failing or in danger of failing, or a student whose grades show a clear decline, however, the student progress report shall be mailed to the parent. Such reports to parents shall be made at the mid-point of each grading period. In addition to the student progress report and student led conferences, teachers shall use one or more of the following methods listed below for those students in danger of failing:
  - (1) Telephone conferences;
  - (2) Personal conferences;
  - (3) Daily and weekly student progress reports;
  - (4) Informal notes, e-mails and reports; and
  - (5) Performance checklists.
- b) All of the above communication is in addition to the normal grade reporting at the end of each grading term as outlined in the district calendar.

6. Notice of impending class or subject failure

Notice of impending class or subject failure of a student must be communicated to the parent by the teacher, utilizing the school's communication resources with a record maintained of such notice given.

- a) Such notice should be communicated to establish a course of action for resolving the problem.
- b) A conference with one or both parents shall be requested.

- c) Failure to notify the parent about possible failure will forfeit the teachers' prerogative with regard to giving a failing grade to the student.
7. Class withdrawals (high school only)
- a) Students wishing to withdraw from a course may do so without penalty of a failing grade provided no more than fifteen (15) school days have elapsed since the course began. A grade of "F" will be recorded after the fifteenth day.
  - b) Any exception to a) above must be approved by the building principal.
8. Grading/honor equivalencies -- computing grade point average
- a) For the purpose of compliance with Chapter 180-57-WAC, Secondary Education -- Standardized High School Transcript, teachers shall use the following grading system that reports the grades earned by students in courses as follows:
 

A	=	4.0
A-	=	3.7
B+	=	3.3
B	=	3.0
B-	=	2.7
C+	=	2.3
C	=	2.0
C-	=	1.7
D+	=	1.3
D	=	1.0
F	=	0.0
  - b) The minimal passing grade is D = 1.0. credit/no credit and "W" may also be used; however, these non-numerical marks shall be clearly identified and excluded from the calculation of the student's grade point average.
  - c) Each student's grade point average shall be the sum of the point values of all the grades received for all courses attempted divided by the sum of the credits for all courses attempted. Grade point averages shall be calculated to two decimal places and reported for each semester or other term and for the cumulative credits earned for all courses attempted in high school. All grades for all courses taken shall be included in the calculation of grade point averages except in cases where a course is taken more than once to improve a grade. Only the highest grade earned for the course shall be included in the calculation of grade point averages.
  - d) Credits attempted for courses taken more than once to improve a grade may count only once toward the number of credits required for graduation.
  - e) Credits attempted for courses taken more than once to improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. Courses taken more than once will be listed on the transcript even when not included in the student's grade point average.
9. Standardized high school transcript
- The standardized high school transcript shall contain:
- a) The student's legal name (last name, first name, and middle name(s) or middle initial(s)), and other or former names used;
  - b) The name(s) of parent(s) or guardian(s);
  - c) The student's birth date and sex (mm/dd/yyyy);

- d) The student's school district identification number (if applicable);
- e) The school name, address, phone number, and name of the school district issuing the transcript;
- f) A list of previous schools attended where credit was attempted (school name, city, state, and month and year of entrance and exit);
- g) The student's academic history for high school (grade level and date of course completion, course titles, marks/grades earned, credits attempted, and grade point average); and
- h) Credits attempted for courses taken more than once to improve a grade/mark may count only once toward the number of credits required for graduation, except that credits attempted for courses taken more than once to improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. For the purpose of this subsection, districts and schools shall not convert letter grades to grades/marks not used in the grade point average calculation.
- i) The following courses, for which college credit can be earned, shall be designated on the transcript with the designation coding indicated:
  - (1) Courses completed and credits earned through Running Start shall be noted with an "R" designation;
  - (2) Courses completed and credits earned through advanced placement shall be noted with an "A" designation;
  - (3) Courses completed and credits earned through College in the High School shall be noted with a "C" designation;
  - (4) Courses completed and credits earned through an International Baccalaureate program shall be noted with an "I" designation;
  - (5) Courses completed which earn college credit through Tech Prep and/or the corresponding credits or certification earned shall be noted with a "T" designation; and
  - (6) Courses that meet or satisfy Washington Student Achievement Council core course requirements shall be noted with a "B" designation.
- j) A notation of "no score" if the Washington Comprehensive Assessment System required tests were not taken.
- k) Authorized and required additional transcript information effective beginning with the graduating class of 2008:
  - (1) A notation that the high school and beyond plan graduation requirement was met (noting month and year) or not met by the student; and
  - (2) A notation that the certificate of academic achievement graduation requirement was met (noting month and year) or not met by the student.
- l) Each issuance of the transcript shall include a report date (mm/dd/yyyy), graduation date (noting month and year), end of transcript record (signifying no more authorized data), office of superintendent of public instruction (OSPI) transcript form, version number, and page number ('x' of 'y').

## **II. Special Education**

- A. Reporting periods for students in self-contained programs will be that of the regular school program according to the grade level of the student(s) being evaluated.
- B. Reporting for students in elementary learning support programs will be at the regular school program time periods, and at the annual review of the Individual Education Program. This review process will include progress toward individual goals and objectives.
- C. Reporting consists of an indication to parents as to the extent each student is achieving his/her individual program goals. Elementary students with IEPs will receive the same report card as basic education students.
- D. Secondary special education students receive IEP progress reports at regular interval grade reporting periods.
- E. Grades are provided at regular reporting periods for middle school and high school level for students enrolled in special education classes.

## **MAGNET PROGRAM**

(Procedure 2265)

### **I. Definitions**

- A. The term "parent" as used in this procedure means a parent, guardian or a person having legal custody of a child. If the student is eighteen (18) years or older, or is legally emancipated, the procedures for the parent in this regulation may be exercised by the student.
- B. The term "student transfer" is synonymous with "boundary exception."
- C. The term "score" means the numerical rating assigned to an application based on the assessment of multiple sources of evidence.
- D. The term "screen" means reviewing applications to determine if the application requirements have been satisfactorily completed.
- E. The term "random computerized lottery" means a computerized process in which students are randomly selected to represent the percentages of students residing in each of the zip code areas within the Vancouver Public Schools geographic boundary.

### **II. Magnet Advisory Committee**

Each magnet coordinator shall establish a magnet advisory committee to enhance the program goals and visions. The committee will be comprised of parents, students, staff, district patrons, and administrators. The committee will provide input on the program, links to the relevant professional community, and other information and opinions as requested by the magnet coordinator.

### **III. Admission Process**

- A. The magnet coordinator, staff, advisory committee, and building principal, or designee, will identify the core characteristics (interest, skills and knowledge) for student success in that magnet, and determine the weight given to each characteristic. These core characteristics and the weight given to each shall be submitted to the board of directors for review and approval.
- B. The application and selection process will identify and assess those core characteristics by multiple sources of evidence. Sources of evidence may include, but are not limited to, a written application, an interview, a demonstration of past work, an observed workshop and teacher recommendations. For the International Baccalaureate magnet, a test and transcript may be required.
- C. Each identified core characteristic shall be assessed by at least two sources of evidence.
- D. The weight given each core characteristic and the sources of evidence used to assess that characteristic will be explained to students and parents beforehand.
- E. The application and selection process is open to all students. Prior to the selection process, the district will distribute to students and parents information regarding
  - 1. The offerings of each magnet along with an invitation to apply;
  - 2. The student characteristics necessary to be successful in that magnet, and how those characteristics will be assessed in the selection process;
  - 3. The timeline for application and selection;
  - 4. The application process; and
  - 5. The selection process.
- F. Applications submitted by the published deadlines will be subject to the following selection process:
  - 1. All students with satisfactorily completed applications are eligible for the magnet program selection process;
  - 2. A selection committee consisting of the magnet advisor and designated staff will review all submitted

applications according to pre-established procedures at the particular magnet program;

- a) Each magnet school (Vancouver School of Arts and Academics or iTech Preparatory will select students based on its pre-established screening and scoring process or screening and lottery process; and
  - b) The selection process will be developed in consultation with each Magnet school coordinator, staff, magnet advisory committee, building principal, and the Superintendent or designee; and then reviewed and approved by the board.
3. In the event that there are more applicants to a magnet than there are spaces available, in-district students will be given priority. Once a student, whether in-district or out-of-district, is accepted into a magnet program, the student is automatically accepted for the remaining years;
  4. Students who enroll in the magnet program are expected to make a one year commitment to remain in the program and maintain regular attendance. Five (5) or more unexcused absences may be a basis for removing the student from the magnet program, revoking an in-district student transfer, and placing the student in the school served by the student's attendance area. If the student is a non-resident, the student transfer may be immediately revoked;
  5. Students in the Vancouver School of Arts and Academics, iTech Preparatory and International Baccalaureate diploma candidates must be enrolled as full-time students in their respective programs; and
  6. If the magnet school uses a scoring selection process, students not selected will be placed on a waiting list in rank order based upon the student's score. If space becomes available, students will be selected from the waiting list based on their score.
    - a) If the magnet school uses a lottery selection process, students not selected will be placed on a waiting list and remain in the lottery pool. If space becomes available students will be selected from the pool based on their zip code.
    - b) The waiting list and lottery pool will be in effect until the end of the school year. To reapply, the student must submit a new application each year.
  7. Students who live outside the attendance area of the magnet program must submit a boundary exception for the magnet school. The boundary exception shall be granted so long as the student remains in the magnet program and meets the other requirements of Procedure 3131, District Attendance Area Transfers. For student transfer procedures *see* Procedure 3131, District Attendance Area Transfers.
  8. Each magnet will establish and publish an enrollment cap based upon staffing and facility capacity.
  9. If a student withdraws from a magnet program, and the student is attending the school/magnet on a student transfer, the student will have to reapply and qualify for a student transfer in order to remain at the school.

#### **IV. Appeal**

A student who has not been selected may request in writing a reconsideration of his or her application. The request for reconsideration shall be directed to the appropriate executive director, secondary education; and then appealed to the superintendent/designee.

#### **V. Magnet Transportation**

The district will provide transportation for in-district students only. Transportation will be provided from the student's bus stop to the student's home school and then to the magnet site, so long as it is economically feasible or unless unforeseen extraordinary situations develop. At the end of the school day, the district will transport the student from the magnet site to the student's home school, but not to the student's bus stop, except for students of Vancouver School of Arts and Academics and iTech Preparatory.

#### **VI. New Magnet Programs**

- A. Vancouver Public Schools' staff members may make a recommendation for a new magnet program to the executive director of secondary education, and the superintendent or designee. The final decision of adding

or removing a magnet program rests with the board of directors. The following information shall be submitted:

1. The program vision;
2. How this program is tied to the overall school vision;
3. How the program will align with approved district curriculum;
4. How the program will promote district initiatives, priorities, and mission and vision statements;
5. How the program will address district and Washington state academic content standards;
6. Assurance the program conforms to state and federal law;
7. Data that indicates a need for this program and how it will improve student learning;
8. Similar programs that have been researched;
9. Proposed sequence of identified courses;
10. Proposed enrollment capacity of the program;
11. Expected student outcomes for this program;
12. Staff and advisory committee members;
13. Magnet coordinator and central office liaison;
14. Proposed timeline for development and implementation;
15. Estimated ongoing costs; and
16. Impact on other courses or programs, i.e., would the adoption of the proposed magnet replace other courses or affect them negatively?

**MEDICATION AT SCHOOL**  
(Procedure 3416)

Each school principal will authorize two staff members to administer prescribed or non-prescribed medication. These designated staff members will receive RN delegation prior to the opening of school each year.

**I. Definition**

For purposes of this procedure, "medication" means oral medication, topical medication, eye or ear drops and nasal spray. This definition DOES NOT include over-the-counter topical sunscreen products regulated by the US Food and Drug Administration (*see* Sunscreen section below). Oral medications are administered by mouth either by swallowing or by inhaling and may include administration by mask if the mask covers the mouth or mouth and nose.

**II. Dispensing Medication**

- A. Medication may be dispensed to students on a scheduled basis upon written authorization from a parent with a written request by a licensed health professional prescribing within the scope of their prescriptive authority. If the medication is to be administered more than fifteen consecutive days the written request must be accompanied by written instructions from a licensed health professional. Requests will be valid for not more than the current school year. The prescribed or non-prescribed medication must be properly labeled and be contained in the original container. The dispenser of prescribed or non-prescribed oral medication will:
  - B. Collect the medication directly from the parent (students should not transport medication to school), collect an authorization form properly signed by the parent and by the prescribing health professional and collect instructions from the prescribing health professional if the oral medication is to be administered for more than fifteen consecutive days;
  - C. Store the prescription or non-prescribed oral in a locked, substantially constructed cabinet;
  - D. Maintain a daily record which indicates that the prescribed or non-prescribed medication was dispensed.
  - E. Provide for supervision by a physician or registered nurse.
  - F. A copy of this policy will be provided to the parent upon request for administration of medication in the schools.
  - G. Prescribed and over-the-counter oral or topical medications, eye drops or ear drops may be administered by a registered nurse, a licensed practical nurse or an authorized staff member.
  - H. Nasal sprays containing legend (prescription) drugs or controlled substances may only be administered by a school nurse or, if a school nurse is not present on school premises, an authorized school employee; or a parent-designated adult with training as required by RCW 28A.210.260.
  - I. No prescribed medication will be administered by injection by staff except when a student is susceptible to a predetermined, life-endangering situation. The parent will submit a written statement which grants a staff member the authority to act according to the specific written orders and supporting directions provided by licensed health professional prescribing within his or her prescriptive authority (e.g., medication administered to counteract a reaction to an insect sting). Such medication will be administered by staff trained by the supervising registered nurse to administer such an injection.

**III. Emergency Medication**

Written orders for emergency medication, signed and dated, from the licensed health professional prescribing within his or her prescriptive authority will:

- A. State that the student suffers from an allergy which may result in an anaphylactic reaction;
- B. Identify the drug, the mode of administration, the dose. Epinephrine administered by inhalation, rather



than injection, may be a treatment option. This decision must be made by the licensed health professional prescribing within his or her prescriptive authority;

- C. Indicate when the injection will be administered based on anticipated symptoms or time lapse from exposure to the allergen;
- D. Recommend follow-up after administration, which may include care of the stinger, need for a tourniquet, administration of additional medications, transport to hospital; and
- E. Specify how to report to the health professional prescribing within his or her prescriptive authority and any record keeping recommendations.
- F. If a health professional and a student's parent request that a student be permitted to carry his/or her own medication and/or be permitted to self-administer the medication, the principal may grant permission after consulting with the school nurse. The process for requesting and providing instructions will be the same as established for oral medications. The principal and nurse will take into account the age, maturity and capability of the student; the nature of the medication; the circumstances under which the student will or may have to self-administer the medication and other issues relevant in the specific case before authorizing a student to carry and/or self-administer medication at school. Except in the case of multi-dose devices (like asthma inhalers), students will only carry one day's supply of medication at a time. Violations of any conditions placed on the student permitted to carry and/or self-administer his or her own medication may result in termination of that permission, as well as the imposition of discipline when appropriate.

#### **IV. Sunscreen**

- A. Over-the-counter topical sunscreen products may be possessed and used by students, parents, and school staff, without a written prescription or note from a licensed health care provider, if the following conditions are met:
  - 1. The product is regulated by the US Food and Drug Administration as an over-the-counter sunscreen product; and
  - 2. If possessed by a student, the product is provided to the student by their parent or guardian.
- B. Students who possess over-the-counter topical sunscreen products that meet the above criteria may carry up to 8 ounces at a time, preferably with the container in a plastic bag.
- C. Violations of any conditions placed on the student permitted to carry and/or self-administer his or her own sunscreen products may result in confiscation and termination of that permission, as well as the imposition of discipline when appropriate.
- D. School staff may assist students in application of sunscreen products in certain circumstances and in the presence of another staff member. The appropriate staff member will take into account the age, maturity, and capability of the student, the need for the application of the sunscreen, and other issues relevant in the specific case, before assisting students in application of sunscreen products at school or during school-sponsored events. However, staff members are not required to assist students in applying sunscreen.

#### **V. Parent-Designated Adult Care of Students with Epilepsy**

- A. Parents of students with epilepsy may designate an adult to provide care for their student consistent with the student's individual health care plan. At parent request, school district employees may volunteer to be a parent-designated adult under this policy, but they will not be required to participate. Parent-designated adults who are school employees will file a voluntary, written, current and unexpired letter of intent stating their willingness to be a parent-designated adult. Parent-designated adults who are school employees are required to receive training in caring for students with epilepsy from the school nurse. Parent-designated adults will receive additional training from a parent-selected health care professional or expert in epileptic care to provide the care (including medication administration) requested by the parent.
- B. Parent-designated adults who are not school employees are required to show evidence of comparable

training, and meet school district requirements for volunteers. Parent-designated adults will receive additional training from a parent-selected health care professional or expert in epileptic care to provide the care requested by the parent. The (insert appropriate staff member) is not responsible for the supervision of procedures authorized by the parents and carried out by the parent-designated adult.

## **PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING**

(Policy 3207)

The board is committed to a safe, civil respectful and inclusive educational environment for all students, employees, parents/legal guardians, volunteers and community members that is free from harassment, intimidation or bullying. "Harassment, intimidation or bullying" means 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, gender, sexual orientation including gender expression or identity, mental or physical disability, marital status, socioeconomic status, physical appearance or other distinguishing characteristics, when an act:

- A. Physically harms a student or damages the student's property;
- B. Has the effect of substantially interfering with a student's education;
- C. Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment;  
or
- D. 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.

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

The term "parent" as used in this policy means a parent, guardian, or a person having legal custody of a child. If the student is eighteen (18) years of age or older, or is legally emancipated, the procedures for the parent in this policy may be exercised by the student.

The term "sexting" as used in this policy means the sending, possession, displaying or distribution of text messages and pictures of an explicit sexual nature.

### **I. Behaviors/Expressions**

- A. 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.
- B. 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.

### **II. Training**

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

### **III. Prevention**

The district will provide students with strategies aimed at preventing harassment, intimidation and bullying. The district will collaborate with families, law enforcement, and other community agencies in developing programs to develop the strategies.

### **IV. Interventions**

- A. 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.

- B. 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.

#### **V. Students with Individual Education Plans or Section 504 Plans**

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the target of harassment, intimidation or bullying, the school will convene the student's IEP or Section 504 team to determine whether the incident had an impact on the student's ability to receive a free, appropriate public education (FAPE). The meeting should occur regardless of whether the harassment, intimidation or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving a FAPE as a result of the harassment, intimidation or bullying incident, the district will provide additional services and supports as deemed necessary, such as counseling, monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives a FAPE.

#### **VI. Retaliation/False Allegations**

- A. 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.
- B. 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.

#### **VII. Compliance Officer**

- A. The executive directors of elementary and secondary education shall be the primary contact for receipt of formal complaints and the compliance officers for their respective grade levels. Each will serve as the primary district contact to ensure policy implementation. The name and contact information of each will be disseminated throughout the district.
- B. The superintendent is authorized to direct the implementation of procedures addressing the elements of this policy.

## **PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING**

(Procedure 3207)

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

In order to ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability, or other distinguishing characteristics.

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

### **I. Definitions**

- A. "Aggressor" means a student, staff member, or other member of the school community who engages in the harassment, intimidation or bullying of a student.
- B. "Harassment, intimidation or bullying" means an intentional electronic, written, verbal, or physical act that:
  - 1. Physically harms a student or damages the student's property;
  - 2. Has the effect of substantially interfering with a student's education;
  - 3. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
  - 4. Has the effect of substantially disrupting the orderly operation of the school.
- C. Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.
- D. Conduct that may rise to the level of harassment, intimidation and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.
- E. Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. A sample form is provided on the Office of Superintendent of Public Instruction's (OSPI) School Safety Center website: [www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx).
- F. "Retaliation" occurs when an aggressor harasses, intimidates, or bullies a student who has reported incidents of bullying.
- G. "Staff" includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).
- H. "Targeted student" means a student against whom harassment, intimidation or bullying has allegedly been perpetrated.
- I. Relationship to Other Laws
  - 1. This procedure applies only to RCW 28A.300.285 – Harassment, Intimidation and Bullying prevention. There are other laws and procedures to address related issues such as sexual harassment or discrimination.
  - 2. At least four Washington laws may apply to harassment or discrimination:
    - a) RCW 28A.300.285 – Harassment, Intimidation and Bullying

- b) RCW 28A.640.020 – Sexual Harassment
  - c) RCW 28A.642 – Prohibition of Discrimination in Public Schools
  - d) RCW 49.60.010 – The Law Against Discrimination
- J. The district will ensure its compliance with all state laws regarding harassment, intimidation or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a person’s gender or membership in a legally protected class under local, state, or federal law.

## **II. Prevention**

### **A. Dissemination**

1. In each school and on the district’s website the district will prominently post information on reporting harassment, intimidation and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district’s policy and procedure will be available in each school in a language that families can understand.
2. Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways, or is posted on the district’s website.
3. Additional distribution of the policy and procedure is subject to the requirements of WAC 392-400-226.

### **B. Education**

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

### **C. Training**

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

### **D. Prevention Strategies**

1. The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches.
2. Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation and bullying in schools.

## **III. District Compliance Officer**

The district compliance officer will:

- A. Serve as the district’s primary contact for harassment, intimidation and bullying. If the allegations in a written report of harassment, intimidation or bullying indicate a potential violation of Policy 3207, the district staff member who receives the report must promptly notify the district compliance officer. During the course of an investigation of harassment, intimidation or bullying, if the district becomes aware of a potential violation of Policy 3207, the district investigator must promptly notify the compliance officer. In response, the compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-065 through 392-190-075. The investigation and response timeline begins when the school district knows or should have known that a written report of harassment, intimidation or bullying involves allegations that the school district has violated its Policy 3207;
- B. Provide support and assistance to the principal or designee in resolving complaints;
- C. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing

the outcomes of investigations. If a written report of harassment, intimidation or bullying indicates a potential violation of the district's nondiscrimination policy [Policy 3210], the compliance officer must promptly notify the district's civil rights compliance coordinator;

- D. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern;
- E. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
- F. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training;
- G. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
- H. In cases where, despite school efforts, a targeted student experiences harassment, intimidation or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: [www.k12.wa.us/SafetyCenter/default.aspx](http://www.k12.wa.us/SafetyCenter/default.aspx).

## **VI. Staff Intervention**

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

## **V. Filing an Incident Reporting Form**

- A. Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation or bullying may report incidents verbally or in writing to any staff member. If the allegations in a written report of harassment, intimidation or bullying indicate a potential violation of this procedure, the district employee who receives the report must promptly notify the HIB compliance officer. Alternatively, during the course of an investigation, if the district becomes aware of a potential violation of this procedure, the district employee investigating the report must promptly notify the HIB compliance officer.
- B. Upon receipt of this information, the HIB compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-065 through WAC 392-190-075. The investigation and response timeline set forth in WAC 392-190-065 begins when the district knows or should have known that a written report of harassment, intimidation or bullying involves allegations that the district has violated this procedure or the guidelines adopted under WAC 392-190-059 or 392-190-005

## **VI. Addressing Bullying – Reports**

- A. Step 1: Filing an Incident Reporting Form

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

Status of Reporter

- 1. Anonymous

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff. (Example: An unsigned Incident Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

- 2. Confidential

Individuals may ask that their identities be kept secret from the accused and other students. Like

anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.")

3. Non-confidential

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

B. Step 2: Receiving an Incident Reporting Form

1. All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation or bullying will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation or bullying, no further action may be necessary under this procedure.
2. All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be recorded on a district Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint.

C. Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying

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

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.
2. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.
3. If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district's nondiscrimination policy [Policy 3210], the investigator will promptly notify the district's civil rights compliance officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-066 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knows or should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the district's nondiscrimination policy.
4. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation and bullying.
5. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation and bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they



must follow district policy for reporting suspected cases to Child Protective Services.

6. The investigation will include, at a minimum:
    - a. An interview with the complainant;
    - b. An interview with the alleged aggressor;
    - c. A review of any previous complaints involving either the complainant or the alleged aggressor; and
    - d. Interviews with other students or staff members who may have knowledge of the alleged incident.
  7. The principal or designee may determine that other steps must be taken before the investigation is complete.
  8. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.
  9. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
    - a. The results of the investigation;
    - b. Whether the allegations were found to be factual;
    - c. Whether there was a violation of policy; and
    - d. The process for the complainant to file an appeal if the complainant disagrees with the results.
  10. Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.
  11. If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family. If professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.
  12. If the incident cannot be resolved at the school level, the principal or designee will request assistance from the district.
- D. Step 4: Corrective Measures for the Aggressor
1. After completion of the investigation, the school or district designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to district Policy 3241, Classroom Management, Discipline and Corrective Action. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.
  2. If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.
- E. Step 5: Targeted Student's Right to Appeal

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

F. Step 6: Discipline/Corrective Action

1. The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation or bullying. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.
2. Corrective measures for a student who commits an act of harassment, intimidation or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district Policy 3241, Classroom Management, Discipline and Corrective Action.
3. If the conduct was of a public nature or involved groups of students or bystanders, the district should strongly consider school wide training or other activities to address the incident.
4. If staff have been found to be in violation of this policy and procedure, school districts may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of WAC 181-87, commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

G. Step 7: Support for the Targeted Student

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

## VII. Immunity/Retaliation

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

## VIII. Other Resources

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

OSPI Equity and Civil Rights Office  
360.725.6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
[www.k12.wa.us/Equity/default.aspx](http://www.k12.wa.us/Equity/default.aspx)

Washington State Human Rights Commission  
800.233.3247  
[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)

Office for Civil Rights, U.S. Department of Education, Region IX  
206.607.1600  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)

Department of Justice Community Relations Service  
877.292.3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)

Office of the Education Ombudsman  
866.297-2597  
Email: [OEInfo@gov.wa.gov](mailto:OEInfo@gov.wa.gov)  
<http://oeo.wa.gov/>

OSPI Safety Center  
360.725-6044  
[www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx)

**IX. Other District Policies and Procedures**

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

## **SEXUAL HARASSMENT OF STUDENT PROHIBITED**

(Policy 3205)

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

### **I. Definitions**

- A. For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to student or can be carried out by a group of students or adults and will be investigated by the district even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of students by other students, employees or third parties involved in school district activities.
- B. Under federal and state law, the term "sexual harassment" may include:
  - 1. Acts of sexual violence;
  - 2. Unwelcome sexual or gender-directed conduct or communication that interferes with an individual's educational performance or creates an intimidating, hostile, or offensive environment;
  - 3. Unwelcome sexual advances;
  - 4. Unwelcome requests for sexual favors;
  - 5. Sexual demands when submission is a stated or implied condition of obtaining an educational benefit; or
  - 6. Sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.
- C. A "hostile environment" has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious.

### **II. Investigation and Response**

- A. If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take these steps every time a complaint, alleging sexual harassment comes to the attention of the district, either formally or informally.
- B. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.
- C. Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in school district activities. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

### **III. Retaliation and False Allegations**

- A. Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.
- B. It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

### **IV. Staff Responsibilities**

- A. The superintendent will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy.
- B. Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.
- C. Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

### **V. Notice and Training**

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

## **SEXUAL HARASSMENT OF STUDENTS PROHIBITED**

(Procedure 3205)

The procedure is intended to set forth the requirements of Policy 3205, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees or third parties involved in school district activities. Because students can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

### **I. Notice**

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

Vancouver Public Schools  
Central Office  
2901 Falk Rd.  
Vancouver, WA 98661

### **II. Staff Responsibilities**

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

### **III. Confidentiality**

- A. If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the school principal, or the appropriate executive director, if the principal is the subject of the complaint, for evaluation.
- B. The school principal or the appropriate executive director should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.
- C. If the complainant still requests that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have his or her name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

### **IV. Retaliation**

Title IX prohibits retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district

will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

## **VI. Informal Complaint Process**

- A. Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member. Staff will always notify complainants of their right to file a formal complaint and the process for same. Staff will also direct potential complainants to the school principal or the appropriate executive director, if the principal is the subject of the complaint. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.
- B. During the course of the informal complaint process, the district will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant before the final outcome of the district's investigation (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged perpetrator).
- C. Informal remedies may include:
  - 1. An opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
  - 2. A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
  - 3. A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
  - 4. Developing a safety plan;
  - 5. Separating students; or
  - 6. Providing staff and/or student training
- D. Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because the district believes the complaint needs to be more thoroughly investigated.
- E. The district will inform the complainant and their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

## **VII. Formal Complaint Process**

- A. Level One – Complaint to District
  - 1. Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. At any level in the formal complaint process, the district will take interim measures to protect the complainant before the final outcome of the district's investigation.
  - 2. The following process will be followed:
    - a) All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX

Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or Title IX coordinator may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.

- b) The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.
- c) Complaints may be submitted by mail, fax, e-mail or hand-delivery to the district Title IX Coordinator, Associate Superintendent of human Resources at 2901 Falk Rd., Vancouver, Washington, 98661, 360-313-1200. Any district employee who receives a complaint that meets these criteria will promptly notify the coordinator.

### 3. Investigation and Response

- a) The Title IX coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The coordinator will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the coordinator will provide the complainant a copy of this procedure.
- b) Investigations will be carried out in a manner that is adequate in scope, reliable and impartial. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The school district and complainant may also agree to resolve the complaint in lieu of an investigation. When the investigation is completed, the coordinator will compile a full written report of the complaint and the results of the investigation.

### 4. Superintendent Response

- a) The superintendent will respond in writing to the complainant and the alleged perpetrator within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.
- b) The response of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed ; 3) if sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the school board and the necessary filing information; and 5) any corrective measures the district will take, remedies for the complainant (e.g., sources of counseling, advocacy and academic support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline).
- c) The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named party or parties, the coordinator will provide the accused party or parties with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the district.



- d) Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.
- e) The district will inform the complainant and their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

B. Level Two - Appeal to Board of Directors

1. Notice of Appeal and Hearing

- a) If a complainant disagrees with the superintendent's or designee's written decision, the complainant may appeal the decision to the district board of directors, by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.
- b) The board will schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause.
- c) Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material.

2. Board Decision

- a) Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.
- b) The decision will be provided in a language that the complainant can understand which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.
- c) The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

C. Level Three - Complaint to the Superintendent of Public Instruction

- 1. If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the Superintendent of Public Instruction.
- 2. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- 3. A complaint must be in writing and include: 1) a description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; 2) the name and contact information, including address, of the complainant; 3) the name and address of the district subject to the complaint; 4) a copy of the district's complaint and appeal decision, if any; and 5)

a proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

#### 4. Investigation, Determination and Corrective Action

- a) Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.
- b) Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.
- c) All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.
- d) A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

#### D. Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

### **VIII. Other Complaint Options**

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

### **IX. Mediation**

- A. At any time during the complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the complaint process deadlines in order to pursue mediation.
- B. The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.
- C. Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee

of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

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

## **X. Training and Orientation**

- A. A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure.
- B. Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.
- C. Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.
- D. As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:
  - 1. Demands for sexual favors in exchange for preferential treatment or something of value;
  - 2. Stating or implying that a person will lose something if he or she does not submit to a sexual request;
  - 3. Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
  - 4. Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
  - 5. Using derogatory sexual terms for a person;
  - 6. Standing too close, inappropriately touching, cornering or stalking a person; or
  - 7. Displaying offensive or inappropriate sexual illustrations on school property.

## **XI. Policy and Procedure Review**

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The compliance officer will be included in the committee. Based on the review of the committee, the superintendent will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

**QUESTIONS? COMPLAINTS?  
CONTACT THE PRINCIPAL OR THE EXECUTIVE DIRECTOR  
OF TEACHING AND LEARNING FOR SECONDARY EDUCATION  
at 313-1011**

**STUDENT RECORDS**  
(Procedure 3231)

Student records will be managed by the district records custodian in the following manner:

**I. Type of Records**

A. Student records will be divided into two categories: the cumulative folder and supplementary records.

1. Cumulative folder

The cumulative folder may contain all information about a student which is collected and maintained on a routine basis, such as identifying information (name, birth date, sex, year in school, address, telephone number, parent's name, ethnic classification, emergency information, including parent's place of employment, family doctor, babysitter, siblings); attendance records, including date of entry and withdrawal; grades and other student progress reports; results of tests of school achievement, aptitude, interests, hearing and vision; health and immunization status reports; records of school accomplishments and participation in school activities; verified reports of misconduct, including a record of disciplinary action taken; and such other information as will enable staff to counsel with students and plan appropriate activities. Identifying information may be limited if the student is a participant in the state Address Confidentiality Program.

2. Supplementary records

Supplementary records about a student may be collected and maintained in connection with special school concerns about the student, such as confidential health information or reports connected with assessment and placement of a student who is formally identified as a "focus of concern;" reports from non-school persons and organizations such as physicians, psychologists and clinics, except for general screening purposes; reports pertaining to specific problems associated with the student; and current reports of psychological tests and progress reports related to a student's disabling condition. All such reports included in records will be dated and signed.

B. For the purpose of this procedure, working notes of staff are defined as those records about students which are maintained in the sole possession of the writer and are not accessible or revealed to any other person except a substitute for that staff member. Working notes are not considered student records within the purview of this procedure.

**II. Accessibility of Student Records**

Information contained in the cumulative folder and/or supplementary records will be provided to persons and agencies as follows:

A. Parents

1. Parents of dependent children have the right to inspect the cumulative folder and/or supplementary records of their children.
2. The parent will be provided analysis and interpretation by qualified staff of all information in the cumulative folder and supplementary records. This action may be initiated by the parent or a staff member. The review will occur within five school business days after a request is received unless a written explanation for the failure to do so is supplied by the custodian of records. In no case will the review occur later than 45 days after the request is made.
3. Inspection and review will be conducted during normal working hours, unless the custodian (teacher, counselor, nurse, psychologist, principal) consents to other arrangements. Custodians will provide assistance in the interpretation and analysis of student records as needed. Although records must remain within district control, they may be copied or reproduced by or for the parent or eligible student at their own expense.

B. The Student

1. Information from the cumulative folder will be interpreted to the student upon his/her request. Information contained in supplementary records will be interpreted to the student upon his/her request and with the consent of the parent. The adult student may inspect his/her cumulative folder and supplementary records. The right of access granted the parent or adult student includes the right to be provided a list of the types of student-related education records maintained by the school and the district. The parent and adult student will have the right to inspect or to be informed of the content of any record containing personally identifiable information regarding more than one student, provided that the right to access will apply only to that portion of the record or document which relates to the student. Upon graduation from high school, a student may request to receive a final transcript in addition to the diploma.
2. Parents and adult students will be notified annually of their right to inspect and review the records of their children and their other rights under the Family Education Rights and Privacy Act through the annual student handbook.
3. The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:
  - a) The right to inspect and review the student's education records within 45 days of the day the district receives a request for access. Parents or eligible students should submit to the district records custodian a written request that identifies the record(s) they wish to inspect. The records custodian will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
  - b) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
  - c) Parents or eligible students have a right to inspect or review information including when the student is a dependent under IRS tax code, when the student has violated a law or the school rules regarding alcohol or substance abuse (and the student is under 21), and when the information is needed to protect the health or safety of the student or other individuals.
  - d) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Exceptions which permit disclosure without consent are: disclosure deemed by the district as necessary to protect the health or safety of the student or other individuals and disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, hearing officer, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

### **III. Staff**

Staff or other school officials who have a legitimate, educational interest in a student will have access to the cumulative folder and any supplementary records.

### **IV. Other Districts**

Other districts will be provided with records upon official request from the district, unless the student has an outstanding fee or fine. In those instances the enrolling school will be provided with the student's academic, special placement, immunization history and discipline records within two school days, but the official transcript will be withheld until the fee or fine is discharged. The enrolling school district will be notified that the transcript is being withheld due to an outstanding fee or fine. At the time of transfer of the records, the parent or adult student may receive a copy of the records at his/her expense if requested and will have an opportunity to challenge the contents of the records. Parents will be advised through the annual Student Rights and Responsibilities Handbook that student records will be released to another school where the student has enrolled or intends to enroll.

## **V. Other Persons and Organizations**

Prospective employers may request to review the transcript of a student. Each parent or adult student will be advised at least annually that such requests will be honored only upon a signed release of the parent or adult student. Information contained in the cumulative folder and supplementary records of a student will be released to persons and organizations other than the student, parent, staff and other districts only with the written consent of the parent or adult student with the following exceptions:

## **VI. Directory Information**

- A. Directory information may be released publicly without consent upon the condition that the parent or adult student be notified annually of the school's intention to release such information and be provided the opportunity to indicate that such information is not to be released without prior consent. Such information will not be released for commercial reasons.
- B. Directory information is student record information considered not unduly invasive of family privacy and will be released without prior parental permission unless the parent specifically has requested the school not release such information. Directory information for elementary and middle school students is defined as a student's name, height and weight for members of athletic teams, date of birth, participation in activities and sports, dates of attendance, awards received, and the current school and most recent school attended. For high school students, directory information includes the above, plus the student's major field of study, and the parent(s) electronic mail address, home address, telephone number and names of parents.
- C. The actual residential addresses of participants in the state Address Confidentiality Program will not be available for release as directory information. Social Security numbers, student identification numbers (with authentication factors such as a secret password or personal identification number) or other personally identifiable information is not considered directory information.
- D. Information may be released to authorized representatives of the comptroller general of the United States, the commissioner of education, and/or an administrative head of an education agency or state education authorities in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of the federal legal requirements for such programs.
- E. Information may be released to state and local officials to whom such information is specifically required to be reported or disclosed pursuant to Washington state statute (examples: reporting child abuse or referrals to juvenile court for truancy).
- F. Information may be released to organizations conducting studies for educational agencies for the purpose of developing, validating or administering predictive tests or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than the representatives of such organizations and if such information will be destroyed when no longer needed for the purpose for which it has been gathered.
- G. Information may be released in compliance with a judicial order or lawfully issued subpoena including *ex parte* court orders under the USA Patriot Act, upon condition that a reasonable effort was made to notify the parent or adult student in advance of such compliance unless such notice is not allowed by the order or subpoena. In compliance with the federal Uninterrupted Scholar's Act of 2013, when a parent is a party to a court proceeding involving child abuse or neglect (as defined in Section 3 of the Child Abuse and Prevention and Treatment Act (42 U.S.C. 5101) or dependency matters, and the order is issued in the context of that proceeding, the district is not required to provide additional

notice (i.e., in addition to the court's notice) to the parent prior to release of the information.

- H. Information may be released to appropriate persons and agencies in connection with an emergency to protect the health or safety of the student or other persons. The district will take into account the totality of the circumstance and determine if there is an articulable and significant threat to the health or safety of the student or other individuals. When information from a student's record, other than directory information, is released to any person or organization other than staff, a record of such release will be maintained as part of the specific record involved. Telephone requests for information about students will not be honored unless the identity of the caller is known and the caller is authorized to receive the information under provisions of these procedures. A record will be made of any such release of information and placed in the student's cumulative folder. This record of access will include date of access, name of the party granted access and the legitimate educational interest of the party granted access.
- I. In compliance with the federal Uninterrupted Scholar's Act of 2013, information regarding students in foster care may be released without prior written consent of the parent or eligible student to agency caseworkers or other representatives of state or local child welfare agencies or tribal organizations who are legally responsible for the care and protection of the student, for purposes related to the student's case plan.
- J. A high school adult student and/or parent/legal guardian may grant authority to the district permitting prospective employers to review the student's transcript.

### **VII. Confidential Health Records**

Confidential health records should be stored in a secure area accessible only to the school health care provider, unless an appropriately executed release under Ch. 70.02 has been obtained. Such records are also covered by the Family Education Rights and Privacy Act, permitting parent access to review and otherwise exercise FERPA rights regarding the records. There is a higher standard of confidentiality and minor student's rights of privacy for records pertaining to HIV, sexually transmitted diseases, drug or alcohol treatment, mental health treatment, family planning or abortion. The releases for information regarding sexually transmitted diseases, HIV and drug or alcohol treatment are more restrictive than ordinary medical releases.

### **VIII. Challenges and Hearings**

- A. At the time of inspection and review the parent or adult student granted access to records may challenge the appropriateness and accuracy of any record directly related to the student and may demand correction or deletion. Custodians (teacher, counselor, nurse, psychologist) may honor such demands by correcting or deleting records which are misleading, a violation of privacy or inaccurate, provided that the senior custodian (principal or department head) concurs.
- B. If the demanded correction or deletion is denied by the senior custodian, the parent or adult student may request an informal hearing before the superintendent, which hearing will be held within 10 school days of the receipt of such request. During the hearing the superintendent will review the facts as presented by the parent or adult student and the custodian and decide whether or not to order the demanded correction or deletion. The superintendent will send his/her written decision to the parent or adult student within 10 school days of the hearing.
- C. Upon denial of correction or deletion by the superintendent or designee, the parent or adult student may request in writing a hearing before the board, which hearing will be conducted at its next regular meeting. During such hearing, which will be closed to the public, the board will review the facts as presented by the parent or adult student and senior custodian and decide whether or not to order the demanded correction or deletion. The board will send its written decision to the parent or adult student within 10 school days of the hearing.
- D. Parents or adult students challenging the appropriateness and accuracy of student records may insert a written explanation of their objections in such records.

### **IX. Maintenance of Student Records**

- A. The student's principal, counselor or teacher will be the custodian of the cumulative folder. The

principal or the student's counselor will be the custodian of the supplementary records.

B. School staff will:

1. Maintain only those records authorized by these procedures;
2. Safeguard student records from unauthorized use and disposition;
3. Maintain access records;
4. Honor access requests for parent or adult student;
5. Delete or correct records upon approval of the senior custodian or upon order of the superintendent or the board; and
6. Follow the records review schedule and procedures established by the senior custodian.

C. Senior records clerks will:

1. Request student records from other schools;
2. Maintain security of student records;
3. Transfer, destroy and expunge records as permitted;
4. Supervise activities of their clerks;
5. Conduct informal hearings and grant or deny approval of corrections or deletions requested by parents or adult students;
6. Establish records review schedules and procedures for their respective schools or departments in accordance with procedures governing records disposition. (Psychological test scores will be reviewed annually to determine their relevance to the continuing educational needs of the student.);
7. Upon transfer of the student to the next level (elementary to middle school, middle school to high school) or upon graduation or transfer outside the district, remove for retention, preservation or destruction in accordance with applicable disposition procedures any records no longer pertinent to educational program placement; and
8. Certify to the district records clerk by June 30 of each year the following:
  - a) Only records pertinent to educational program placement are being maintained, unless otherwise authorized by law; and
  - b) Required reviews have been accomplished.

D. The district records clerk will provide overall supervision of student records management and control and will enforce the student records policy and the administrative procedures.

E. The district will use an array of methods to protect records, including passwords, physical controls (such as locked cabinets), technological controls (such as role-based access controls for electronic records) and administrative procedures.

**X. Disposition of Student Records**

A. The permanent student record will serve as the record of the student's school history and academic achievement. Permanent records filed in the student's cumulative folder are to be extracted and retained before disposition of the folder.

B. Within ten (10) days after receiving a request, the district will furnish a set of unofficial educational records to the parent of a student transferring out of state who meets the definition of a child of a



military family in transition. When a student transfers to another school in the district, all records including the permanent student record will be transmitted to the other school. When a student transfers to a school outside of the district, the senior custodian will purge the cumulative folder of all nonofficial, extraneous information. A copy of all records will be sent to the requesting school, unless the student has an outstanding fee or fine. In those instances the enrolling school will be provided with information regarding the student's academic, special placement, immunization history and discipline records within two school days, and the records will be sent as soon as possible. The official transcript will be withheld until the fee or fine is discharged. The enrolling school district will be notified that the transcript is being withheld due to an outstanding fee or fine. The cumulative folder for an elementary or middle school student who leaves the district will be maintained for two years after discontinuance of enrollment in the district.

- C. Cumulative folders and supplementary records of high school students will be retained according to the Washington State Records Retention Schedule. In all cases, the student's permanent record card will be retained in perpetuity by the district.
- D. At the time a student graduates from school or ceases to need special educational services, the parent/guardian or adult student will be informed that personally identifiable information regarding the disabling condition is no longer needed for educational purposes AND that the special education records will be retained by the district for six (6) years before being destroyed pursuant to the School Districts and Educational Districts Records Retention Schedule approved in accordance with RCW 40.14.070.
- E. When informing the parent or adult student about his/her rights regarding such records, the district will advise the parent or adult student that the information may be needed by the student or the parent to establish eligibility for certain adult benefits, e.g., social security AND that the parent/guardian/adult student should ensure that they possess the necessary documentation, or request copies of certain records from the district BEFORE the district records are destroyed in six (6) years. At the parent's/guardian's or adult student's request, the record information relating to the disabling condition will be destroyed but ONLY after the records have met their six (6) year retention requirement pursuant to the School Districts and Educational Districts Records Retention Schedule. The district may, in its discretion, choose to retain these records for a longer period of time for business purposes.
- F. A parent or adult student, at his/her expense, may receive a copy of all records to be transmitted to another district.

## **XI. Large Scale Destruction of Student Records**

- A. After exercising care in accordance with that contained in the previous section (Disposition of Student Records), the senior custodian will bundle all records and send them to the district office. Each bundle will be plainly marked: "Student Records--for Destruction," dated and signed by the senior custodian. A summary sheet will be completed and retained in the office. The sheet will indicate: "As of this date, I have determined that the following records may be destroyed in accordance with district and state requirements and have submitted them for destruction." The summary sheet will be dated and signed by the senior custodian.
- B. Electronic Records. Electronic records (including e-mail and web content) created and received by the district in the transaction of public business are public records for the purposes of RCW 40.14 and will be managed consistent with all of the laws and regulations governing the retention disclosure, destruction and archiving of public records. The district will manage electronic records according to the same provisions as paper documents as set forth in the records retention schedules. The district will retain records in compliance with the General Records Retention Schedule for School Districts and Educational Service Districts in Washington State found at: [www.sos.wa.gov/archives/recordsretentionschedules.aspx](http://www.sos.wa.gov/archives/recordsretentionschedules.aspx).)
- C. Cut-Off. Whenever applicable, the retention period starts with the "cut-off." "Cut-off" is a term used to indicate files or records may be terminated on a predetermined date. "Cut-off" prevents current records from attaining unmanageable size and facilitates the filing of new records. Calendar year records may be "cut-off" on December 31, and a new file established on January 1; all fiscal year records can be "cut-off" only upon the completion of an action or event, such as termination of contract, final payment of a contract, termination of employment, etc. Regardless of the duration of

the retention period, records series should be kept in the office files after "cut-off" only as long as is necessary to satisfy: (1) active reference; (2) audit, when required; and (3) other operational requirements. Once these three factors have been satisfied, the records should be transferred to a records center or to an appropriate alternative format, including electronically for the remainder of the retention period.

## **XII. Filing a Complaint**

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue S.W.  
Washington, D.C. 20202

## **STUDENT SAFETY WALKING, BIKING AND RIDING BUSES TO SCHOOL**

(Procedure 6605)

### **I. Safe Routes to School Plan**

- A. Pursuant to WAC 392-151-025, all elementary schools that have students who walk to and from school are required to develop a suggested route plan. All schools are encouraged to have a walking/biking route plan in place. To develop the school walking/biking route plans, the superintendent will establish a Safe Routes to School committee.
- B. The committee will conduct a walking and biking audit within a one mile radius of the school and develop a Safe Routes To School walking/biking map or plan. The plan will recommend the best routes for students walking to and from school, as well as the best routes to and from school bus stops. In developing the plan, the committee will consider, at a minimum, the following:
  - 1. Traffic patterns;
  - 2. Existing traffic controls;
  - 3. Existing school patrols;
  - 4. Limits on the number of school crossings so that students have to move through the crossings in groups;
  - 5. Allowing only one entrance-exit from each block to and from school;
  - 6. Routes that provide the greatest physical separation between walking children and traffic;
  - 7. Routes that expose students to the lowest speeds and volumes of moving vehicles; and
  - 8. Routes that include the fewest number of road or rail crossings.
- C. The superintendent or designee will review the plan with the Safety Advisory Committee and, upon its approval, distribute the plan to all students with instructions that it be taken home and discussed with parents. The plan will be routinely updated as conditions change. The superintendent or designee will include the plan in the district's School Wellness Plan to encourage parents and students who walk and bike to school to use the recommended routes.

### **II. Student Conduct on Buses**

- A. Any misconduct by a student, which in the opinion of the bus driver or bus supervisor, is detrimental to the safe operation of the bus will be sufficient cause for the principal to suspend the transportation privilege.
- B. Rules of conduct for students riding buses:
  - 1. Students will obey the driver and any aide assigned to the bus by the district. The driver is in full charge of the bus and passengers and will be obeyed. If an aide is assigned to the bus by the district, he/she will be responsible for the safe operation of the bus. When transporting classes or teams, the teacher or coach will be primarily responsible for the behavior of the students. Students will obey both the driver and the teacher, coach or other staff member.
  - 2. Students will ride only on their assigned bus unless written permission to do otherwise has been received by school officials;
  - 3. Students will not be permitted to leave the bus except at their regular stop unless written permission to do otherwise is received by school officials;
  - 4. Students assigned seats will use only that seat unless permission to change is authorized by the driver;
  - 5. Students will observe rules of classroom conduct while riding on buses. Noise will be kept down to avoid distracting the driver. Students will refrain from the use of obscene language or gestures;
  - 6. Students will not smoke or ignite lighters or matches on buses;
  - 7. Students will not eat on buses, except when specifically authorized and supervised by and accompanying teacher, coach or other staff member. Buses will be kept clean;

8. Students will not open bus windows without the driver's permission;
9. Students will not extend any part of their body out of bus windows at any time;
10. Students will not carry or have in their possession items that can cause injury to passengers on the bus. Such items include, but are not limited to, sticks, breakable containers, weapons or firearms, straps or pins protruding from clothing, large, bulky items which cannot be held or placed between legs, etc. Books and personal belongings will be kept out of aisles;
11. Students will not have animals on buses, except one providing assistance to a disabled student;
12. Students will not sit in the driver's seat or to the immediate right or left of the driver;
13. Students will refrain from talking to the driver unless necessary;
14. Students will go directly to a seat once inside the bus and remain seated at all times unless the driver instructs otherwise;
15. Students will get on/off the bus in an orderly manner and will obey the instructions of the driver or school safety patrolmen on duty. There will be no pushing and shoving when boarding or leaving the bus. Once off the bus, students will adhere to rules for pedestrians;
16. Students will cross the roadway only when the bus driver gives approval and must cross only in front of the bus and never cross the roadway behind a bus unless they use pedestrian crosswalks or traffic lights;
17. Students will stand away from the roadway curb when any bus is approaching or leaving a stop and must never approach a bus until it has come to a complete stop and the door has been opened;
18. Students must arrive at their designated bus stop five (5) minutes prior to the scheduled stop time;
19. Students going to and from their bus stops where there are no sidewalks will walk on the left-hand side of the roadway facing oncoming traffic. Students will go directly to their home after leaving the bus;
- a 20. Students will use lap belts on buses when available;
21. Students will follow emergency exit drill procedures as prescribed by the driver;
22. Students will not tamper with emergency doors or equipment;
23. Students will remain quietly seated, not exhibit disruptive behavior and turn off all noise-making devices at highway rail grade crossings;
24. Parents of students identified as causing damage to buses will be charged with the cost of the incurred damage. Students causing the damage may be suspended from transportation; and
25. Student misconduct will constitute sufficient reason for suspending transportation privileges.

### **III. Disciplinary Procedures**

- A. Principals are responsible for correcting students whose abusive behavior results in a bus-incident report or violates the rules above. The principal will provide supervision during bus arrival and departure times and receive reports (written and oral) from the drivers.
- B. The principal will insure that students comply with the specified regulations. Principals must maintain open lines of communication among school officials, bus drivers and the transportation department.
- C. When waiting for a bus, or going to and from a bus stop, students are responsible for conducting themselves according to the social and legal mores that apply to adults in public. That is, they must not abuse or cause damage to private or public property; they must not use obscene language or gestures; they must not engage in criminal activity. Failure to adhere to these standards may result in formal complaints by citizens which may be forwarded to principals for possible corrective action.
- D. Students provided with transportation are responsible for complying with the district's rules of conduct for

students riding buses. Failure to adhere to these rules, or abusive behavior towards the public, driver, fellow passengers or the vehicle constitutes justification for initiating corrective action against a student.

- D. Abusive behavior on the part of a student riding a bus may result in a written report when, in the opinion of the driver or bus supervisor, there has been an infraction of the rules applicable to student conduct. The written report is the primary means by which a driver or bus supervisor communicates a student's conduct to the school and transportation department. This report, in most cases, reflects an infraction of rules which is repeated by the student after his/her having received previous oral warnings from the driver or bus supervisor. In order for drivers and bus supervisors to effectively maintain control on their buses, it is expected that action be exercised by principals when receiving such a report.
- E. When a student's conduct constitutes an infraction of the rules, the driver or bus supervisor will complete a report on the student describing the incident or damage that occurred. The driver or bus supervisor will provide the student with a copy of the report, hand the original report to the principal and submit a copy to the transportation supervisor. The copy of the report concerning special education students will be given to the principal for disposition.
- F. The principal upon receiving the report will investigate the circumstances surrounding the incident and take action according to the procedures set forth in the district's policies pertaining to corrective action and punishment. When investigating the incident, the primary concern must be with respect to the safe transport of students. Corrective action, if necessary, should be consistent throughout the district as follows:
  - 1. **Warning:** When a student's misconduct is of a minor nature which does not jeopardize the safety or welfare of other students or the operation of the bus.
  - 2. **Suspension:** When a student's misconduct is deemed to jeopardize the safety of bus passengers and operation, or when repeated warning notices fail to correct abusive behavior, or when a student incurs damage to the bus.
  - 3. **Expulsion:** When a student's misconduct is of such nature that the safety of the bus operation and/or of the occupants was willfully and seriously threatened (i.e., e.g. student assaulting the driver).
- G. The action taken by the principal will be annotated on the report and forwarded to the student's parent for signature. The transportation department will be notified.
- H. Drivers will be advised to file assault and battery charges against students who physically assault them. Under no circumstances will the driver retaliate in kind and physically assault the student as this conduct may subject him/her to legal action.
- I. The student or parent of a student who has been suspended from receiving transportation entitlements may appeal the principal's decision by submitting a written statement to the superintendent. The superintendent will render a decision after evaluating the issues and facts involved. If the decision is based on issues unrelated to those described in the district's rules of conduct for students riding buses, the decision will require board concurrence before implementation.

#### **IV. Emergencies**

- A. The transportation supervisor will review the contents of the School Bus Driver's Handbook with each driver prior to the beginning of each school year. Each driver, in turn, is expected to follow the procedure as outlined in the handbook. At the start of each field trip or extracurricular trip, the school bus driver will review with all passengers the location and use of the emergency exits, emergency equipment and any district emergency procedures.
- B. In the event of a collision, the driver will make contact with the transportation supervisor who will:
  - 1. Determine the nature of the collision;
  - 2. Contact emergency services if there is reason to believe that there are injuries which require immediate attention;
  - 3. Contact the state patrol regarding the accident;
  - 4. Advise the superintendent of schools;
  - 5. Investigate the collision and gather the names of all students and witnesses;

6. Dispatch another bus to transport the student to their destination; and
  7. Contact the parent(s) or guardian(s) of any students who are injured.
- C. To facilitate the responsibilities assigned to the transportation department, the supervisor, in cooperation with the building principals, will compile a list of students, including addresses and phone numbers that are authorized to ride each bus route.

## **USE OF TOBACCO, NICOTINE PRODUCTS AND DELIVERY DEVICES**

(Policy 4215)

The board of directors recognizes that to protect students from exposure to the addictive substance of nicotine, employees and officers of the school district, and all members of the community, have an obligation as role models to refrain from use of tobacco products and delivery devices on school property at all times. Tobacco products and delivery devices include, but are not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, and vapor products, non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances, and any other smoking equipment, device, material or innovation.

Any use of such products and delivery devices by employees, students, volunteers, outside contractors, visitors, and community members will be prohibited on all school district property, including all district buildings, grounds, and district-owned vehicles, and within five hundred feet of schools. Possession by or distribution of tobacco products to minors is prohibited.

The use of Federal Drug Administration (FDA) approved nicotine replacement therapy in the form of a nicotine patch, gum or lozenge is permitted. However, students and employees must follow applicable policies regarding use of medication at school.

## **REGULATION OF DANGEROUS WEAPONS ON SCHOOL PREMISES**

(Policy 4210)

Vancouver Public Schools is committed to providing a safe, secure environment throughout the schools, other district facilities and grounds, and at school sponsored activities or events.

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

### **I. Dangerous Weapons**

A. The term "dangerous weapons" under state law includes:

1. Any firearm as defined in RCW 9.41;
2. 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;
3. Any device, commonly known as "throwing stars," which are multi-pointed, metal objects designed to embed upon impact from any aspect;
4. 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;
5. 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;
6. 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;
7. The following instruments:
  - a) Any knife, dirk or dagger;
  - b) Any knife with a blade which is automatically released by a spring mechanism or other mechanical device;
  - c) Any knife having a blade which opens, or falls or is ejected into position by the force of gravity, or by outward, downward, or centrifugal thrust or movement;
  - d) Any razor with an unguarded blade;
8. Any sling shot, sandbag, or sand club;
9. Metal knuckles;
10. A sling shot;
11. Any metal pipe or bar used or intended to be used as a club;
12. Any explosive;
13. Any weapon containing poisonous or injurious gas; and
14. Any implement or instrument which has the capacity to inflict death or serious injury and from the manner in which it is used, is likely to produce or may easily and readily produce death.

B. In addition, the district considers the following weapons in violation of this policy:

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



3. Any laser or laser system classified as level II, III, or IV in accordance with the Federal Laser Product Performance Standards (21 CFR 1040.10), except when such a device is essential for instruction and is used under direct supervision of a teacher.

## **II. Reporting Dangerous Weapons and Discipline**

- A. A school administrator will promptly notify the student's parents or guardians and the appropriate law enforcement agency of known or suspected violations of this policy. Students who violate this policy will be subject to discipline. Students who have possessed a firearm on any school premises, school-provided transportation, or school-sponsored activities at any facility shall be expelled for not less than one year pursuant to RCW 28A.600.420. The superintendent may modify the one-year expulsion for a firearm on a case-by-case basis.
- B. The district also may suspend or expel a student for up to one year if the student acts with malice (as defined under RCW 9A.04.110) and displays a device that appears to be a firearm.
- C. No expulsion under RCW 28A.600.420 prevents the district from continuing to provide educational services in an alternative educational setting in compliance with RCW 28A.600.015. Any alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Examples of alternative settings include one-on-one tutoring and online learning.

## **III. Exceptions to State Law and this Policy**

- A. The following persons may carry firearms into school buildings, as necessary, although students engaged in these activities are restricted to the possession of rifles on school premises:
  1. Persons engaged in military, law enforcement, or school district security activities;
  2. Persons involved in a school authorized convention, showing, demonstration, lecture, or firearm safety course;
  3. Persons competing in school authorized firearm or air gun competitions; and
  4. Any federal, state or local law enforcement officer.
- B. The following persons over eighteen (18) years of age and not enrolled as students may have firearms in their possession on school property outside of school buildings:
  1. Persons with concealed weapons permits issued pursuant to RCW 9.41.070 who are picking up or dropping off students; and
  2. Any non-student, at least eighteen years old, conducting legitimate business at the school and in lawful possession of a firearm or dangerous weapon if the weapon is secured within an attended vehicle, is unloaded and secured in a vehicle, or is concealed from view in a locked, unattended vehicle.
- C. Persons may bring dangerous weapons, other than firearms, onto school premises if the weapons are lawfully within the person's possession and are to be used in a school-authorized martial arts class.