

Procedure - Student Conduct Expectations and Reasonable Sanctions

Student Conduct Expectations

As authorized by chapter 28A.600 RCW, the following procedure sets forth rights and conduct expectations for students, along with the sanctions that may be imposed for violations of such expectations. At all times, this procedure will be read consistent with federal statutes and regulations, state statutes, common law, and rules promulgated by the Washington Office of the Superintendent of Public Instruction. For procedures and legal requirements related to imposition of suspension and expulsion, see Policy and Procedure 3241, Classroom Management, Discipline and Corrective Action.

Respect for the Law and the Rights of Others

The student is responsible as a citizen to observe the laws of the United States, the state of Washington, and local ordinances and laws. The student will respect the rights of others while in a program, on ESD 112 property, at all ESD 112 activities, on ESD 112 provided transportation or otherwise under ESD 112 authority.

Compliance with Rules

All Students will obey the written rules and regulations established for the orderly operations of ESD 112 and the reasonable requests, instructions, and directives of ESD 112 personnel. For purposes of Policy 3240 and this procedure, the term "ESD 112 personnel" includes all adults, including contractors and volunteers, authorized to supervise student activities. Failure to do so will be cause for disciplinary action. All students will submit to reasonable discipline by ESD 112 and its representatives for violations of policies, regulations and rules.

Student Rights

In addition to individual rights established by law and ESD 112 policies, students served by or on behalf of ESD 112 will have the right to:

- High educational standards in a safe and sanitary building;
- Education consistent with stated ESD 112 goals;
- Equal educational opportunity and in all aspects of the educational process freedom from discrimination based on economic status, pregnancy, marital status, sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of trained dog guide or service animal by a person with a disability;
- Access to their own education records at reasonable ESD 112 times upon request;
- Fair and just treatment from ESD 112 authorities and freedom from mistreatment and physical abuse;

- Freedom from unlawful interference in their pursuit of an education while in the custody of ESD 112;
- Security against unreasonable searches and seizures;
- The substantive constitutional rights listed in WAC 392-400-215, subject to reasonable limitations upon the time, place, and manner of exercising such rights consistent with the maintenance of an orderly and efficient educational process within limitations set by law, including the right to:
 - Freedom of speech and press,
 - Peaceably assemble
 - Petition the government and its representatives for a redress of grievances,
 - The free exercise of religion and to have their program free from sectarian control or influence, and
 - Participate in the development of rules and regulations to which they are subject and to be instructed on rules and regulations that affect them, including the periodic review and update of discipline rules, policies, and procedures;
- Establish appropriate channels to voice their opinions in the development of curriculum;
- Present petitions, complaints, or grievances to school authorities and the right to prompt replies;
- Consult with teachers, counselors, administrators and other ESD 112 personnel at reasonable times;
- Know the requirements of the course of study, be informed about and know upon what basis grades will be determined;
- Citizenship privileges as determined by the United States and Washington State Constitution and its amendments; and
- Annual information pertaining to the ESD 112's rules and regulations regarding students, discipline and rights.

Scope of ESD 112 Authority

Students who involve themselves in acts that have a detrimental effect on the maintenance and operation of the program or the ESD 112; criminal acts; and/or violations of ESD 112 rules and regulations, may be subject to disciplinary action by ESD 112I and prosecution under the law. The rules will be enforced by ESD 112 officials:

- On ESD 112 grounds during and immediately before or immediately after program hours;
- On ESD 112 grounds at any other time when ESD 112 is being used by a group(s) or for an ESD 112 activity;
- Off school grounds at a school activity, function, or event;
- In ESD 112-provided transportation, or any other place while under the authority of school personnel.

Disruptive Conduct

A student will not intentionally cause substantial and/or material disruption of any ESD 112 operations. The following illustrate the kinds of offenses that are prohibited:

- Intentionally obstructing normal pedestrian or vehicular traffic on a ESD 112 campus;
- Intentionally obstructing the entrance or exit of any ESD 112 building or room in order to deprive others of passing through;
- Causing a disturbance or disruption on ESD 112 grounds, at ESD 112 activities, or on ESD 112-provided transportation, including substantially interfering with any class or activity;
- Cheating or disclosure of exams;
- Defiance of ESD 112 personnel by;
- Disobedience of reasonable requests, instruction, and directives of ESD 112 personnel;
- Refusal to leave an area when instructed to do so by ESD 112 personnel;
- Refusing a reasonable request to identify oneself to ESD 112 personnel (including law enforcement officers) while under the supervision of ESD 112; and
- Refusal to cease prohibited behavior;
- Disruptive and/or dangerous use of motor vehicles or conduct on a ESD 112 bus that endangers students;
- Extortion, theft, forgery;
- Fighting: Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where blows are exchanged is prohibited, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;
- Gambling or encouraging other students to gamble;
- Gang-related behavior, association, and/or affiliation
- Harassment of others;
- Inappropriate dress or appearance
- Trespassing on ESD 112 property or ESD 112 transportation at a time or place the student's presence is not permitted;
- Occupying a ESD 112 building or ESD 112 grounds in order to deprive others of its use;
- Preventing students from attending class or ESD 112 activities;
- Use or possession of tobacco;
- Using any object in a dangerous manner;
- Intentionally defacing or destroying the property of another.

Exceptional Misconduct

Exceptional misconduct is a violation of rules so serious in nature and/or so disruptive as to warrant an immediate short-term or long-term suspension.

- Arson;
- Assault, if the assault involves
- Injury to another;

- Bodily fluids; or
- A weapon;
- Commission of any crime on ESD 112 grounds, or the commission of a crime or other dangerous conduct anywhere that indicates the student's presence on ESD 112 grounds poses a danger to other students or staff;
- Cumulative violations;
- Causing intentional, substantial damage or destruction to ESD 112 property or the property of another on ESD 112 grounds or at ESD 112 activities;
- Dangerous use of motor vehicles on ESD 112 grounds or at ESD 112 activities, or endangering students on a ESD 112 bus;
- Disruption of the ESD 112 program by bomb scares, false fire alarms, firecrackers, etc.;
- Extortion;
- Fighting: 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 is prohibited, 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
- Harassment/intimidation/bullying of others
- Knowingly possessing stolen property
- Possession, use, sale, or delivery of illegal or controlled chemical substances, including marijuana or substances containing marijuana and alcoholic beverages, as well as possession of items reasonably determined to be drug paraphernalia as used or possessed;
- Presence on ESD 112 property or at a ESD 112 activity following the consumption or use elsewhere of an alcoholic beverage or a controlled substance, including marijuana;
- Sexual misconduct on ESD 112 grounds, at ESD 112 activities, or on ESD 112 provided transportation
- Theft on ESD 112 grounds, at ESD 112 activities, on ESD 112 provided transportation, or of ESD 112 property at any time
- Threats of violence to other students or staff;
- Use or possession of dangerous weapons, including firearms, airguns, knives, nun-chu-ka sticks, throwing stars, stun guns, explosives and other weapons prohibited by state law.

Guidelines for Sanctions

Chapter 392-400 WAC contains the following restrictions for suspensions:

In all cases where sanctions are imposed, a reasonable effort to contact parents or guardians will occur prior to, or contemporaneous with, the imposition of the sanction, in addition to any written notice required by law. When an ESD 112 administrator has good and sufficient reason to believe that a student's presence poses an immediate and continuing danger to the student, other students or ESD 112 staff, or an immediate and continuing threat of substantial disruption of the

educational process, immediate emergency removal or emergency expulsion may be appropriate.

In conjunction with the following sanction guidelines, administrators may also consider any alternative form of corrective action—including programs intended to lessen the time of exclusion from program attendance—which has been approved by the Board of Directors and/or Superintendent. ESD 112 encourages the use of alternative forms of correction action when possible and practicable in light of the duty to maintain safe and orderly environments conducive to student learning.

In addition to ESD 112 sanctions, administrators should determine whether restitution for damage or injury should be considered.

Implementing the Guidelines for Sanctions

It is presumed that ESD 112 administrators will sanction a student for the following offenses within each listed standard range, beginning at the presumptive sanction and determining whether mitigating or aggravating factors warrant a sanction higher or lower within the standard range. ESD 112 administrators are expected to use their professional judgment and experience when assigning students sanctions and will, to the best of their abilities, attempt to apply these sanctions to all similarly-situated students in a fair and equitable manner. The administrator's judgment and discretion will carefully balance the duty to maintain order and discipline in a safe environment, the appropriate corrective action needed to address the student's misconduct, and the student's long-term educational success.

REASONABLE SELF-DEFENSE:

It is expected that a student must always first retreat from any threat of harm and/or contact an adult staff member for assistance before engaging in any type of physical response to an assault. However, an administrator may decide not to subject a student to discipline if, following a reasonable investigation, the administrator determines that all of the following are true:

- A student who is being assaulted or witnesses another student being assaulted acts only in a manner that is defensive and protective of himself/herself or others;
- The student is acting in a manner that an administrator determines is reasonable and necessary in light of the circumstances; and
- The student did not instigate, provoke, or promote the violence by his or her words or conduct immediately prior to the assault.

A reasonable physical response to an assault may include holding the assailant's hands or arms to prevent the assault, or pulling two fighting students apart and holding them until adult staff can arrive and intervene.

DEFIANCE OF SCHOOL AUTHORITY:

Refusal to obey reasonable requests, instructions, and directives of any ESD 112 personnel, including volunteers or contractors working for ESD 112. Defiance includes dress or appearance that the student either refuses to correct at the directive of a ESD 112 administrator. Defiance of ESD 112 authority can also include intentional disruptive behavior.

DRUGS/ALCOHOL AND OTHER PROHIBITED CHEMICAL SUBSTANCES:

The possession, consumption, use, storage, or distribution of drugs (including marijuana/cannabis), alcohol, and other similar chemical substances on school grounds, at school activities, or on district-provided transportation is prohibited. For purposes of student conduct expectations:

- This section applies to any controlled substance, medication, stimulant, depressant, or mood altering compound, including simulated compounds intended to produce intoxication or euphoria, whether or not such compounds have been designated a controlled substance by state or federal law;
- This section applies to marijuana or substances containing marijuana;
- This section applies to legally-prescribed drugs which a student is nevertheless not lawfully authorized to possess on ESD 112 grounds, at ESD 112 activities, or on ESD 112 provided transportation;
- This section applies to students who enter ESD 112 grounds, ESD 112 activities, or ESD 112 provided transportation following the unlawful use or consumption of drugs, alcohol, and other similar chemical substances, including students who appear to be under the influence of such substances; and
- This section applies equally to the possession or use of paraphernalia or other items used to possess, consume, store, or distribute drugs, alcohol, and/or other illegal chemical substances, including marijuana or substances containing marijuana.

Generally, a suspension for possession, use, or consumption should not exceed ten (10) days, and a suspension for distribution should not exceed twenty (20) days. A suspension for secondary students in either case should not fall below three (3) days.

An expulsion may be imposed for such conduct when sufficient aggravating circumstances are present and in consultation with the superintendent or the superintendent's designee. Emergency expulsion may be imposed when the student's conduct meets the requirements of WAC 392-400-295.

In all cases in which a student possesses or is distributing on ESD 112 grounds, at ESD 112 activities, or on ESD 112-provided transportation a substance prohibited under this section that is also a violation of the law, a report will be made by ESD 112 officials to law enforcement.

FIGHTING OR FIGHTING INVOLVEMENT:

Includes instigating, promoting (including promotion by presence as a spectator), and escalating a fight, as well as the failure to disperse at the scene of a fight.

GANG CONDUCT:

For ESD 112 discipline purposes includes:

- The creation, display, or communication of gestures, language, imagery, or symbols as defined below commonly associated with gang culture
- The promotion of gang culture and/or gang violence, and/or
- The solicitation or recruitment of gang members.

Gang imagery and symbols include, but are not limited to:

- Apparel (including shoelaces, bandanas, belts, or hats) which by virtue of color, arrangement, trademark, symbol, or any other attributes indicate or imply gang membership or affiliation
- Displays of gang affiliation on personal belongings including clothing, assignments, notebooks, body, etc.

Expulsion or Long-term suspension for gang conduct alone, absent any other misconduct, may only occur under extraordinary circumstances following consultation with the Superintendent or Superintendent's designee.

HARASSMENT, INTIMIDATION OR BULLYING:

For school discipline purposes, "harassment, intimidation and bullying" includes:

- Intentional hurtful, threatening, or intimidating verbal and/or physical conduct
- Unsolicited or unwelcome verbal or physical conduct that is harassing or intimidating that can be of a sexual, religious, racial or ethnic nature, or based on disability;
- A threat to cause bodily injury, property damage, or to cause the physical confinement or restraint of the person threatened, or any other act causing substantial harm to the physical or mental health of the person threatened.

LEWD, OBSCENE, OR PROFANE LANGUAGE, GESTURES OR MATERIALS:

For purposes of ESD 112, this includes, but is not limited to, lewd, obscene or profane language, gestures or materials that are unrelated to authorized school curriculum. Prohibited "materials" includes digital or electronic text, images, or sounds that are possessed, displayed, or transmitted while under the supervision of ESD112 authorities.

Any conduct under this section that could constitute a criminal act will be reported to law enforcement. Any conduct under this section that involves the use of ESD 112 resources or equipment may result in the loss or restriction of a student's use of ESD 112 systems, resources, or equipment.

THEFT/STEALING:

Possession of another person's or ESD 112 property, regardless of value, without the person's permission with the intent to deprive the owner of such property. As part of the sanction, restitution will usually be required.

When the pupil and parent or guardian are unable to pay for the damages, the ESD 112 may provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of the pupil is liable for damages as otherwise provided by Washington state law.

TOBACCO/NICOTINE PRODUCTS - USE OR POSSESSION:

Students may not participate in smoking, use of tobacco products or products containing nicotine, or possess tobacco products on ESD 112 premises or at ESD 112-sponsored functions.

WEAPONS:

This section addresses the possession or use of actual weapons including firearms and dangerous weapons. This includes when a student acts with malice as defined under RCW 9A.04.110 and displays a device that appears to be a firearm.

Any student who is determined to have carried a firearm or to have possessed a firearm on ESD 112 premises, ESD 112-provided transportation, or ESD 112 sponsored activities at any facility shall be expelled from program for not less than one year (12 months) under RCW 28A.600.420, with notification to parents and law enforcement. The superintendent or the superintendent's designee is authorized to modify the expulsion of a student on a case-by-case basis.

ESD 112 may also 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.

Expulsion may result based upon the administrator's judgment of the seriousness of the act or circumstances surrounding the act, and/or the previous record of the student.

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