

Student Rights &
Responsibilities
Handbook
2008 Revision



Eugene School District 4J
Investing in Students
Creating the Future

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To all students and their parents or guardians

This handbook sets forth the rights and responsibilities of students and the standards for student conduct as adopted by the Board of Directors of School District 4J, Eugene, Oregon. The widest possible distribution of this handbook to students and parents is required by Oregon State Law (ORS 339.240).

Students and parents are encouraged to read this handbook carefully and retain it for future reference. The italicized paragraphs that introduce each section describe existing conditions or laws. The paragraphs that follow outline the rights and responsibilities of all students who attend school in Eugene School District 4J.

The board of directors has delegated authority for the administration, application, and interpretation of these rules to the superintendent. Individual schools in the district have the authority to adopt and implement school rules to assist them in implementing the policies established in this handbook. No school, however, has the authority to modify these rules. Schools are responsible for distributing their rules, and students and parents are encouraged to become familiar with them.

Adopted by the Board of Directors June 18, 2008
Issued by Lane County School District No. 4J, Eugene, Oregon

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School Board Statement of Philosophy Student Rights and Responsibilities

Schools have been established and are maintained for the education of children and youth and for the improvement of society. All persons should be accepted into the educational program as they are. They should be provided with a stimulating environment and given the opportunity to be taught and to learn so that they can maximize their mental, physical, emotional, and social development.

The primary obligation for developing self-discipline, responsibility, and respect for other people rests with the home and the family. Children who have developed these qualities usually progress well in school. Because the school is concerned with the development of attitudes, habits, and behavior and in order to provide a proper climate for learning, district staff tries to work cooperatively with parents. Teachers, administrators, and other staff want all students to learn, but their efforts can be thwarted by a disruptive student. When a student does not follow the rules of proper conduct, the school has a responsibility to take action in the interest of that student and all other students in the school.

To assure an atmosphere that is conducive to learning and to the safety and welfare of students and school personnel, it is necessary to balance an individual student's rights with his or her responsibility to maintain good citizenship. It is in an effort to preserve this proper balance that the school board has adopted this statement of student rights and responsibilities and the standards of conduct that are outlined in this booklet. They apply to all students who attend 4J schools.

Freedom of Expression

Citizens of our country are permitted free expression under the first and fourteenth amendments of the United States Constitution and under Article I, Section 8, of the Oregon Constitution. Students, as citizens, have the right of free expression and must also bear the responsibility for the abuse of this right. Students are entitled to express their personal opinions under all reasonable circumstances, but the use of vulgar and plainly offensive, obscene, or sexually explicit language undermines one of the school district's basic missions. Symbolic or actual expression shall not interfere with the freedom of others to express themselves nor shall it substantially disrupt the orderly conduct of the school.

1. School Publications

Students are encouraged to participate in the production of school publications. Any publication, which is in any way sponsored or funded by the school, is a school publication. Students may express personal opinions in these publications but shall adhere to the written editorial policies of the school. A school newspaper should reflect the life of the school community. Those students responsible for the publication of a school newspaper must be mindful of this responsibility to the school community. Vulgar and plainly offensive, obscene, or sexually explicit material; knowing or reckless false or libelous statements; and any material that would substantially disrupt classes or other school activities, or is inconsistent with the school's basic educational mission are prohibited from all school publications.

2. Distribution of Materials

a. Rights and Responsibilities: Students have the right to distribute and receive written material from each other. This right, however, also carries responsibilities. Students shall not distribute or display materials that are knowingly or recklessly false or defamatory, vulgar and plainly offensive, obscene, or sexually explicit, or that tend to create an immediate danger or disruption to the orderly operation of school, or urge the violation of the law, or existing attendance regulations, or the provisions of this handbook. Materials to be distributed or posted within the school must identify the source of the printed material. Materials that students choose to distribute shall not carry the endorsement or sponsorship of the school.

b. Commercial and Fund-Raising Activities: Students shall not distribute or display announcements or advertisements of a commercial nature, or sell materials, or engage in activities to solicit financial contributions without the prior authorization of school officials.

c. Time and Place of Distribution: School officials may designate the time and place for distribution of written information and related materials so that the activity does not materially interfere with the school program. This policy shall be applied in a manner that encourages respect for individuals without regard to disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristics, or linguistic characteristics of a national origin group. Local school rules may limit the time of distribution of material, including the circulation of petitions, to periods before school begins, after dismissal, and during lunch time when such limitation is necessary to prevent interference with the school program. The local school rules may define where distribution of material and circulation of petitions may take place so as to permit the normal flow of traffic within the school.

d. Student Display Areas: Each secondary school will provide at least one student display area of reasonable size and prescribe methods to inform students of the board policy and school guidelines for the distribution of literature and the display of material.

3. Participation in Patriotic Exercises

Students may refuse to participate in patriotic exercises so long as the manner of such non-participation does not deny other students their rights to participate or does not disrupt the educational process.

4. Objections to Instructional Materials

If a student objects on religious or ethical grounds to reading, studying, or discussing any instructional material, the teacher will supply alternative materials without prejudice to the student.

5. Prohibited Speech

The use or display of vulgar and plainly offensive, obscene, or sexually explicit language, threats of harm to persons or property, or language that creates or threatens to create an immediate danger of disruption to the orderly operation of the school, violation of the law, attendance regulations, or the provisions of this handbook is prohibited.

6. E-Mail and the Internet (4JNET)

4JNet is a voice and data network that provides students with access to a wide range of information from throughout the world and allows them to communicate with people worldwide. It is an important source of information that students need to understand and learn to use. 4JNet allows students access to e-mail and to the World Wide Web. Teachers are expected to provide guidance and supervision of students who use 4JNet. Complete guidelines for the use of 4JNet are available at schools and on the district's Web page (http://www.4j.lane.edu/cis/appropriate_use). District guidelines are summarized below:

a. E-mail Accounts: Secondary students may be provided with individual 4JNet e-mail accounts unless a parent or guardian has returned a form denying it. Generally, elementary students may be granted e-mail access through a classroom account requested by a teacher. In certain circumstances, an elementary student may be granted an individual e-mail account at the request of the teacher and the approval of the parent. If the student has been granted a 4JNet e-mail account, the student, who is responsible at all times for its proper use, should never share his or her password with other persons. No student shall be required to subscribe to a commercial e-mail service without the consent of the parent, unless approved by the superintendent.

b. Unacceptable Uses of 4JNet: The following uses of 4JNet and the Internet are unacceptable and may result in disciplinary action, including suspension or revocation of network privileges, and suspension or expulsion from school.

- Violation of School Board Policy, District Administrative Rules, or any provision in this handbook;
- The use of, or inviting the receipt of vulgar and plainly offensive, obscene, or sexually explicit language or material in any form;
- Copying commercial software or other material in violation of federal copyright laws;
- Use of the network for financial gain, commercial activity, or illegal activity;
- Accessing another person's individual account without prior consent, or accessing a restricted account without the prior consent of the responsible administrator or teacher; or
- Sharing of inappropriate materials or their sources with other students or knowingly accessing inappropriate materials. Students should report any inappropriate material they access to a teacher, other staff person, or their parents.

Dress and Grooming

The responsibility for dress and grooming of a student rests primarily with the student and his/her parents or guardians. A student's dress or grooming should not affect participation in school classes, programs, or other school-related activities, except as provided below.

1. Student Dress and Grooming

Student dress and grooming shall be clean and in keeping with health, sanitary, and safety practices. Because of health and safety considerations, students are required to wear shoes while on school property or while participating in school-sponsored activities that may occur off school property.

When a student is participating in the educational program or a school-sponsored activity, dress and grooming will not substantially disrupt the activity or constitute a threat to the health and safety of the student or others. Provisions for dress and grooming for special activities should arise directly out of the needs of the activity.

2. Clothing with Vulgar and Plainly Offensive, Obscene, or Sexually Explicit References, or Illicit Drug References

Clothing with illicit drug or alcohol messages encourage the use of illicit drugs and alcohol and is prohibited. Clothing with vulgar and plainly offensive, obscene, or sexually explicit references, graphics or comments is also prohibited.

Gang Activity

The presence of members of gangs and gang activities on campus or at off-campus, school-sponsored activities is likely to cause a substantial disruption or material interference with school and school activities. A "gang" is defined as a group that identifies itself through the use of a name, unique appearance, or language, including hand signs, the claiming of geographical territory, or the espousing of a distinctive belief system that frequently results in criminal activity. (ORS 336.109 (2))

The following activities are prohibited at school or at school-related activities:

1. **No student shall wear or display** clothing or other objects that are commonly considered evidence of membership or affiliation with any gang if it disrupts or is likely to cause a substantial disruption or material interference with school and school activities.
2. **No student shall commit** any act, or use any speech, verbal or nonverbal, showing membership in, or affiliation with, a gang if it disrupts or is likely to cause a substantial disruption or material interference with school and school activities.
3. **No student shall commit** any act that furthers gangs or gang activity including, but not limited to, wearing garb or displaying symbols directly associated with affiliation of a known local gang, soliciting others for membership in any gangs or inciting other students to act with physical violence upon any other person. Such acts are presumed to undermine the school's basic mission, and will create an immediate danger to the orderly operation of the school.

Assembly of Students

Citizens of our country are guaranteed the right of peaceful assembly under the first and fourteenth amendments of the United States Constitution and under Article I, Section 26, of the Oregon Constitution. Students, as citizens, have the right of assembly and must also bear the responsibility for the consequences of such assembly. Students and staff all share responsibility for the activities that take place in school. School personnel are held accountable to the general public, and in cooperation with students, are accountable for the image of the institution. Therefore, the orderly use of school facilities is required.

1. Informal Gatherings

Students have the right to gather informally, but such gatherings shall not substantially disrupt the orderly operation of the school or infringe upon the rights of others.

2. Student Meetings

Students are permitted to hold meetings at school under the following conditions:

- a. **Meetings must be scheduled in advance** and be sponsored by school officials or an official school club or organization.
- b. **If a large crowd is anticipated**, a crowd control plan must be filed with the school official in advance of the meeting.
- c. **Meetings must not be disruptive** to class or school activities and shall not be of such a nature that could likely result in damage to any person or property.

3. Speakers

Invitations to speakers will be approved by the principal or a designated school official in advance of the meeting. Attempts will be made to present a balance of viewpoints to students. However, no speaker will be allowed to make a speech that advocates breaking the law or otherwise violates the district's policies or the provisions of this handbook.

4. Student Walkouts

Student organized "skip days" or other unauthorized group absences of students are not acceptable. Permission for absences for this type of activity will not be granted.

Freedom of Religion

The Constitutions of the United States and the State of Oregon require the public schools to take a neutral position concerning religion. Public schools cannot aid one religion or all religions or prefer believers to nonbelievers. However, schools may provide instructional activities relating to historical and cultural aspects of religion under the following circumstances: (1) The activity must reflect a clearly secular (nonreligious) purpose. (2) The activity must have a primary effect that neither advances nor inhibits religion, which includes creating an excessive entanglement with religion.

1. Student Religious Meetings and Discussions

If secondary principals permit other noncurriculum student meetings or discussions on the school premises during noninstructional time, religious meetings of students that are voluntary and student initiated will also be permitted. Nonschool persons are prohibited from directing, conducting, controlling, or regularly attending the activities of such student groups. Except as provided in school board policy for the leasing of school facilities by religious groups, nonstudents are prohibited from meeting on school premises for any type of religious activity.

2. Release Time for Religious Instruction

Elementary students may be excused from school for up to two hours in any week and secondary students may be excused from school for up to five hours in any week to attend weekday schools giving religious instruction. A written request must be signed by the parent or guardian before the student is released.

Religious teachers or organizations are not permitted to promote student participation by directly contacting students on school grounds or by asking students who participate in their programs to recruit students who remain at school. All promotional activities will be conducted away from school.

Nondiscrimination and Harassment

School board policy prohibits discrimination, harassment, intimidation, hazing, bullying or retaliation, as defined by School Board Policy, against students on or immediately adjacent to school grounds, at any school-sponsored activity, including athletic activities, on school-provided transportation, or at any official school bus stop. Students may face disciplinary consequences for any off-campus behavior that would disrupt the educational process or the operation of the school or district. The district expects that staff, including student teacher, and practicum students, volunteers, and students will provide equal treatment and access to educational programs, services, and aid to students without regard to their disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristic, or linguistic characteristics of a national origin group.

1. Definitions

- a. **“Discrimination”** means any act that has the purpose or effect of unreasonably differentiating in treatment, based on disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristics, or linguistic characteristics of a national origin group.
- b. **“Harassment”** means unwanted behavior of a nonverbal, verbal, written, graphic, sexual, or physical nature that is directed at an individual or group of students on the basis of disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristic, or linguistic characteristics of a national origin group.

Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may include such actions as sex-oriented verbal kidding, teasing, or jokes, subtle pressure for sexual activity, physical contact such as patting, pinching, or brushing against another’s body, or demands for sexual favors.

- c. **“Intimidation or Bullying”** means any act that substantially interferes with a student’s educational benefits, opportunities or performance, and that have the effect of:
 - i. Physically harming a student or endangering a student’s property;
 - ii. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
 - iii. Creating a hostile educational environment.

- d. **“Hazing”** means intentionally taking action or creating a situation that inflicts physical harm, psychological harm, or distress on a student regardless of the consent or location of the participants.
 - i. Hazing occurs when the action or situation has the purpose or effect of demeaning or humiliating a student or group of students.
 - ii. Hazing is typically but not exclusively committed as a form of initiation, discipline, or rite of passage for a particular club, team or activity and almost always includes new members showing subservience to existing members.
 - iii. In considering a hazing case, it is not a defense that the student subjected to hazing consented to or acquiesced in the hazing activity
- e. **“Retaliation”** is defined as harassment, intimidation or bullying toward a person in response to previously reported harassment, intimidation or bullying. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

2. District Staff and Volunteer Responsibility

Staff and volunteers will follow school board policy to prevent and respond to incidents of discrimination, harassment, intimidation, hazing, bullying or retaliation. They will provide direct and indirect supervision of students, provide reasonable access to all district programs, classes, services, and aid, avoid the use of terms that are derogatory, and use tests and instructional material that do not unfairly discriminate between students.

3. Student Responsibility

Students are expected to follow the standards for student behavior that are outlined in school policy and this handbook, which include the requirement that they refrain from discrimination, harassment, intimidation, hazing, bullying or retaliation.

Students are expected to hold their peers and other students to the standards established by policy and this handbook, and are encouraged to bring violations to the attention of a teacher, counselor, administrator, or other staff member. Students who violate these rules are liable for discipline, suspension, or expulsion in accord with the rules established in this handbook.

4. Reports and Complaint Process

Students who believe they are victims of harassment or discrimination are urged to report the incident to a teacher, counselor, or administrator or by using the report and complaint process (detailed below). Copies of the district process for dealing with discrimination, harassment, intimidation, hazing, bullying or retaliation are available from school offices or from the Superintendent’s Office at the 4J Education Center, 200 North Monroe Street, Eugene, OR 97402 (687-3321) or on-line at www.4j.lane.edu

Process for students and parents:

- a. If you observe or have experienced an incident of discrimination, harassment, intimidation, hazing, bullying or retaliation, you should contact the school principal or other staff member to report it. Say you would like to report an incident of discrimination, harassment, intimidation, hazing, bullying or retaliation.

If you believe the principal is involved in discrimination, harassment, intimidation, hazing, bullying or retaliation, you don't have to report the incident to him or her. You may instead contact the district Superintendent's office at 687-3321.

- b. Tell the principal or person assigned by the principal or superintendent what happened and answer any questions they have.
- c. Work with the principal or person assigned by the principal or superintendent to resolve the issue. This could include talking with a teacher and discussing what may happen with the involved people. The goal of resolving the issue is to 1) protect and comfort the person who feels they've been a target of discrimination, harassment, intimidation, hazing, bullying or retaliation, 2) assign a consequence if necessary and 3) teach the parties skills that help make school safe and welcoming.
- d. If you feel like you can't resolve the issue working with the school principal and/or school staff, you may file a COMPLAINT. There is a single complaint form for use by anyone. It is available from school offices and from the 4J Superintendent's office, 200 North Monroe Street (687-3321). The form allows you to describe what happened and the proposed or desired remedy. Fill out the form completely and return it to the 4J Superintendent's office.
- e. The Superintendent's office will direct the complaint to an appropriate district administrator. The Superintendent's office will send you a written acknowledgement, postmarked within 10 (ten) working days of receiving the complaint. The acknowledgement will tell the date the Superintendent received the complaint, and will tell you who has been assigned to handle the complaint.
- f. As an alternative to a formal investigation, the district administrator may offer voluntary mediation as a way of resolving the complaint. If the parties choose voluntary mediation, the timelines provided in this process may be suspended during the course of mediation. Mediation shall take place within a time frame agreed to by the parties. Upon agreement by both parties, mediated resolutions will be put in writing and will be binding upon the parties involved.
- g. If mediation or another alternative resolution isn't practical, the district administrator will initiate a formal investigation of the complaint. The investigation will include interviews of the complainant and the individual(s) alleged to have acted improperly. The district administrator's office will ensure that parents are informed if their student is involved in the complaint.

The district administrator may designate an individual to investigate the complaint, determine the facts, and recommend possible ways of resolving the complaint. In that case, the district administrator will review the findings and recommendations of the investigator. A written decision will be sent to the complainant, postmarked within 20 (twenty) working days of the date the Superintendent's office received the complaint.

- h. A parent, student, or community member who is not satisfied with how the complaint was resolved by the district administrator may appeal to the Superintendent. The complainant may file an appeal with the Superintendent within 10 (ten) working days after receiving a decision from the district administrator.

The Superintendent or designee will determine whether or not to

hear the complaint within 10 (ten) working days of receiving the appeal. The Superintendent's decision will be based on the written appeal and the record of the investigation.

The written appeal to the Superintendent shall include the following:

- i. A detailed description of the grounds for the appeal, including the reasons for not accepting the response given by the district administrator.
 - ii. The name of the complainant's representative, if any, such as an attorney or advocate.
 - iii. The date the formal complaint was filed.
 - iv. Copies of other supporting documentation NOT included in the original complaint.
- i. If the Superintendent determines that a hearing is warranted, the Superintendent may appoint a district-level administrator to hear the appeal or refer the matter to an outside hearing officer. If the Superintendent determines that a hearing is not warranted, the Superintendent will notify the complainant and inform him or her of the right to file a complaint directly with the state or federal government.
 - j. If the Superintendent appoints a hearing officer, the Superintendent shall forward the appeal and all relevant materials to the hearing officer within 10 (ten) working days of receiving the appeal. The hearing officer will schedule a hearing within 20 (twenty) working days of receiving the appeal. The appeal hearing will be closed to the public. The confidentiality of students, student records, employees, and employee records, will be maintained to the extent allowed by federal and state law. The decision of the hearing officer will be in writing and be made part of the record. His or her decision shall be supported by findings of fact and conclusions, and will be binding on all parties. The hearing officer may affirm, modify, or reverse the decision made by the district administrator, including providing a different remedy for the complainant, and/or directing corrective actions to prevent future recurrence of any discrimination or harassment.

5. No Reprisal or Retaliation

No reprisal or adverse action shall occur to any person as a consequence of the initiation of a discrimination or harassment complaint unless it is knowingly false.

6. Students with Disabilities

Both state and federal law (Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act) require schools to provide an appropriate education for students who have disabilities. The district and its teaching staff will make reasonable accommodations and modifications for any student who has a disability. Some students with disabilities may require reasonable accommodations or modifications in order to participate fully in the regular educational program while others may require a special education placement. Students with disabilities, or their parents, may contact their classroom teacher, a counselor, or the school principal if they believe accommodations or modifications need to be made or if they would like to be referred to receive special education services.

Cyberbullying

"Cyberbullying" is the use of any electronic communication device to convey a message in any form (text, image, audio or video) that violates Board Policy JB—Intimidation, Bullying, Harassment, Discrimination, Hazing and

Retaliation or which disrupts or prevents a safe and positive educational or working environment, or places a person in reasonable fear of physical harm or damage to their property. Any form of cyberbullying, by students or staff is prohibited and will not be tolerated in the district.

Admission and Attendance

Oregon law requires that all children between the ages of seven and eighteen years of age who have not completed the 12th grade regularly attend a public full-time school (ORS 339.010). The law establishes several exemptions to the compulsory attendance law (ORS 339.030):

1. *Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools.*
2. *Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools.*
3. *Children being taught for a period equivalent to that required of children attending public schools by a parent or private teacher the courses of study usually taught in grades 1 through 12 in the public schools.*
4. *Those students who are 16 or 17 years of age, or emancipated minors who are employed full time, employed part time and enrolled in a community college or other state registered or district approved alternative education program.*
5. *Children being educated in the children's home by a parent or legal guardian.*

1. Admission

Schools shall admit free of charge all students between the ages of 5 and 21 who reside within the school district unless they have received a high school diploma or unless they have been expelled from another school district as specified below. A child entering school for the first time shall be considered five years of age if his or her fifth birthday falls on or before September 1. Students who seek to enroll in the school district after their 19th birthday may be required, at the school's option, to attend an alternative school program at district expense.

- a. The district may deny regular school admission to a student who is expelled from another school district and who subsequently becomes a resident of the district or who applies for admission to the district as a non-resident student. In order to deny admission to a student who becomes a resident of this district, the administrator must follow the procedures outlined in the district's expulsion procedures.
- b. The district shall deny regular school admission to a student who is expelled from another school district for an offense that constitutes a violation of federal firearm laws or state dangerous or deadly weapon laws and who subsequently becomes a resident of the district or who applies for admission as a non-resident student.
- c. The school administration will inform a student who becomes a resident of the district and the student's parents about the availability of alternative education programs if the student's admission is denied because he or she has been expelled from another school district.

2. Enforcement

Efforts will be made by school officials to enforce the compulsory attendance laws of the state. However, compliance with those laws is the mutual responsibility of home and school. Students are expected to be punctual in reporting to classes and to attend regularly. The school will notify parents of irregular attendance or habitual tardiness. The parents of students who have chronic attendance problems may receive a citation of up to \$100.

3. Students Who Have Been Suspended or Expelled

Students may not attend any district school or any school-sponsored activity or be on any school district property when they have been suspended or expelled from school, except with the consent of a school district administrator. Students who violate this policy may be prosecuted for criminal trespass.

4. Relationship of Attendance to Grades and Credit

Punctual and regular attendance is essential to the academic success of students. Attendance may be considered in determining a student's grade and credit for a class. Attendance, however, shall not be the sole criterion used to determine a student's grade or the credit received for a class.

At the beginning of each course, teachers will inform students and parents how attendance and class participation are related to the instructional goals of the subject or course. Due process that follows the established challenge procedures will be provided to any student whose grade is reduced or credit denied for attendance rather than for academic reasons. Grades may not be reduced nor may credit be denied based on absences due to religious reasons; a student's disability; or an absence that is excused under school policy.

Use of Motor Vehicles

Students who are licensed drivers have been granted the privilege of driving a motor vehicle to school. Certain regulations are necessary to control the use of motor vehicles because of limited parking, traffic patterns, and the large number of pedestrians around schools.

The administrator of each school or district property is authorized to establish regulations governing the use of motor vehicles on school or district property, and may charge a parking fee. These regulations shall be reasonable and widely circulated. Permission to drive a motor vehicle onto school or district premises may be revoked if the driver does not obey school or district regulations and local and state traffic laws.

Student Records

Federal and state laws require school districts to maintain certain education records on students. The records allow the school staff to share progress information with parents and other educational institutions. They also document the eligibility of students for various federal and state mandated programs. Students frequently request copies of their records many years after they have left school to assist them in documenting school attendance and eligibility for certain programs.

The following statement is a summary of school regulations regarding student records. School Board Policy contains the district's detailed rules and

regulations and is available for review at each school, at the Education Center, 200 North Monroe Street, and at the Eugene Public Library.

1. Confidentiality of Education Records

All student records are confidential and may be opened for inspection only in accordance with applicable federal and state law and school board policy.

2. Inspection of Education Records

Students and their parents or legal guardians have the right to inspect their own student records and to challenge the content of the records. Once the student reaches age 18, those rights transfer to the student alone.

3. Release of Education Records

Generally, parents or the student, if he/she is 18 or is attending an institution of higher education, must consent to the release of all student records. The school district, however, may release student records without consent in the following instances:

- a. To school board members during an executive session to consider the expulsion of a student or to examine confidential medical records;
- b. To district employees who have a legitimate educational interest in the records;
- c. To the officials of another school, or school district, an institution of postsecondary education in which a student seeks to enroll, or to another educational agency that has requested the records and in which the student seeks or intends to enroll. Schools are required to forward these records within 10 days of receiving the request.
- d. To state and federal officials requiring such information;
- e. In connection with a student's application for or receipt of financial aid;
- f. To organizations conducting studies on behalf of the school district to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction;
- g. To accrediting organizations to carry out their accrediting functions;
- h. To parents of a dependent student;
- i. To comply with a judicial order or lawfully issued subpoena after the district has made a reasonable attempt to notify the parent or eligible student; or
- j. For emergency situations involving the health or safety of the student or other persons. A "health and safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction, or custodial interference, and law enforcement or child protective services efforts to respond to a report of child abuse or neglect.

4. Directory Information

The district may also release directory information in conjunction with a school or school district related activity. "Directory Information" is defined as a student's, and parent's or guardian's name, address, telephone listing, photograph, date and place of birth, participation in officially recognized activities and sports, weight and height if a member of

an athletic team, grade level, dates of attendance, degrees and awards received, and the school most recently attended by the student. Parents may limit the release of directory information and will be notified annually of this right.

5. Withholding of Education Records for Nonpayment of Fees, Fines, or Damages

The district may withhold the grade reports, diplomas, or other records of students who owe fees, fines, or damages until those fees, fines, or for property lost or willfully damaged are paid, except that records must be released to another school district to which the student has moved, and except as required by law. Parents or guardians or the student, if he or she is 18 years of age or older, must be given written notice at least 10 days in advance of the record being withheld. The notice will outline the procedure for challenging the school's decision, as well as the reason for the debt, and the amount owed. The notice will also state that the district intends to withhold records or diplomas, and that the matter may be pursued through a collection agency.

6. Information on Rights of Parents and Adult Students

For information on: how to file a complaint under the Family Educational Rights and Privacy Act; how to obtain a copy of the district's records policy; the procedure for exercising the right to inspect or review education records; the procedure for requesting an amendment of records; or any related information, see School Board Policy or the section on student records in the 4J Calendar and Handbook, which is distributed annually to all registered district families.

Search and Seizure

The United States Supreme Court has determined that students have a legitimate expectation of privacy, which is protected by the 4th Amendment of the United States Constitution. Schools must have reasonable suspicion that the student has violated or is violating a law or school rule before conducting a search. Searches must be reasonable in scope and not excessively intrusive in relation to the nature of the suspected infraction or the student's age and sex.

1. Student Searches

The search of a student's person or belongings will be limited to a time when there is a reasonable suspicion to believe that the student is withholding evidence of an illegal act or violation of a school rule. The student will be given the opportunity to be present when the search of personal possessions is conducted, providing the student is in attendance and if there is no reason to believe that his/her presence would endanger his/her safety or the safety of others. Any search of a student's person will be conducted in the privacy of a school office except in an emergency where delay might endanger the welfare of other persons.

2. Seizure of Property

Illegal items, stolen property, evidence of commission of a crime or violation of school policy, or other possessions reasonably determined by school authorities to be a threat to the safety or security of students or others will be seized by school officials. Such items include, but are not limited to guns, other dangerous weapons, illegal drugs, and drug paraphernalia. Other items that may be used to substantially disrupt or materially interfere with the education process may be temporarily removed from the student's possession.

Dangerous weapons, including guns, knives, metal knuckles or any other weapon, the purpose of which is to injure other persons or prop-

erty, will be promptly turned over to a representative of the appropriate law enforcement agency. Parents will be notified whenever such an item is removed from a student's possession, unless the notification will unduly interfere with the investigation of the law enforcement agency.

3. Use of Lockers and Desks

a. Assignment of Lockers and Desks: Lockers and desks belong to the school district and are assigned for the convenience of students. They are to be properly cared for by students and not used for the storage of illegal or dangerous items, items prohibited by this handbook, or evidence of an illegal act or violation of a school rule.

b. General Inspections of Lockers and Desks: A general inspection of lockers or desks may be conducted by school officials on a regular basis. Such general inspections will be announced in advance. Items belonging to the school and not appropriately in the student's possession will be seized and returned. Illegal or dangerous items, or items prohibited by this handbook, will be seized and held for appropriate disposition.

c. Special Inspections of Individual Student Lockers or Desks: Special inspections of individual lockers or desks may be made when there is reasonable suspicion to believe that illegal or dangerous items or items that are evidence of a violation of the law or school rules are contained in them. The student will be given the opportunity to be present when the search of personal possessions is conducted, providing the student is in attendance and if there is no reason to believe that his/her presence would endanger his/her safety or the safety of others.

Use of Tobacco

The Tobacco Free Schools Rule (OAR 581-021-0110) requires all school district property to be tobacco-free. The intent of this measure is to protect students, staff and visitors from the harmful effects of secondhand smoke to prevent students from using and becoming addicted to tobacco.

Eugene School District 4J property is to be tobacco-free. For the purposes of this rule "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew, and snuff, in any form.

No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew, or sell tobacco at any time, including non-school hours: a) in any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or b) on school grounds, athletic grounds, or parking lots. No student is permitted to possess a tobacco product: in any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or on school grounds, athletic grounds, or parking lots.

This policy will be implemented by reasonable efforts to monitor use and possession of tobacco products, including, but not limited to, action to cause violators to cease and desist when a violation occurs within the plain view of a school employee. When there is a reasonable suspicion that a student is possessing tobacco products in violation of this policy and state law, a school administrator or designee may follow the procedures for search and seizure outlined in the Student Rights and Responsibilities Handbook.

Serious Misconduct

Students are encouraged to maintain high standards of academic and personal behavior, not only in accordance with the rights and responsibilities set forth in this Handbook, but with respect toward other students, staff members, and private and public property. Oregon law requires students to comply with the written rules of the school district, to pursue the prescribed course of study, to submit to the lawful authority of staff, and to conduct themselves in an orderly fashion.

Students will be subject to discipline, up to and including suspension or expulsion, for misconduct that violates federal, state, county, or city laws or the policies and rules established by the school district, including but not limited to harassment or discrimination, theft, disruption of school, damage or destruction of school property, damage or destruction of private property, assault or threats of harm, unauthorized use of weapons or dangerous instruments, unlawful use of drugs, narcotics, or alcoholic beverages, and persistent failure to comply with rules of the lawful directions of teachers or school officials.

1. Violation of the District's Discrimination and Harassment Policy

Students shall refrain from harassment or discrimination by words or actions based on another person's disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristics, or linguistic characteristics of a national origin group. Students shall also comply with the district's nondiscrimination and harassment policy, which is outlined in this handbook.

2. Theft and Stolen Property

No student shall steal or attempt to steal school property or private property on school property or during a school activity, function, or event that occurs off school property. No student shall have stolen property in his or her possession. Stealing means taking or withholding someone else's property without permission, or extorting or taking the property by deception.

3. Substantial Disruption of School or School Activities

Any conduct that substantially disrupts or threatens to substantially disrupt school activity is forbidden. Willful disobedience, open defiance of a staff member's authority, threats of harm to persons or property, harassment or discrimination prohibited by school rules, including racial and sexual harassment, or language that creates an immediate danger of disruption to the orderly operation of the school or creates a clear and present danger of violation of the law or attendance regulations are prohibited.

4. The Willful Disobedience of a Staff Member's Authority

Students will submit to the lawful authority of teachers, administrators, and other staff members. If the student believes that a staff member has behaved inappropriately, he/she and his/her parents may use the district's complaint procedure to resolve the issue.

5. Use or Display of Vulgar and Plainly Offensive, Obscene, or Sexually Explicit Language

The use or display of vulgar and plainly offensive, obscene, or sexually explicit language or graphics is prohibited. Clothing with vulgar and plainly offensive, obscene, or sexually explicit references, graphics or comments is prohibited.

6. Damage or Destruction of School Property

No student will vandalize or attempt to destroy school property. The district will attempt to recover (through legal action if necessary) from

those students or their parents, the actual cost of repair or replacement of school property vandalized or intentionally or recklessly destroyed by students.

7. Damage or Destruction of Private Property on School Premises or During a School-Sponsored Activity

No student will cause or attempt to cause damage to private property either on the school grounds or during a school activity, function, or event off the school grounds.

8. Coercion, Assault, Menacing, Threats, Intimidation or Harassment

No student will coerce, assault, menace, intimidate, harass, or threaten to harm another person for any reason including to obtain money or other property, or force any person to do any act against the will of that person. Assault means intentionally, knowingly, or recklessly causing injury to another. Menace means by words or conduct the student intentionally attempts to place another person in fear of imminent serious physical injury.

9. Possession, Handling, or Transport of Any Dangerous or Deadly Weapon

No student shall possess, handle, or transmit any object that is reasonably considered a weapon on school grounds or off the school grounds at any school-sponsored activity, function, or event, including in a student's motor vehicle. A weapon includes the following:

- a. "firearm" which means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device
- b. "Dangerous weapon" means any weapon, device instrument, material or substance which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.
- c. "Deadly weapon" means any instrument, article, or substance specifically designed for and presently capable of causing death or serious physical injury.

10. Use or Possession of Any Controlled Substances, Including Alcoholic Beverages and Drug Paraphernalia

No student shall knowingly possess, use, or transmit, any drug paraphernalia or possess, use, transmit, or be under the influence of any controlled substance or intoxicant of any kind on the school grounds or off the school grounds at a school-sponsored activity, function, or event.

Use of a drug authorized by a medical prescription from a registered physician for use during school hours shall not be considered a violation. Students who must take prescription medication at school are to follow district adopted procedures.

11. Violations of City, County, State and Federal Laws While Involved in School Activities

No student shall violate federal, state, county, or city laws while involved in school activities.

12. Misconduct that Occurs Off Campus

Students may face disciplinary consequences for (1) any off-campus behavior that would otherwise tend to disrupt the educational process

or the operation of the school or district; (2) for conduct that occurs off the school premises at school-related or supervised functions and at a school bus stop; (3) or for behavior that occurs while traveling to and from school if the behavior has a threatening effect on student safety or physical or mental health.

Disciplinary Procedures

Fair treatment of all students is essential. Students must be protected from arbitrary and unreasonable decisions. All decisions affecting students must be based on careful and reasoned investigations of the facts and must be consistent in the application of rules and regulations. All students must be informed of the school rules and procedures by which schools are governed and the process by which discipline will be applied.

School officials occasionally may find it necessary to discipline a student or even remove the student from the formal learning environment for a period of time. Officials have discretionary power in invoking disciplinary actions and procedures in order to maintain a climate conducive to learning and to the protection of individuals and property. The school administration shall consider the age and past pattern of behavior of a student in determining whether to suspend or expel that student. Before an expulsion can occur there must be a hearing before the superintendent or the superintendent's designee unless waived by the student's parent or guardian, or if the student is 18 years of age or older, the student.

1. Informal Discipline Procedures For Minor Infractions

Discipline for a minor infraction may be handled with-out going through all the steps of the formal process outlined below.

2. Formal Discipline Procedures

a. In-School Suspension: An in-school suspension is a temporary exclusion from regular classroom attendance not to exceed two days. The student is assigned to a supervised work area and, if permitted by the school administrator, may perform his/her regular class work.

b. Out-of-School Suspension: An out-of-school suspension is a temporary exclusion from school attendance for a period not to exceed ten school days. In those cases in which the school official states that the suspension will continue until a parent conference occurs, the suspension notice will state that it will not exceed ten school days. A school administrator may require a student to attend school during nonschool hours as an alternative to suspension.

See Appendix 1, Due Process Procedures for Out-of-School Suspension

c. Expulsion from School: An expulsion is a long-term exclusion from school attendance and requires a hearing before the superintendent or his/her designee. State law provides that the expulsion of a student will not exceed one calendar year. Any student who brings a weapon (as defined in the section on Serious Misconduct, subsection 9 of this handbook) onto school property or to a school-sponsored activity, or possesses, conceals, or uses a weapon on school property or at a school-sponsored activity, shall be expelled for one calendar year unless a specific exception is made by the superintendent.

Required Expulsion Hearings: The school principal or designee may recommend an expulsion for any serious misconduct, but is required to request an expulsion hearing when he/she believes a student is guilty of the following offenses: the possession, transmission,

or use of a dangerous weapon on school property or at a school-sponsored event; the sale or distribution of a controlled substance and a Category IV violation of the interagency substance abuse intervention and networking agreement. (see Appendix 3) Only the superintendent, as the designated representative of the district school board, or his/her designee has the authority to expel a student. A hearing must be conducted before an expulsion occurs unless the student's parents or guardian, or the student, if 18 years of age or older, waives the right to a hearing.

See Appendix 2, Due Process Procedures for Expulsions.

3. Physical Discipline

Oregon Statute and School Board Policy prohibit the use of physical discipline. However, a teacher, administrator, school employee, or school volunteer is authorized to use reasonable physical force upon a student when, and to the extent that the individual reasonably believes, it is necessary to maintain order in the classroom or school, or at a school activity or event, whether or not it is held on school property. When so used, physical restraint will not be considered a form of physical discipline.

4. Suspension or Expulsion of Students with Disabilities

When considering student disciplinary procedures that may result in removal of the student, the district follows all special education procedures and ensures the parent and the student are afforded the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) if:

- The student is receiving IEP services;
- For the student not yet identified as a student with a disability, the district had knowledge that the student had a disability and needed special education.

The district may suspend or expel students with disabilities for up to ten school days in a school year following its usual policies and procedures. If a student with a disability is being considered for more than ten days of suspension from school or a change in placement due to a violation of a code of student conduct the IEP team, which includes the parent, must conduct a Manifestation Determination to determine whether the behavior is related to the student's disability.

a. Behavior is Not a Manifestation of a Student's Disability: If the IEP team determines that the student's behavior is not a manifestation of his or her disability, the district may proceed with its disciplinary action.

b. Behavior is a Manifestation of a Student's Disability: If the IEP team determines that the student's behavior is a manifestation of his or her disability the student may not be removed from school except in cases where the student has violated a district weapon or drug policy or has inflicted bodily injury upon another person.

For a violation involving drugs, weapons or the infliction of serious bodily injury, the district may remove a student with a disability from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is a manifestation of the student's disability. This removal is considered a change in placement.

The district will provide educational services to a student who is sus-

pended or expelled for more than 10 school days in a school year. These services may be provided in a different location or interim alternative educational setting as determined by the IEP and placement teams.

5. Suspension or Expulsion Students Eligible Under Section 504

It is necessary to follow the relevant federal guidelines established Section 504 of the 1973 Rehabilitation Act whenever a student with eligible under section 504 is being considered for suspension or expulsion. The relevant statutes are summarized below.

- a. The district may suspend or expel students eligible under section 504 without conducting a Manifestation Determination if the student:
 - i. Is not removed for more than 10 consecutive days or has not received a series of short suspensions that create a pattern of removal;
 - ii. Is actively using illegal drugs (does not apply to current users of alcohol); or
 - iii. Commits a violation of a student code of conduct directly involving the use or possession of illegal drugs or alcohol.
- b. The district must conduct a Manifestation Determination if the student eligible under section 504 is to be removed for more than 10 consecutive days or has received a series of short suspensions that create a pattern of removal. The district will make every effort to include parents in the Manifestation Determination, however parent participation is not required.
 - i. Behavior is Not A Manifestation of Student's Disability: If it is determined that the student's behavior is not a manifestation of his or her disability and the current placement and educational program are considered appropriate, the district may proceed with its disciplinary action.
 - ii. Behavior is A Manifestation of Student's Disability: If it is determined that the student's behavior is a manifestation of his or her disability, the student may not be removed from school for more than 10 days except in cases described in a2 and a3. While a student eligible under section 504 whose behavior is determined to be a manifestation of his or her disability may not be removed for disciplinary reasons, if the 504 team determines that current placement and/or educational program is not appropriate, the 504 team can change the student's placement.

6. Suspension of a Student's Driving Privileges

The superintendent may file with the Oregon Department of Transportation a written request to suspend the driving privileges of a student or the right to apply for driving privileges. Such requests may be made if the student is at least 15 years of age and:

- a. The student has been expelled for bringing a dangerous weapon to school; or
- b. The student has been suspended or expelled at least twice for assaulting or menacing a school employee or another student, for willful damage or injury to school property or for use of threats, intimidation, harassment or coercion against a school employee or another student.

Prior to filing the request, the student will be accorded the due process procedures outlined in the district's expulsion process, up to and including a review by the school board.

The statute states that the initial request to the Department of Transportation for the suspension of driving privileges or the right to apply for driving privileges may not exceed one calendar year. If the

superintendent files a second written request to suspend the driving privileges of a student or the right to apply for driving privileges, the Department of Transportation is required to deny privileges until the student is 21 years of age.

7. Required Reports to Law Enforcement Agencies

Violations of the district's rules related to guns and dangerous weapons; vandalism and the intentional or reckless destruction of school property; and coercion, assault, or threats must be reported to the police. A school official may inform the appropriate law enforcement agencies when a student is suspected of committing other illegal acts on the school campus or at a school-sponsored activity.

8. A Student's Right to Hear His or Her Accuser

a. Complaints and Accusations Made by Staff Members: A student may hear directly from the teacher or other staff member the specific complaints or descriptions of unacceptable behavior.

b. Complaints and Accusations Made by Other Students: Extreme care must be taken by school officials to ensure that a student is not disciplined solely on hearsay evidence. In recognition of the special jeopardy in which student witnesses may be placed, and considering the possible traumatic affects on a student witness of adversary proceedings conducted by attorneys, police officers, or court officials, the complaining student may not be required to face the accused nor to have his/her identity revealed. When it is determined that a complaining student ought not face the accused, a school official may then become the official complainant. No licensed staff member may be examined as to communications between a student and that staff member in official confidence relating to the personal affairs of the student or the student's family if the communication will tend to incriminate or damage the student or the student's family. However, the school official conducting an investigation is under a special obligation to assure the careful and cautious investigation of all relevant facts and testimony.

9. Teacher-Student Privilege

Except in criminal actions or proceedings, no licensed staff member may be examined in any proceedings as to any conversation between the licensed staff member and a student which relates to the personal affairs of the student or family of the student and which if disclosed would tend to damage or incriminate the student or family.

Alternative Education Options

Oregon law requires that in certain circumstances school districts inform students and parents of alternative education options that might be available to them. School districts are also required to inform students and parents of those alternative education programs for which they will provide financial support.

The school administration will inform students and parents, or guardians, about the availability of alternative education programs in each of the following situations:

1. Upon the occurrence of a second or any subsequent occurrence of a disciplinary problem within a three year period that would justify a recommendation for expulsion;
2. When a student's attendance problem is so erratic that, in the district's opinion, he or she is not benefiting from the educational program;

3. When the school is considering expulsion as a disciplinary alternative;
4. When a student is expelled; or
5. When a student or his/her parents, or guardian, notifies the school of the intent to withdraw the student from school attendance as provided under the law.

Except in those cases when a student withdraws from school, the school administration will also inform students and parents of those alternative education programs for which the district would provide financial support. They may be district-operated programs or programs operated by other public or private agencies that are registered with the Oregon Department of Education.

Cooperation with Law Enforcement Agencies

School officials have a dual responsibility. They must safeguard the rights of students, and even represent students in certain situations. They also must cooperate with law enforcement officers in the legitimate pursuit of their duties.

1. Investigations by Law Enforcement Officers

Police officers investigating a case involving an illegal act in which a student may be involved, or about which the student may have information, shall contact the building principal, or his/her designee, before any effort is made to question a student during school hours.

2. Contacting Parents

a. Investigations Related to Illegal Acts that Occur Off-Campus and are Not School Related: The principal, or his/her designee, will make a reasonable effort to contact the parent, or guardian, when an officer comes to question or arrest a student related to illegal acts that occur off-campus and that are not school related, unless there is reason to believe that such notification would unduly interfere with the investigation, or that the matter pertains to alleged child abuse. If the principal or designee is unable to reach the parent or guardian the officer should not be delayed further. However, a school official should contact the parent or guardian as soon as possible.

b. Investigations Related to Violations of School Policies and Rules:

The principal, or his/her designee, may involve a police officer in investigating violations of school policies and rules, including student interviews, without first contacting the parent. However, if during the investigation, a student becomes a focal suspect to an illegal act, then it is the responsibility of the principal or designee to make a reasonable effort to contact the parent or guardian before allowing an officer to proceed with an interview.

3. Questioning of Students

The police officer will observe all the procedural safe-guards prescribed by law and his/her agency when questioning a student. An administrator, or designee, will always be present when a student is being questioned, unless the issue pertains to child abuse.

4. Taking a Student from the School

The school administrator or designee will not let a police officer, or an official from the Services to Children and Families, take a student from a school building without a court order, an arrest, protective custody from SCF, or permission of the parent or guardian.

Child Abuse

Oregon law requires all public employees to report possible child abuse to the Services to Children and Families (SCF) or a law enforcement agency.

1. Reporting Child Abuse

Any school employee having reasonable cause to believe that any child with whom he/she comes in contact, on or off the job, has suffered abuse, or that any adult with whom he/she comes in contact has abused a child shall report immediately to the State Department of Human Services Child Welfare, or a law enforcement agency. Staff members may not inform parents of such reports.

2. Investigations of Child Abuse

School staff will cooperate with investigations of possible child abuse being conducted by the Services to Children and Families or a law enforcement agency. A member of the Services to Children and Families staff or a law enforcement officer, who is questioning a student in regard to child abuse will determine if a school official may be present in an interview that occurs at school.

Trespassing

To help protect students and school property, and to prevent disruptive activity, school officials must know if any persons who are not members of the school staff or student body are in the school building, or on the school grounds.

1. Visitors Permitted On School Grounds

Visitors are permitted on school grounds as long as their presence is not for the purpose of disrupting school, nor threatening, nor intimidating others in school, and so long as school officials know of and consent to the visit in advance.

2. Visitors Must Report to the Office

During a regular school day all visitors are required to first report to the school office to arrange for their visit.

3. Weapons Prohibited

While on school district property or at a school-sponsored event that occurs off of school property, no person (including those with a concealed weapons permit), with the exception of law enforcement officers or those authorized by the superintendent, shall have possession of a loaded or unloaded firearm, dangerous weapon, or a replica or facsimile of a dangerous weapon, nor sell or transfer possession of such a weapon to another person.

4. Students Who Have Been Suspended or Expelled

Students may not attend any district school or any school-sponsored activity or be on any school district property when they are suspended or expelled from school, except with consent of a school district administrator. Students who violate this policy may be prosecuted for criminal trespass.

5. Violations of this Policy

Visitors who are in violation of this policy will be considered in violation of the law and will be subject to prosecution for criminal trespass in the second degree, as provided by ORS 164.245.

Appendix 1

Due Process Procedures for Out-of-School Suspension

1. The student shall be given oral or written notice of the charges, including specific acts involved. If the student denies the charges, the student shall be given an explanation of the evidence supporting the charges.
2. The student shall be given an opportunity to explain his or her conduct and to informally contest the charge. If the school official then determines the student should be suspended, the student shall be informed and the student's parents or guardian shall be notified by telephone, whenever possible, of the suspension and the reasons for the action.
3. The two steps above may be postponed in emergency situations relating to health and safety. Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.
4. When parents cannot be contacted, the decision to send the student home, to allow the student to remain on school premises, or to refer him or her to the proper authorities must be made with consideration given to the student's age, maturity, and the nature of the misconduct that caused the suspension.
5. A suspension notice shall be mailed to the parents or guardian with a copy to the superintendent. The notice must state the date, the reasons for the suspension, the length of the suspension (not to exceed ten school days), and the procedures that must be followed by the student and parents or guardian to gain reinstatement.
6. After the parents or guardian receive notice of the suspension, they will be given a conference with the building principal or his or her designee if they so request.
7. After the parents or guardian have discussed the suspension with the principal or his or her designee, they may appeal the decision to the Deputy Superintendent or a designee, whose decision will be final.

Appendix 2

Due Process Procedures for Expulsions

The superintendent or designee is the only person authorized by the school board to expel a student. The expulsion of a student will not exceed one calendar year. Any student who brings a dangerous weapon onto school property or to a school-sponsored activity, or possesses, conceals, or uses a dangerous weapon on school property, or at a school-sponsored activity, shall be expelled for one calendar year unless a specific exception is made by the superintendent or the superintendent's designee. An expulsion will be from all district schools and activities unless otherwise specified. Prior to the expulsion of a student, the district will consider and propose alternative programs of instruction or counseling or both for the pupil.

The following is a summary of the expulsion procedures. The expulsion procedures are outlined in detail in district administrative rules.

1. The principal notifies the parent or guardian and the student in writing of the intent to request expulsion, citing the charges against the

- student.
2. The principal submits to the superintendent a written request for expulsion including a description of the charges with supporting facts and evidence.
 3. The superintendent sets a date and place for an expulsion hearing.
 4. A hearing officer designated by the superintendent conducts the expulsion hearing. The principal presents all evidence supporting the proposed expulsion, and the student has an opportunity to respond to the evidence and to present his or her version of the events. The student may choose to have counsel or representation at the hearing.
 5. Where the student or the student's parent cannot understand the spoken-English language, an interpreter will be provided by the district.
 6. The hearing officer determines the facts of the case on the evidence presented at the hearing. The hearing officer's opinion and decision, with the recommendation for disciplinary action, goes to the Superintendent.
 7. The Superintendent states the decision in identical form to the student and parent/guardian, their representative, and the principal requesting the expulsion no later than three school days following the hearing.
 8. The student and parent or guardian may appeal the decision to the school board through a written request directed to the Superintendent within 72 hours after receiving the decision.
 9. A parent, or if the student is 18 years of age or older, the student, may waive the right to a formal hearing by completing a form entitled, "Waiver, Stipulation of Facts, and Recommendation for Expulsion" if the student and parents agree to the facts and reasons the administrator has given for proposing an expulsion and they accept, or successfully negotiate, the recommended expulsion action and the alternative education option to be provided for the duration of the expulsion. The administrator must provide the student and his/her family with a copy of the district's expulsion procedures, which informs them of their rights before they sign a waiver. This alternative process may not be used for a special education student, or if the administrator is requesting an exception to the requirement that there be a one calendar year out-of-school expulsion for a violation of the district's weapons policy.
2. Sale, distribution, or unlawful possession of a drug or any controlled substance.
 3. Any alcohol, drug, or controlled substance related offense that creates a substantial risk to public health.
 4. Driving under the influence of intoxicants. (DUII)
 5. Solicitation by a student or other students to buy, sell or otherwise distribute alcohol, drugs or any controlled substance in any amount.
 6. Sale or distribution for compensation of alcohol to a student.
 7. Giving or selling hypodermic devices to a student who has no lawful/ authorized use for the device.

Appendix 3

Category IV Violations of the Memorandum of Understanding Substance Abuse Intervention/ Networking Program

The following violations of the substance abuse memorandum of understanding while at school or any school-sponsored activity will result in a referral for an expulsion hearing.

1. Repeat of a Category III offense
 - Category III Offenses:
 - Possession of less than 1 oz. of marijuana;
 - Possession, including possession by consumption, of alcohol;
 - Distribution, for no compensation, of alcohol, or less than 1 oz. of marijuana; and
 - Use of toxic vapors, in violation of city or county ordinance.

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