

Manual de Derechos y responsabilidades de los estudiantes

R.2016



Distrito Escolar de Eugene 4J

**Invirtiendo en los estudiantes
para crear el futuro**

proving to the satisfaction of the school board or designee that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools; (3) who have received a high school diploma; (4) being taught for a period equivalent to that required of children attending public schools by a private teacher the courses of study usually taught in kindergarten through grade 12 in the public schools; or (5) being home schooled having registered with the Lane Education Service District.

An exemption also may be granted to: (1) the parent or guardian of a 16- or 17-year-old child who is lawfully employed full-time or lawfully employed part-time and enrolled in school, a community college or alternative education program, or (2) a child who is an emancipated minor or who has initiated the procedure for emancipation.

Referencia: ORS Chapter 339

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 appropriate and accessible alternative education programs in each of the following situations:

- a. 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;
- b. When a student's attendance pattern is so erratic that, in the district's opinion, the student is not benefiting from the educational program;
- c. When the school is considering expulsion as a disciplinary alternative;
- d. When a student is expelled; or
- e. When an emancipated minor, parent or legal guardian applies for the student's exemption from compulsory attendance under law (ORS 339.030(5)).

The notice will include the student action that is the basis for consideration of alternative education, a list of the alternative education programs for which the district would provide financial support, the program recommended considering the student's learning styles and needs, and the procedures for enrolling the student in the recommended program.

Reference: Board Policy IGBHC; OAR 581-021-0071

Assembly of Students

Students have the right to assemble peaceably. Gatherings that interfere with the operation of the school are prohibited. 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.

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.

Student Meetings

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

- a. Meetings must be scheduled in advance with school officials and be sponsored by an official school club or organization. The time and place of the meetings shall not interfere with the school program.
- 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.

Speakers

Authorization for the presence in the building of outside speakers must be obtained from the principal in advance of the meeting. 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.

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.

Bullying, Harassment and Intimidation

School board policy JB prohibits harassment, intimidation, hazing, bullying, cyberbullying, teen dating violence and 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.

Definitions

- a. **Bullying, harassment or intimidation** means any act that substantially interferes with a student's educational benefits, opportunities or performance; that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-sponsored transportation, or at any official school bus stop; and that has the effect of:
 - Physically harming a student or endangering a student's property;
 - Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
 - Creating a hostile educational environment.
- It may be based on, but is not limited to, the protected class status of a person.
- b. **Cyberbullying** is the use of any electronic communication device to harass, intimidate or bully.
- c. **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.

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. Hazing occurs when the action or situation has the purpose or effect of demeaning or humiliating a student or group of students. 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. 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. Protected class means a group of persons distinguished or perceived to be distinguished by disability, race, color, national origin, ethnicity, sex, sexual orientation, gender identity or expression, age, religion, marital status, socioeconomic status, source of income, cultural background, familial status, physical characteristic, or linguistic characteristics of a national origin group.

f. Teen dating violence means a pattern of behavior, within a dating relationship, in which a person uses or threatens to use physical, mental or emotional abuse to control another person, or threatens sexual violence against another person, when one or both persons in the dating relationship are 13–19 years of age.

g. Retaliation means acts of reprisal, intimidation, or harassment toward a person in response to previously reported harassment.

Student Responsibility

Students are expected to refrain from harassment, intimidation, bullying; sexual harassment; cyberbullying; hazing; teen dating violence; or retaliation. Students who violate these rules may be disciplined.

Students are expected to hold their peers 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. These reports may be made anonymously.

Reports and Complaint Process

The district is committed to preventing and responding to incidents of bullying, harassment, intimidation, cyberbullying, sexual harassment, hazing, teen dating violence or retaliation. Staff and volunteers will follow school board policy requiring that such incidents be reported to the school administrator, or to the superintendent where the administrator is believed to have been involved.

Students and parents who have experienced an incident of bullying, harassment, intimidation, cyberbullying, hazing, teen dating violence or retaliation are strongly encouraged to contact the school principal or other staff member to report it. If the administrator is believed to be involved, the report may instead be made to the superintendent's office.

Administration will respond quickly and appropriately to investigate and resolve such reports, making effort to provide the student with a practical, safe, private and age-appropriate way to discuss the matter. Interim measures necessary to provide a safe educational environment may be considered. When reports are substantiated, administration will take sufficient measures to remediate and prevent recurrences. Examples include: Support from counseling and/or administration to address the needs of the victim; support, interventions or consequences to address

the behavior of the perpetrator; and safety plans where appropriate. Parents will be notified in a timely manner, within the constraints of laws governing the confidentiality of student records.

If students and parents cannot resolve the issue working with the school administrator or staff, they may submit a complaint to the superintendent's office. The form, and the district publication Bullying, harassment & discrimination: Step-by-step complaint process, is available from school offices or from the superintendent's office at the 4J Education Center, 200 North Monroe Street, Eugene, OR 97402, 541-790-7706.

Child Abuse

Oregon law requires all public employees to report possible child abuse to Department of Human Services or a law enforcement agency.

Reporting Child Abuse

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

Investigations of Child Abuse

School staff will cooperate with investigations of possible child abuse being conducted by Department of Human Services (DHS) or a law enforcement agency. A DHS staff member 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.

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.

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 her or his designee, before any effort is made to question a student during school hours.

Contacting Parents

a. Investigations related to illegal acts that occur off-campus and are not school-related: The principal, or her or his 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 her or his 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.

Questioning of Students

The police officer will observe all the procedural safeguards prescribed by law and her or his guardian 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.

Taking a Student from the School

The school administrator or designee will not let a police officer or a Department of Human Services official take a student from a school building without a court order, an arrest, protective custody from DHS, or permission of the parent or guardian.

Dress and Grooming

The responsibility for dress and grooming of a student rests primarily with the student and his or her parents or guardians. A student's dress or grooming should not affect participation in the educational program or school-related activities. Students may be directed to change dress or grooming when in violation of the rules below.

Student dress and grooming may not interfere with or disrupt the educational environment of the student or others. Examples of clothing likely to disrupt the educational environment include clothing with language or symbols that are vulgar and plainly offensive, obscene or sexually explicit, racially divisive, drug-, alcohol- or tobacco-related, or indicative of gang activity or affiliation.

Student dress and grooming may not threaten the health or safety of the student or others. For example, students must wear shoes while on school property or during school-sponsored activities.

Schools may impose additional dress code requirements. Provisions for dress and grooming for special activities should arise directly out of the needs of the activity.

Students have the right to dress in accordance with their gender identity. District schools are also committed to accommodating students who need an exception to the dress code for religious reasons.

Questions regarding rights and responsibilities related to dress and grooming should be directed to the building principal. If an issue is not resolved at the building level, the parent or guardian may contact the elementary or secondary education director, assistant superintendent or superintendent.

Extracurricular and Athletic Activity Participation

These rules pertain to high school students who participate in district-sponsored extracurricular activities and athletic programs.

General Participation Rules

- a. Students who participate in district-sponsored sports must have a physical examination prior to any participation, including tryouts and practices, and must be re-examined every two years. A non-expired physical must be on file throughout the season and may not expire during the season.

- b. In all extracurricular activity and athletic programs, students will ride to and from the activity in school vehicles unless otherwise arranged by the principal or designee.

- c. Students will be personally responsible for all school equipment issued and will return the equipment on time and in good condition. Students are responsible to pay for lost, stolen or damaged equipment at replacement cost. A student who fails to return and/or pay for lost, stolen or damaged equipment will not be eligible to compete in any subsequent sport or activity until such time that payment or arrangements for payment have been made with the appropriate building administrator. Should the agreed plan not be followed, the student will become ineligible at that point.

- d. Students may be ineligible to participate in extracurricular activities and athletic programs if they are absent from one or more classes on the day of the activity unless the absences are school-related or prior arrangements have been made with the school administrator. Emergency situations may be reviewed and determined by the athletic director or athletic/activities coordinator. Irregular attendance may also result in suspension from the extracurricular activity.

- e. Students participating in an athletic program who quit or fail to keep program commitments may not participate in pre-season activities or practices for another sport unless the administrator has given approval.

- f. To be scholastically eligible for extracurricular activities, a student must be making satisfactory progress toward graduation requirements, as determined by the school administration or designee. A student must be enrolled in and passing 2.0 credits during the trimester the sport is in session as well as the previous trimester. The specific credit requirement for eligibility is defined in the Oregon School Activities Association Handbook.

Consequences for Substance Abuse

The possession or use of tobacco, inhalants, alcohol, illegal substances or non-prescribed drugs is prohibited. These rules are in effect from the first day an athlete or extracurricular activity participant signs the school rule form with the intent to participate and remain in effect throughout the student's entire high school career, unless changed by the district with notice to the student. It is in effect 24 hours a day, from the first day of OSAA designated fall season practices until the final day of the school year.

Student athletes and extracurricular activity participants in violation of this rule, whether or not the violation is at a school-sponsored activity, are subject to the consequences listed below which are in addition to any school consequences that may apply:

First Offense: The student will be suspended from participation in all interscholastic athletic competition for three weeks. At the discretion of the administrator, the student may be allowed to attend practice sessions for the duration of the suspension. The student will be placed on probation for one year following the completion of the three-week suspension.

Second Offense: Any violation following the first offense during the probationary period is considered a second offense. The student will be suspended from participation in all extracurricular activity programs for six weeks. A new one-year probation period will begin following the completion of the six-week suspension.

Serving Suspensions and Probation:

- a. Suspensions of an athlete who is currently participating in a sport will start on the date the athlete is notified of the suspension. If the determination of an offense is made prior to the first contest of the season, the suspension will begin with the first contest.
- b. An athlete suspended while out of season will begin the suspension on the first regularly scheduled contest of the next season in which the athlete participates.
- c. Suspensions will be served in their entirety. Should a suspension start at or near the end of a season, the balance of the suspension will be served starting with the first regularly scheduled contest of the athlete's next season of participation in a sport.
- d. Probationary periods begin immediately after the suspension is served.

Freedom of Expression

Students have the right to free expression under the Constitutions of the United States and the State of Oregon. Students are entitled to express their personal opinions under all reasonable circumstances, but student expression shall not interfere with the freedom of others to express themselves nor substantially disrupt the orderly conduct of the school. The use of vulgar and plainly offensive, obscene or sexually explicit language undermines one of the school district's basic missions.

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; any material that would substantially disrupt classes or other school activities; and any material that is inconsistent with the school's basic educational mission are prohibited from all school publications.

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; are vulgar and plainly offensive, obscene or sexually explicit; tend to create an immediate danger or disruption to the orderly operation of school; or urge the violation of the law, district policies, 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 may not falsely identify school endorsement or sponsorship.
- b. **Commercial and Fund-Raising Activities:** Students shall not distribute or display announcements or advertisements of a commercial nature, 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. 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 limi-

tation 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.

Participation in Patriotic Exercises

Students may choose not to participate in patriotic exercises, but also have the responsibility to ensure the manner of their nonparticipation does not deny other students their rights to participate or disrupt the educational process.

Objection 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.

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 or violation of the law, district policies, attendance regulations or the provisions of this handbook is prohibited.

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. (3) The activity does not create an excessive entanglement with religion.

Student Religious Meetings and Discussions

If school 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. Prior arrangements for such meetings must be made by contacting the school principal. Employees and nonschool persons are prohibited from directing, conducting, controlling or participating in the activities of such student groups. Except as provided in school board policy for the leasing of school facilities by religious groups, non-students may not meet with students on school premises for any type of religious activity. A faculty monitor may attend meetings for custodial purposes and to provide general supervision, but may not participate nor advise students about their activities.

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 stu-

dent 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.

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 school-related activities:

- a. No student shall wear or display clothing or other objects that are commonly considered evidence of membership or affiliation with any gang. These expressions substantially disrupt the educational program by creating a hostile and intimidating environment for students and staff. Schools should consult their school resource officer and the district’s equity coordinator when restricting gang expression.
- b. No student shall commit any act, or use any speech, verbal or nonverbal, showing membership in, or affiliation with, a gang. For example, students may not demonstrate intimidating and/or violent behavior, or use gang signs or graffiti. Students are expected to refrain from using gang-related phrases.
- c. 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.

Nondiscrimination

Eugene School District 4J policy AC prohibits discrimination or harassment in educational programs, activities, services or employment on the basis of the person’s actual or perceived protected class status, including disability, race, color, national origin, ethnicity, sex, sexual orientation, gender identity or expression, age, religion, marital status, socioeconomic status, source of income, cultural background, familial status, physical characteristics, or linguistic characteristics of a national origin group.

It is a violation of district policy for any student or employee to discriminate against a student or employee, or to harass a student or employee, based on the student or employee’s actual or perceived protected class status.

The district expects that staff, volunteers and students will provide equal treatment and access to educational programs, services and aid to students without regard to their protected status.

The district will investigate all complaints—formal or informal—of discrimination or harassment of a student or employee based on a student or employee’s actual or perceived protected status, and will take appropriate

corrective, remedial, and disciplinary measures for substantiated violations of this policy.

For prompt and equitable resolution of student complaints alleging discrimination and harassment based on protected status, parents and students are urged to contact the school principal or, if they believe the principal is involved or has not resolved the matter, the superintendent’s office. Employees who witness or reasonably suspect discrimination or harassment must report the matter to the school administrator or to the superintendent’s office.

For more information about student complaints, please refer to the district publication *Bullying, harassment & discrimination: Step-by-step complaint process*, available from school offices or the superintendent’s office.

The district complies with all applicable state and federal laws and regulations, including Title VI, Title IX, Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and Oregon law. Please contact the superintendent’s office for any questions pertaining to district compliance.

Superintendent’s Office — 541-790-7707

Title IX Coordinator, Jeff Johnson — 541-790-7559

504 Coordinator, Dr. Cheryl Linder — 541-790-7800

Search and Seizure

Schools have a responsibility to protect students from harm, maintain order and fulfill their educational mission. Students have a legitimate expectation of privacy, which is protected by the U.S. and Oregon Constitutions. Balancing these concerns, school officials may conduct searches of students or their belongings only under certain circumstances.

Student Searches

School officials may search a student and his or her personal property, or any district property used by the student, if the officials have reasonable suspicion to believe that the student in question violated a school rule or law and that a search will turn up evidence of the violation of the rule or law. The search will be reasonable in scope, meaning reasonably related to the objectives of the search, and not excessively intrusive in light of the age, sex and maturity of the student and the nature of the infraction.

A search may also be conducted in exigent or emergency circumstances, even without individualized suspicion, when the immediate safety of the school or student(s) is at risk. Officials may also conduct a search when the student or the student’s parent consents.

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 or her presence would endanger his or 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.

Seizure of Property

School officials will seize 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. 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 property, 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.

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 at any time without prior notice. Such inspections may be conducted to ensure proper sanitation, check mechanical condition and safety, reclaim property belonging to the district, or detect drugs, weapons, contraband, or other violation of law or school rules. Items belonging to the school district 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. Students will be notified of any items seized.

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 they contain items that are illegal, dangerous, or evidence of a violation of the law or school rules. It is recommended that the student be given the opportunity to be present when the search is conducted, if the student is in attendance and if there is no reason to believe that the student's presence would endanger the safety of the student or others.

Student Conduct: Offenses

Students are required 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 or the lawful directions of teachers or school officials.

Violation of the District's Bullying and Discrimination Policies

Students shall refrain from bullying, harassment or discrimination including by words or actions based on another person's actual or perceived disability, race, color, national origin, ethnicity, sex, sexual

orientation, gender identity or expression, age, religion, marital status, socioeconomic status, source of income, cultural background, familial status, physical characteristic, or linguistic characteristics of a national origin group. Students shall also comply with the district's bullying and nondiscrimination policies, which are outlined in this handbook.

Theft and Stolen Property

No student shall steal or attempt to steal school property or private property while 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 by extorting or by deception. If a student finds property not belonging to him or her and keeps it for his or her own use instead of delivering it to school staff, that is also considered theft and serious misconduct.

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.

Willful Disobedience of a Staff Member's Authority

Students will submit to the lawful authority of teachers, administrators and other staff members.

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.

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.

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 school property.

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.

Possession, Handling or Transport of Any Dangerous or Deadly Weapon

No student shall possess, handle or transmit any object that is reason-

ably 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"** 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.
- d. **"Destructive device"** means any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or form from which a destructive device may be readily assembled.

Dangerous or deadly weapons include but are not limited to BB guns, pellet guns, airsoft guns, paintball guns, ammunition, stun guns, throwing stars, metal knuckles and any look-alike explosives, firearms and knives. The possession, use, or threat of use of a look-alike weapon is also prohibited.

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.

Violations of Laws While Involved in School Activities

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

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

Sexual Misconduct/Indecency

A student shall not engage in any act of sexual harassment of a physical nature or verbal nature. A student shall not perform any act of indecent exposure, lewd exposure, gesture or lewd caress or indecent fondling or touching of the student's own body or the body of another person, or any act of sexual intercourse. A student shall not use any inappropriate gestures that mimic or imply sexual acts or engage in any acts of "streak-

ing" or "mooning" as those terms are commonly understood. Such acts will not be regarded lightly or considered pranks. A student shall not possess, view, copy, sell, buy or transmit printed or non-printed pornographic materials.

Teen Dating Violence

Teen dating violence means a pattern of behavior, within a dating relationship, in which a person uses or threatens to use physical, mental or emotional abuse to control the other person, or uses threatens sexual violence against the other person. Teen dating violence is prohibited.

Use of Tobacco, Nicotine or Inhalation Devices

The Tobacco Free Schools Rule (OAR 581-021-011) requires all school district property to be tobacco-free. A student shall not possess or use any form of tobacco, nicotine, nicotine delivery device or tobacco substitute (including but not limited to any cigarette, cigar, pipe, bidi, clove cigarette, smokeless tobacco, or e-cigarette) at any time on district property or grounds, including fields, parking lots and vehicles. No student, staff member or school visitor is permitted to use any form of tobacco, nicotine, nicotine delivery device or tobacco substitute at any time on school district grounds or in any building, facility or vehicle owned, leased, rented or chartered by the district or school.

Reference: Board Policy JFCG, JFCH/JFCL, GBK; OAR 581-021-0110

Student Conduct: Disciplinary Types and Procedures

This portion of the handbook explains the major areas of inappropriate conduct and the accountability and consequences that may result for those students who engage in rule and policy violations.

All students are entitled to due process as it relates to discipline. Fair treatment of all students is essential and expected. Students are 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 will be informed of the school rules and procedures by which schools are governed and the process by which discipline will be applied.

School officials may find it necessary to discipline a student or remove the student from the formal learning environment for a period of time. School officials have discretionary power to invoke disciplinary actions and procedures in order to maintain a climate conducive to learning and to the protection of individuals and property. The school administrators 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.

Informal Discipline Procedures for Minor Infractions

Discipline for a minor infraction may be handled without going through all the steps of the formal process outlined below.

Formal Discipline Procedures:

a. Suspensions

An in-school suspension is a temporary exclusion from regular classroom attendance not to exceed two school days. The student is assigned to a supervised work area and, if permitted by the school administrator, may perform his or her regular class work with access to curriculum and special education related services (OAR 581-015-2400).

An out-of-school suspension is a temporary exclusion from school attendance for a period not to exceed 10 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 10 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.

b. Expulsions

An expulsion is a long-term exclusion from school attendance and requires a hearing before the superintendent or his or her designee. State law provides that the expulsion of a student will not exceed one calendar year. The use of an expulsion is limited to the following circumstances:

- For conduct that poses a threat to the health or safety of students or school employees;
- When other strategies to change student conduct have been ineffective; or
- When expulsion is required by law.

The school principal or designee may recommend an expulsion for any serious misconduct meeting the criteria above. School administration must request an expulsion hearing when he or she believes a student is guilty of the following offenses: the bringing of, possession, concealment or use of a firearm or 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). The expulsion period for such offenses will be one calendar year unless a specific exception is made by the superintendent.

The district will provide educational services to a student who is expelled.

c. Expulsion Hearings

Only the superintendent, as the designated representative of the district school board, or his or 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 Expulsion.

d. Out-of-School Suspension or Expulsion of Students Fifth Grade or Lower

For a student who is in fifth grade or lower, schools will limit the use of out-of-school suspensions or of expulsions to the following circumstances:

- Non-accidental conduct causing serious physical harm to a student or school employee;
- When a school administrator determines that the student's conduct poses a direct threat to the health or safety of students or school employees; or
- When suspension or expulsion is required by law.

When an out-of-school suspension is imposed, the school will take steps to prevent the recurrence of the behavior and return the student to the classroom setting so as to minimize the disruption of the student's instruction.

Suspension or Expulsion of Students with Disabilities (IEP or 504)

The district may suspend students with disabilities from their current educational placement for up to 10 school days in a school year to the same extent, and with the same notices, as for students without disabilities, if the removals do not constitute a pattern. These removals are not considered a change in placement.

When considering discipline of a student with a disability (or of a student not yet identified as disabled but suspected to have a disability) for more than ten (10) consecutive school days, or when a student would be removed for more than ten (10) cumulative school days from their current educational placement in a school year and the removals constitute a pattern as defined by law, the district must conduct a manifestation determination meeting to determine whether the behavior is related to the student's disability, or the direct result of the district's failure to implement the IEP or 504.

a. Behavior Is Not a Manifestation of Student's Disability

If the team, including the parent and other relevant members of the IEP team, determines that the student's behavior is not a manifestation of his or her disability or direct result of district failure to implement the student's IEP or accommodations on a 504 plan, the district may proceed with its disciplinary action. In addition, the district will:

- On the date the decision is made to expel the student, notify the parents of the decision and provide them with notice of procedural safeguards under OAR 581-015-2415;
- Provide services to the student in an interim alternative educational setting, determined by the IEP team in accordance with OAR 581-015-2445; and
- Provide, as appropriate, a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

b. Behavior Is a Manifestation of Student's Disability

If the team determines that the student's behavior is a manifestation of his or her disability, the student may not be expelled or suspended more than 10 days. The district will return the student to the placement from which he or she was removed, unless (1) the parent and the school agree to a change of placement, (2) the district removes the student to a 45-day interim alternative educational setting (IAES) for a weapon or drug violation or for infliction of serious bodily injury, or (3) the district obtains an order from an administrative law judge under OAR 581-015-2430 allowing a change of placement to an IAES for injurious behavior. Additionally, the team must either conduct a functional behavioral assessment (unless one has previously been conducted) and implement a behavior support plan; or if the student already has a behavior plan, review and modify it as needed to address the behavior.

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.

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 effects on a student witness of adversarial proceedings conducted by attorneys, police officers or court officials, the complaining student may not be required to face the accused nor to have his or 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 special obligation to ensure the careful and cautious investigation of all relevant facts and testimony.

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.

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 regulations and is available for review at each school, at the Education Center, 200 North Monroe Street, and online at www.4j.lane.edu.

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.

Inspection of Education Records

Parents, legal guardians and students over 18 years of age ("eligible students") have the right to inspect the student's records within 45 days of the date of the request. Requests should be directed in writing to the school registrar or secretary. If the custody of a student has been granted to only one parent, the non-custodial parent also has access to all education records unless there is a court order to the contrary.

Release of Education Records

Generally, parents or the student, if he or she is 18 or is attending an institution of higher education, have the right to consent to the release of student education records. The school district, however, may release student records without consent where the law permits. Common exceptions in which consent is not required are:

- a. To school board members during an executive session to consider the expulsion of a student;
- b. To district employees who have a legitimate educational interest in the records;
- c. To the officials of another school, school district, institution of post-secondary education, or other 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, subject to certain requirements;
- 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 as otherwise provided by law; 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.

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 name, parent's or guardian's name, address, telephone listing, electronic address, 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.

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 damages are paid, except that records must be released to another school district to which the student has moved, or 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.

Copy of Policy on Education Records

Parents, guardians and eligible students may obtain a copy of the district policies on education records (Policies JO/IGBAB, JOA, and JOB) online or upon request at each school or the district office.

Right to File a Complaint re FERPA Requirements

Parents or eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. SW, Washington DC 20202-5901.

Amendment of Education Records

Parents, guardians and eligible students have the right to request an amendment of the student's education records believed to be inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. Requests should be made in writing to the school administrator, clearly identify the part of the record believed to be inaccurate, misleading or otherwise in violation of the student's privacy or other rights, and specify why it is inaccurate. If the administrator decides not to amend the record as requested, the administrator will notify the parent or eligible student of the decision, and advise them of their right to appeal the decision, including to have a hearing regarding the request for amendment.

Reference: Board Policy JO/IGBAB, JOA and JOB, FERPA

Students with Disabilities; Child Find

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 provides a free and appropriate educational program for eligible students with disabilities. Appropriate services for each eligible child, and accommodations and modifications, are based on his or her disability and Individualized Education Plan (IEP) or Section 504 Accommodation Plan. Students with disabilities, or their parents, may contact their classroom teacher, a counselor or the school administrator if they believe accommodations or modifications need to be made or if they would like to be referred to receive special education services.

Child Find

Parents who believe their child may have a disability or would benefit from support services, or who know of any other child who might need special education services, should contact Education Support Services. For more information visit www.4j.lane.edu/ess or call 541-790-7800.

The district's 504 coordinator is Dr. Cheryl Linder. She may be reached at linder@4j.lane.edu or 541-790-7800.

Technology and Internet Use

The purpose of district-owned technology is to enhance the educational experience of students and to increase the operational and educational efficiency and effectiveness of staff. This includes access to the internet, information services, databases, email and other communication tools. Students are expected to use technology for educational purposes and in an appropriate manner. Teachers and other supervising adults are expected to guide and supervise students

who use district technology. District guidelines are summarized below. More complete guidelines for the use of the district network and other technology are available on the district's website (www.4j.lane.edu/cis/appropriate_use).

Email Accounts

All district students are issued a district email account. All student email users are expected to use commonly accepted practices.

- a. **High school and middle school students** have their district email accounts activated automatically unless a parent or guardian has denied access at the building level or filled out a denial form at the district level.
- b. **Elementary students** may have their district email account activated with written consent from their parents or guardians and the consent of their teacher.
- c. Once activated, email accounts remain activated until the student is no longer a district student or the parent denies consent.

Unacceptable Uses of District-Owned Technology

The unacceptable use of the 4J network, equipment and other technology may result suspension or revocation of network privileges, equipment privileges and/or other disciplinary action. Unacceptable uses include but are not limited to:

- Violation of school board policy, district administrative rules or any provision of this handbook.
- Violation of any local, state, or federal law. This includes but is not limited to transmission of copyrighted materials, threatening or obscene material, or material protected by trade secret.
- Use of district technology to organize activities that are clear violations of the law or district rules.
- Use of profanity, obscenity, or other language that may be offensive to another user.
- Posting information or images that could be a form of harassment or could promote a negative culture in the school environment by causing a student or staff member to feel uncomfortable or unsafe at school.
- Knowingly accessing inappropriate materials or sharing inappropriate materials or their sources with other students.
- Use of district technology to access vulgar and plainly offensive, obscene, pornographic or sexually explicit language or material in any form.
- Use of district technology for financial gain, commercial activity or illegal activity (e.g., hacking).
- Use of district technology for political activity.
- Accessing another person's individual account.
- Copying and/or downloading commercial software, apps or other material (e.g., music) in violation of federal copyright laws.
- Creating and/or placing a computer virus on the network.
- Activity with a malicious intent to disrupt the network.
- Any form of vandalism, including but not limited to damaging technology equipment (e.g., computers, tablets, printers, projectors, interactive equipment, etc.) or networks or disrupting the operation of the network.
- Installation of unapproved equipment (e.g. wireless access points, routers, switches, network cabling not provided or approved by the district's Technology Department), unapproved or unlicensed software/apps, or changing of district settings.
- Bypassing of district-specified filtered internet websites on devices used by students.

Unacceptable Uses of Personal Devices

Students and staff are encouraged to use district technology devices

whenever possible. Students may be allowed, but are not required, to use their own personal electronic devices that support academic activities and independent communications. Unacceptable use of personal technology devices by students may result in suspension or revocation of personal device privileges and/or other disciplinary action. Unacceptable uses include but are not limited to:

- Use of a personal technology device in a manner that violates any of the restrictions for district-owned technology listed above.
- Use of a personal technology device to gain or give an advantage in a testing situation.
- Downloading and installing district-licensed software/apps on personal technology devices unless specifically allowed by the licensing agreement.
- Use of a personal device during school hours or non-school hours that causes a material and substantial disruption to the educational environment, or creates a foreseeable risk of the same. This could include filming, taping or photographing others without consent.

Use of Force

A teacher, administrator, school employee or school volunteer is authorized to use physical force upon a student only when, and to the extent, the application of force is consistent with the following. Except in case of an emergency, only staff current in the required training program will implement physical restraint with a student. Physical restraint may be used only when and for as long as the student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others and less restrictive interventions would not be effective. Notice of an incident involving the use of physical restraint will be made to the student's parent or guardian.

Corporal punishment is any act that willfully inflicts or willfully causes the infliction of physical pain on a student. This act is strictly prohibited by the district and by law (ORS 339.250(9)).

Reference: Board Policy JGAB, ORS 339.291, OAR 581-021-0553

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 communicated through the school's parking permit process. 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.

Students may not transport other students to or from school-related field trips.

Use of Tobacco

The Tobacco Free Schools Rule (OAR 581-021-0110) requires all school district property to be tobacco-free.

No student, staff member or school visitor is permitted to use, and no student is permitted to possess, any tobacco product, nicotine, nicotine delivery device or tobacco substitute at any time (including nonschool hours) on school grounds, including athletic grounds and parking lots, or in any building, facility or vehicle owned, leased, rented or chartered by the school or school district.

Prohibited materials include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette and any other smoking products; smokeless tobacco, also known as spit tobacco, dip, chew, snus and snuff, in any form; and nicotine, nicotine delivering devices and any other tobacco substitute (e.g., e-cigarettes). This does not include FDA-approved nicotine replacement therapy products used for the purpose of cessation.

Visitors and 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. Any visitors, including former students, who are in violation of visitation rules will be considered to be trespassing.

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.

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.

Weapons Prohibited

While on school district property or at a school-sponsored event that occurs off of school property, no person, 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.

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.

Violations of Visitation Rules

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

A suspension temporarily denies a student the right to attend school, classes and school activities for a period of up to ten (10) school days. When a student's behavior may lead to a suspension, the administrator or designee will take the following steps.

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 administrator then determines the student should be suspended, the student shall be informed and the student's parents or guardians 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. The parents or guardians will be notified of the suspension in writing. 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 guardians 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 guardians 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 Expulsion

An expulsion is a long-term exclusion from school attendance and from all district schools and activities unless otherwise specified. The expulsion of a student will not exceed one calendar year.

The superintendent or designee is the only person authorized by the school board to expel a student and in each case must follow an expulsion process including a hearing by the superintendent or designee. The student may be suspended pending the expulsion hearing. Prior to the expulsion of a student, the district will consider and propose alternative programs of instruction or counseling or both for the pupil.

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.

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

1. The principal or assistant 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 or assistant 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 or assistant 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 does not use English as a primary 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 and makes a written recommendation to the superintendent, including findings, conclusions and specific recommendations.
7. The superintendent states the decision in identical form to the student and parent or guardian, their representative and the principal or assistant 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 the student if 18 years of age or older, 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 or 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.

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 ounce of marijuana;
 - Possession, including possession by consumption, of alcohol;
 - Distribution, for no compensation, of alcohol or less than 1 ounce of marijuana; and
 - Use of toxic vapors, in violation of city or county ordinance.
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.



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Note: This index is intended as a helpful guide to the reader. It is not necessarily a complete or comprehensive list.

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