

## **POLICY 3200 ADMINISTRATIVE PROCEDURES Students Responsibilities and Rights**

PAGE 1:

- Table of Contents

PAGE 3:

- Introduction
- Definitions of Terms as used in this Document, WAC 392-400-205

PAGE 4:

- Student Responsibilities, WAC 392-400-210
- Student Rights, WAC 392-400-215

PAGE 5:

- School District Rules Defining Misconduct – Distribution of Rules, WAC 392-400-225
- General Rules and Regulations of the Marysville Schools

PAGE 9:

- Harassment/Bullying/Intimidation-Policy and Procedure: 3207 (See Addendum A)
- Searches

PAGE 10:

- Weapons and School Security- Policy and Procedure: 4210 (See Addendum B)
- Discipline

PAGE 12:

- WAC 392-172A-03092 Requirements for including Isolation, Restraint or Restraint Device in an IEP- Policy and Procedure: 3247 (See Addendum C)
- Marysville School District Discipline Matrix

PAGE 17:

- Suspensions (STS and LTS)

PAGE 21:

- Expulsions

PAGE 22:

- Limitations on Long-Term Suspensions and Expulsions – **Effective 6.9.2016**

PAGE 24:

- Grievance, Readmission and Appeal Processes

PAGE 33:

- Other Regulations

PAGE 34:

- Students and Telecommunications Devices-Policy 3246- (See Addendum D)
- Attendance Laws

PAGE 35:

- Educational Rights of Students in Homeless Situations

PAGE 36:

- Family Educational Rights and Privacy Act (FERPA)

PAGE 38:

- Addendum A: Policy 3207  
(Prohibition of Harassment, Intimidation, and Bullying)

PAGE 40:

- Procedure 3207

PAGE 48:

- Addendum B: Policy 4210 (Regulation of Dangerous Weapons on School Premises)

PAGE 49:

- Procedure 4210

PAGE 51:

- Addendum C: Policy 3247  
(Restraint, Isolation, and Other Uses of Reasonable Force)

PAGE 53:

- Procedure 3247

PAGE 56:

- Addendum D: Policy 3246  
(Students and Telecommunication Devices)

PAGE 57:

- Procedure 3246

## POLICY 3200 ADMINISTRATIVE PROCEDURES

### Students Responsibilities and Rights

#### INTRODUCTION

We are dedicated to providing a safe and healthy learning environment for every student. This handbook provides information regarding Washington State and Marysville School District policies and regulations describing:

- 1) the responsibilities of students to maintain a school attitude and behavior which is safe, orderly, and promotes a positive learning climate;
- 2) the rights of students to humane, professional, and legal treatment in school;
- 3) additional policies and regulations that affect students.

These guidelines implement Chapter 392-400 of the Washington Administrative Code.

Information on special services, transportation, athletics and community counseling resources may be obtained in school offices or at the district's educational Service Center.

#### PURPOSE AND APPLICATION, WAC 392-400-200

The purpose of this document is to implement RCW [28A.600.015](#) by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by or in behalf of the Marysville School District: Provided that the enforcement of rules promulgated by the Washington interscholastic activity association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW [28A.600.200](#). The procedures and standards set forth in this chapter and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

#### DEFINITIONS OF TERMS AS USED IN THIS DOCUMENT, WAC 392-400-205

1. **Discipline** - all forms of corrective action or punishment other than suspension and expulsion and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not exceeding the balance of the immediate class period: Provided, that the student is in the custody of Marysville School District employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity conducted by or on behalf of the Marysville School District.
2. **Suspension** - a denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) at any single subject or class, or at any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission of entry upon real and personal property that is owned, leased, rented, controlled by the school district, and/or the exclusion of a student from any other type of activity conducted by or on behalf of the Marysville School District.
3. **Short-term Suspension** - a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.

4. **Long-term Suspension** - a suspension which exceeds a "short-term suspension" (ten days) as defined in subsection (3) of this section.
5. **Expulsion** - a denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, controlled by the school district, and/or the exclusion of a student from any other type of activity conducted by or on behalf of the Marysville School District.
6. **School business day** - any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

#### **STUDENT RESPONSIBILITIES, WAC 392-400-210**

The Marysville School District aims to provide learning experience which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of studies, comply with written rules of the Marysville School District which are adopted pursuant to and in compliance with WAC [392-400-225](#) and RCW [28A.600.010](#), and submit to reasonable corrective action or punishment imposed by the Marysville School District and its agents for violation(s) of such rules. The provisions of this chapter do not lessen the foregoing responsibilities and duties of each student. This chapter is intended to assure that corrective action or punishment is imposed for just cause and in a fair and just manner.

#### **STUDENT RIGHTS, WAC 392-400-215**

In addition to other rights established by law, each student served by or in behalf of the Marysville School District shall possess the following substantive rights and shall not be limited except for good and sufficient cause (i.e. See RCW 28A.600.230 Student Searches)

1. No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental or sensory handicap or sexual orientation.
2. All students possess the constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, subject to reasonable limitations upon the time, place, and manner of exercising such right; the constitutional right to the free exercise of religion and to have their schools free from sectarian control or influence.
3. All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures.
4. All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of the Marysville School District.
5. No student shall be deprived of the right to an equal educational opportunity in whole or in part by the Marysville School District without due process of law.

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

**SCHOOL DISTRICT RULES DEFINING MISCONDUCT - DISTRIBUTION OF RULES, WAC 392-400-225**

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

- (a) Marysville School District shall provide for the development with parent and community participation of written procedures for administering corrective action at each school as required by RCW [28A.600.020](#)(3).
- (b) In a manner consistent with the Marysville School District procedures developed pursuant to (a) above, the principal and certificated employees in each school building shall confer at least annually for the purpose of developing, or reviewing, or both, building discipline standards and the uniform enforcement of those standards, as required by RCW [28A.400.110](#).

(2) Rules that establish types of misconduct pursuant to this section must have a real and substantial relationship to the lawful maintenance and operation of the Marysville School District including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning.

(3) The rules set forth in this chapter, the rules of the Marysville School District that establish types of misconduct pursuant to subsection (1) above, and the written procedures of the Marysville School District for administering corrective action adopted pursuant to subsection (1)(a) above, shall be published and made available to all students and parents on an annual basis. If the Marysville School District chooses not to distribute such rules to all students and parents, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy thereof shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

**THESE RULES SHALL APPLY TO ALL STUDENTS:**

- On school premises,
- On district-owned and operated vehicles or chartered buses,
- Engaged in school-sponsored activities, and
- Away from school grounds if such conduct would directly affect the good order, efficiency, management, and welfare of the school.

**THE FOLLOWING ARE GENERAL RULES AND REGULATIONS OF THE MARYSVILLE SCHOOLS.** Compliance with standards of conduct is mandatory. Violations of any district or building rules and regulations may result in discipline, suspension, expulsion and/or criminal charges under local, state, or federal law. Any conduct of a student which interferes with the maintenance of school discipline is prohibited. Behavior which conflicts with the educational program or interferes with other student’s rights to their educational program shall not be permitted. Possession of weapons, use of violence, use of illicit drugs, use of alcohol and unlawful possession of tobacco are illegal and harmful.

**A. Violation of Law****B. Additional rules and regulations governing student conduct and actions may be established in the particular schools, WAC 392-400-225****C. Violations of conduct standards that warrant disciplinary action include, without limitation, the following:**

1. **Violation of Law:** Violation of state, county, and city laws will be considered violations of school rules. Violations will be turned over to the proper authorities.
2. **Rule Violation:** Refusal to conform to rules and regulations and conduct which disturbs the orderly, efficient and disciplined atmosphere and operation of the school.
3. **Insubordination or Disobedience:** Refusal to comply with the request or direction of officers, employees, or agents of the school acting within the scope of their employment or duties.
4. **Violence:** Physical harm or threats of physical harm toward teachers, students, any other school personnel, or agents of the school or school property.
5. **Extortion:** Use of power (physical or verbal) to obtain property, funds, or favors from teachers, students, any other school personnel, or agents of the school.
6. **Possession of Dangerous Weapons, Dangerous Instruments, or Contraband:** Possession of any object that can reasonably be considered a firearm, air gun or a dangerous weapon.
7. **Bigotry:** Display of racial, ethnic intolerance toward teachers, students, any other school personnel, or agents of the school.
8. **Criminal Behavior:** Illegal behaviors defined by law.
9. **Assault:** (Note: Not applicable to voluntary participants in athletic events or other school sponsored activities and the risks reasonably associated therewith.)
  - a. any act which is intended to cause pain or injury or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
  - b. any act that is intended to place another in fear of immediate physical contact, which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
  - c. pointing any firearm toward another, or displaying any object in a threatening manner toward another (See Section C following and Policy 4210 for special regulations governing firearm violations)
10. **Willful Injury:** Causing or intending to cause serious injury to another person.
11. **Theft:** A person commits theft when the person does any of the following;
  - a. use of school funds, equipment, or materials without permission for purposes not reasonably related to school functions or school-sponsored educational activities.
  - b. taking possession or control of the property of another, or property in the lawful possession of another, without permission, with the intent to deprive the other thereof.
  - c. committing any act that is declared to be theft by any provision of the Revised Code of Washington.
12. **Cheating:** Attempting to defraud, copy, mislead, or obtain benefit using an article of fictitious value or to obtain property by unlawful means.
13. **Robbery:** While intending to commit a theft, assist or further the commission of a theft or a person's escape from the theft scene with or without the stolen property:
  - a. committing an assault upon another.
  - b. threatening another with or purposely puts another in fear of immediate serious injury.
  - c. threatening to commit immediately any forcible felony.

14. **Defacing or Injuring School Property:** Damage, alteration, injury, defacement, or destruction of any school building or school bus, or property belonging to a school contractor, employee, or another student. If any such property has been lost or willfully cut, defaced, or injured, the school district, in accordance with RCW 28A.635.060 may withhold the grades, diploma, and transcripts of the pupil responsible until payment is made. If student is placed on suspension for the damage, readmission may be contingent upon restitution (money payment or voluntary service) being made.
15. **Unlawful Assembly:** Three or more persons assembled together with any or all of them acting in a violent manner with intent that any or all of them will commit a public offense; willingly joining in or remaining a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such.
16. **Disorderly Conduct:** A person violates this policy when he/she does any of the following:
  - a. Engaging in fighting or violent behavior in the school or at school functions.
  - b. Making loud and raucous noise in the vicinity of the school or at school functions, causing occupants or participants thereof to be unreasonably disturbed.
  - c. Directing abusive epithets or makes any threatening or rude gesture which the person knows or reasonably is likely to insult or to provoke a violent reaction by another.
  - d. Without lawful authority, disturbing any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
  - e. Without authority or justification obstructing school premises where any school function is held.
  - f. Telephoning from school or to another person at school and using obscene, lewd, or profane language, or threatening to inflict injury or physical harm to the person or property of any person.
  - g. Demonstrating overt displays of affection, i.e., prolonged embracing or kissing, or physical fondling.
  - h. Tardiness to class or other official school assembly.
  - i. Inciting or encouraging any act which is against the law or school rules.
17. **False Reports:** Knowing information is false, conveying or causing to be conveyed to any person any false information with the intent that such person will act upon that information.
18. **Threats/Explosive Devices:** Possession of threats to place or attempts to place, any incendiary or explosive device, material or component, or any destructive substance or device in any place in or about school district property or school related activity where it will endanger persons or property.
  - a. The term "property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned, used by or under the control of the school corporation.
19. **Trespass:**
  - a. The term "trespass" shall mean one or more of the following acts:
    - i. Entering into or remaining upon property without justification or without the implied or actual permission of the principal or other designated person in authority with the intent to commit a public offense or to use, remove there from, alter, damage, harass, or place thereon or therein anything animate or inanimate.
    - ii. Entering into or remaining upon property without justification after being notified or requested to abstain from entering or to remove or vacate there from by the public employee in authority, or by any peace officer, magistrate, or public employees whose duty it is to help supervise the use or maintenance of the property.
  - b. The term "trespass" shall not mean entering upon property for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the school property, provided that the person retrieving the property takes the most direct and accessible route to and from the

property to be retrieved, leaves the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

20. **Loitering:** Standing idly about, aimless lingering for purpose of delay. A student shall be expected to be on the school campus only during official hours of his/her scheduled school day unless permission to do otherwise has been granted.
21. **Arson:** Causing a fire or explosion, or placing any burning or combustible material, or any incendiary or explosive device or material, in or near any school property with the intent to destroy or damage such property, or with the knowledge that such property will probably be destroyed or damaged, whether or not any such property is actually destroyed or damaged.
22. **Tobacco:** Use or possession of any tobacco product, alternative Smoking Devices, electronic cigarettes, vapor devices, or tobacco paraphernalia. State law prohibits use of tobacco in all public buildings. No smoking, chewing or any type of tobacco use is allowed on any school property or at any school-sponsored activity. As of 1998, possession of tobacco products by anyone under 18 is illegal. All violations are subject to law enforcement action.
23. **Alcohol/Drugs:** Using, receiving, possessing, selling, sharing, buying' attempting to buy, sell, or sharing; or being under the influence of:
  - a. alcohol, any other illicit drug, controlled substance, or drug paraphernalia;
  - b. any substance that purports to be any of those listed in A., above; and/or
  - c. over-the-counter medications, stimulants, depressants in any form, while attending any public or privately held school related function or immediately before or after attendance on school property or functions.
24. **Prescription Medications:** A prescription medication unless such medication was obtained directly from or pursuant to a valid prescription or order of a medical practitioner while acting in the course of his/her professional practice. Such lawful use of prescription drugs must conform to school district Policy 3416 and established administrative procedures.
25. **Non-Prescription Medications:** Use, possession, selling, sharing, distributing, or receiving over the counter medications, stimulants, or depressants.
26. **Chemicals:** Use of any chemical in a hazardous manner.
27. **Truancy:** Unauthorized absence from school or assigned classes or activity without reasonable cause in accordance with state law and school board policy. It shall be the responsibility of students to familiarize themselves with building procedures. All students arriving at or leaving the campus during the school day are to check in or out in accordance with the specific procedures of that school. By law (RCW 28A.225.010) students accumulating seven unexcused absences in a month or ten in a year may be reported to the juvenile court system.
28. **Gambling:** Betting on the outcome of a game, contest, or other event on school premises or at school related activities. Gambling is prohibited on school premises or at school related activities.
29. **Abusive Behavior and Lewd Conduct:** Any lewd, indecent, or obscene act or expression, communicated orally, in writing, or by gestures.
30. **Unlawful Gang Activity or Association:** Participation in or association with groups that initiate, advocate, or promote activities or behavior which threatens the safety or well-being of persons or property are disruptive to the educational environment and are considered to be unlawful gangs. The type of dress, apparel, activities, behavior, or manner of grooming displayed or participated in by students shall not
  - a. lead school officials to reasonably believe that such behavior, apparel, activities, or other attributes are gang related and would disrupt or interfere with the school environment or educational objectives;
  - b. present a physical safety hazard to self or others;



- c. create an atmosphere in which a student, staff, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence;
  - d. imply gang membership or affiliation by written communication, marks, drawing, design, or emblem upon any school or personal property or on one's person.
31. **Emergency Equipment:** Tampering in any way with fire alarms, safety, or emergency equipment. Pulling a false fire alarm may result in legal prosecution as well as discipline by the school.
32. **Disruption of the Learning Environment:** Disruption of the learning environment is a violation of school rules, board policy and of State law. RCW 28a.600.020; RCW 28a.600.460
33. **Harassment/Bullying/Intimidation:** Please see the full section that follows.

**HARASSMENT, INTIMIDATION AND BULLYING - POLICY NO. 3207 - RCW 28A.300.285 - SEE ADDENDUM A**

**SEARCHES: RCW's 28A.600.210-240**

The superintendent, the principal, and other staff designated by the principal or superintendent shall have the authority to conduct reasonable searches of students and their property while on school property. While staff shall not take particular care to respect students' privacy, right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by the school district. Lockers shall be subject to search in accordance with state law. In the enforcement of these regulations, principals and their designees have the authority to conduct unannounced inspections of students' desks and lockers. (In accordance with RCW 28A.600.210 – 240 see below)

**RCW 28A.600.210 Searches—Findings**

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

**RCW 28A.600.220 Searches—No expectation of privacy**

No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW [28A.600.210](#) through [28A.600.240](#).

**RCW 28A.600.230 Searches—Authorization—Limitations**

A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW [9.41.280](#).

The scope of the search is proper if the search is conducted as follows:

- a. The methods used are reasonably related to the objectives of the search; and
- b. Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.
- c. A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW [10.79.070](#)

**RCW 28A.600.240 Searches—Notice and reasonable suspicion requirements**

(1) In addition to the provisions in RCW [28A.600.230](#), the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of RCW [28A.600.230](#)(2).

**WEAPONS AND SCHOOL SECURITY - POLICY NO. 4210 - RCW 9.41.250-280 - SEE ADDENDUM B**

**Authorized school personnel may also conduct:**

1. Inspections of students' vehicles driven to school, if reasonable suspicion of an individualized, particular nature exists that the student is likely housing, storing, transporting, or secreting in the vehicle prohibited, stolen, or other contraband items, including weapons. (School authorities have a legal right to supervise the use of student's private vehicles to and from and while at school. It is the responsibility of each student driver to check with school officials regarding the use of private vehicles.)
2. Inspections of the content of pockets, notebooks, bags, backpacks, wallets, purses, and other such articles, if reasonable suspicion of an individualized, particular nature exists that the student has possession of prohibited, stolen, or other contraband items, including weapons.
3. Inspection of student's personal cell phones laptops or other electronic devices if reasonable suspicion exists.
4. Random searches on campus by trained, law enforcement drug dogs.

**DISCIPLINE**

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

- (1) Each certificated teacher, each school administrator, each school bus driver, and any other school employee designated by the Board of Directors of the Marysville School District shall possess the authority to impose discipline upon a student for misconduct which violates rules of the Marysville School District established pursuant to WAC [392-400-225](#) and to impose an emergency removal from a class, subject, or activity upon a student pursuant to WAC [392-400-290](#).
- (2) The Board of Directors of the Marysville School District may delegate to the superintendent and/or his or her designee(s) the authority to impose suspensions and expulsions upon students for misconduct which violates rules of the Marysville School District established pursuant to WAC [392-400-225](#). Each certificated teacher and each administrator shall possess the authority to recommend suspensions and expulsions for such misconduct.
- (3) Any Board of Directors which chooses not to delegate the authority to impose suspensions and/or expulsions, nevertheless, shall be subject to the requirements set forth in this chapter when it imposes a suspension or

expulsion.

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

#### **DISCIPLINE—CONDITIONS AND LIMITATIONS, WAC 392-400-235**

Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC 392-400-225, subject to the following limitations and conditions and the grievance procedure set forth in WAC [392-400-240](#):

- (1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements
- (2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:
  - (a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and
  - (b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course
- (3) Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited.

#### **Corporal punishment does not include:**

- (a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;
- (b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;
- (c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or
- (d) Physical restraint or the use of positive behavior interventions as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC [392-171-800](#).

**WAC 392-172A-03092 REQUIREMENTS FOR INCLUDING ISOLATION, RESTRAINT, OR A RESTRAINT DEVICE IN AN IEP  
SEE ADDENDUM C**

(1) If the parent and district agree that the use of isolation, restraint, or a restraint device will be contained in a student's IEP, the use must: (a) Be consistent with the recommendations of the IEP team which must include a member who is familiar with the use of positive behavior interventions. (b) Specify the conditions under which restraint or isolation or a restraint device will be used. (c) Describe or specify the maximum duration of each isolation or restraint or use of a restraint device and any special precautions that must be taken. (d) Specify the staff or contracted positions permitted to use the restraint and isolation with the student and the required training, which must be updated annually, for the staff or contracted positions permitted to use the restraint or isolation described in the IEP. (2) School districts will follow the documentation and reporting requirements for any use of restraint or isolation consistent with RCW 28A.600.485 regardless of whether the use of isolation, restraint, or a restraint device is contained in the student's IEP.

When considering special factors unique to a student, the IEP team must:

Consider the use of positive behavioral interventions and supports, and other strategies, to address behavior, in the case of a student whose behavior impedes the student's learning or that of others, including the need for the planned use of isolation, restraint, or a restraint device as part of a behavior intervention plan if the individual needs of the student require more specific advanced educational planning in order to provide a free appropriate public education.

**MARYSVILLE SCHOOL DISTRICT DISCIPLINE MATRIX**

Students are responsible as citizens to observe the laws of the United States, the state of Washington, and its subdivisions. The District understands and affirms that conduct and behavior are closely associated to learning. An effective instructional program requires an orderly school environment. The District requires that each student adhere to the rules of conduct established by the District and its various schools and programs, and to submit to corrective action taken as a result of conduct violations. The rules of conduct are applicable on school property, on school sponsored transportation, at school events off school property, and off school property if the conduct materially and substantially affects the educational process or District operations. Refusal to comply with written rules and procedures established for the governing of the school shall constitute sufficient cause for discipline, suspension, or expulsion. Any conduct which materially and substantially interferes with the educational process is prohibited. The following list of offenses included in the middle and high school discipline matrixes generally describes such conduct, but is not intended to be exclusive. Each is specifically prohibited on school grounds, on school sponsored transportation, at school events off school grounds, and off school grounds if the conduct materially and substantially affects the educational process or District operations. **Conduct marked with an asterisk (\*) requires Police Notification and is designated as exceptional misconduct and has been judged to be; (a) so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school, or (b) is of such frequent occurrence, notwithstanding past attempts to control such misconduct with other forms of corrective action, that students may be subject to suspension (short- or long-term), emergency expulsion or expulsion for a first-time offense.**

The Marysville School District Secondary School Discipline Matrix has been developed to provide internal guidelines to our staff members who must respond to disciplinary issues. One expected outcome is to increase the consistency of consequences we give to students. It is not, however, intended to replace individual decision-making by staff, who must respond to unique situations, and take multiple factors into consideration when determining consequences. The following chart shows examples of infractions and their **suggested** consequences. In addition, this matrix is design to support and

augment the minor and major infraction frameworks in place at each school. A glossary of terms for consequences follows this matrix.

Infraction / Offense Code	Guidelines for progressive consequences for continued offenses.		
Aggressive Behavior / AG (A form of physical or verbal behavior leading to self-assertion; angry and/or destructive and intended to be injurious, physically or emotionally)	Conference to STS	Detention to STS	5 – 9 STS to LTS
*Alcohol / ZDA (Consumption, possession, use, under the influence of)	10 days STS (may be reduced to 5 days STS with drug and alcohol assessment and re-entry contract) Police Notification	LTS for the remainder of the semester with loss of credit Police Notification	Expulsion Police Notification
*Assault / ZVO violence w/o major injury or ZVW violence w/major injury (Any act which is intended to cause pain or injury or which is intended to result in physical contact which will be insulting or offensive to another, any act that is intended to place another in fear of immediate physical contact, which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act)	9 Days STS to Expulsion Police Notification	LTS to Expulsion Police Notification	Expulsion Police Notification
Academic Dishonesty/Plagiarism / ZAD (Academic dishonesty, illegal copying, plagiarism, forgery, etc.)	Redo assignment, parent or guardian notification/conference	Potential loss of credit on assignment, meeting with counselor, parent/guardian. School level discipline assigned.	Loss of credit on assignment, meeting with administration and parent/guardian. School level discipline assigned.
Computer Network Violations / NT (Misuse of computer equipment or other technologies.)	As per Acceptable Use Policy, 1-30 days of restricted usage	Denial of computer usage for the semester	Denial of all computer usage.
Disruptive Conduct / ZDC	Conference to Student Success Services	Student Success Services and plan	STS
Disrespectful Behavior / DIS (Exhibiting a lack of respect; rude and/or discourteous)	Conference to Student Success Services	Student Success Services and plan	STS
Dress code violation / DCV	Student options: 1. Change clothing	Parent conference and change of clothes	1-day OSS

	2. Wear clothing provided by school 3. Call home for change		
*Destruction of Property/*Vandalism / ZDP	Conference to STS and Restitution and Police Notification	STS and Restitution and Police Notification	STS to LTS and Restitution and Police Notification
Traffic Violation, driving w/out permission; dangerous driving / TV	Loss of parking/driving on campus; up to one month	Loss of parking/driving on campus > 1 month	Loss of parking/driving on campus > 2 months; remainder of school year
*Drugs (Possession, use, under the influence of, or drug paraphernalia) / ZD illicit drugs not marijuana or ZDM marijuana	10 OSS (Reduced to 5 if D&A Assessment & contract and re-entry contract). Police Notification	LTS for remainder of semester. Recommended D&A Assessment & contract and re-entry contract. Police Notification	Expulsion Police Notification
*Drugs with intent to sell / Distribute / ZD or ZDM	Expulsion Police Notification		
Failure to Complete Discipline Consequences / FCC	Increase or reassignment of disciplinary action	Increase of disciplinary action	
*Fighting / ZF fighting w/o major injury (Mutual participation in an incident involving physical violence)	1 - 3 SSS or OSS w/Student Success Services. Police Notification	4- 9 days SSS or OSS w/Student Success Services. Police Notification	LTS - Expulsion w/Student Success Services. Police Notification
*Gang Activity / GR	Conference/warning, Police Notification, (Administrative Discretion STS, LTS, Expulsion)	1 – 3 days STS Police Notification, (Administrative Discretion STS, LTS, Expulsion)	3 – 10 days STS to LTS Police Notification, (Administrative Discretion STS, LTS, Expulsion)
Bullying / ZB	Conference to STS HIB Compliance Officer Notification	STS to Expulsion/SST FBA HIB Compliance Officer Notification	LTS to Expulsion HIB Compliance Officer Notification
*Discriminatory Harassment / ZHD	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS/SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Harassment based on Disability / ZH1	Conference to STS HIB Compliance Officer Notification and Police Notification	STS to Expulsion/SST FBA HIB Compliance Officer Notification	LTS to Expulsion HIB Compliance Officer Notification
*Bullying Based on Disability / ZB1	Conference to STS HIB Compliance Officer	STS to Expulsion/SST FBA HIB Compliance Officer	LTS to Expulsion HIB Compliance Officer

Procedure No. 3200P

Students

	Notification and Police Notification	Notification and Police Notification	Notification and Police Notification
*Bullying based on Gender / ZB2	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Harassment based on Race / ZH2	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS /SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Bullying based on Race / ZB3	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS/SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Harassment based on Race / ZH3	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS/SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Bullying based on Religion / ZB4	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS/SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Harassment based on Religion / ZH4	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS /SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Bullying based on Sexual Orientation / ZB5	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS /SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Harassment based on Sexual Battery / ZH5	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS /SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Discriminatory Harassment / ZHS	Conference/ detention to 3 days STS HIB Compliance Officer and Police Notification	3 –5 days STS /SST FBA HIB Compliance Officer and Police Notification	LTS to Expulsion HIB Compliance Officer and Police Notification
*Sexually Inappropriate Conduct / ZSI	Conference/ detention to 3 days STS and Police Notification	3 –5 days STS /SST FBA and Police Notification	LTS to Expulsion and Police Notification
*Theft or Possession of Stolen Property / ZTS	Conference/ detention to 3 days STS Police	3 –5 days STS /SST/FBA and Police Notification	LTS and Police Notification and

Procedure No. 3200P

Students

	Notification and restitution	and restitution	restitution
Multiple Minor Accumulated Incidents / ZMM	PBIS Intervention/SST/SSS	PBIS Intervention/SST/FBA /SSS	SST/FBA/SSS/STS
Inappropriate Language / IL	Conference / Warning	Conference / Parent notification / Detention	Parent notification / Detention to STS
Inciting a Fight / IAF	Conference/ detention to 1 –3 days STS	3 –5 days STS	5 – 9 STS
Lewd, abusive, indecent, obscene act, profanity, pornography (oral, written or gestured). / LIO	Conference / 1 – 3 day OSS	5 – 10 day OSS	LTS for remainder of year
Off limits Areas, off-campus, unauthorized areas / OL	Detention	Detentions to 1 day OSS or SSS	1-3 days OSS or SSS
Parking Violations (no parking pass, failure to display parking pass/parking illegally) / PV	\$10.00 fine up to 3 violations	Suspension of parking privileges	Towing of vehicle
Possession of a Dangerous Object / PDO	Conference/ detention to 1 –3 days STS	3 –5 days STS	5 – 10 STS to LTS
*Possession of Knife or dagger / ZWK	5 days OSS and Police Notification	10 days OSS Police Notification	LTS Police Notification
Profanity Toward a Staff Member / PTS	1 –3 days STS	3 –5 days STS	5 – 9 STS
Reckless Behavior / RB (Acting with a lack of care or caution; careless or irresponsible)	Conference / Warning	Conference / Detention	Detention to STS
Refusal to follow Directions / RFD (Failure to comply with the reasonable request of district employee)	Conference / detention or Student Success Services	1 – 3 days STS or Student Success Services	3 – 9 STS
*Threats / THR	Conference to Expulsion Police Notification		
*Tobacco / ZT (Smoking, use of, possession of tobacco products, including alternative smoking devices, electronic cigarettes, vapor cigarettes, or other paraphernalia or devices)	1 day OSS/Student Success Services. Police Notification	3 days STS. Police Notification	5 - 9 days STS. Police Notification
*Weapons / ZWO (Possession and/or use of dangerous weapons/explosive devices, firearms, etc.)	Expulsion Police Notification		



Notation	Description
Detention	<p><u>A lunch detention</u> may be assigned by a teacher or administrator as a disciplinary action; failing to complete assigned detention results in progressive discipline including up to a suspension from school.</p> <p>After school detentions may be assigned by a teacher or administrator as a disciplinary action; failure to make up assigned detention results in progressive discipline including up to a suspension from school.</p> <p>*There is no afternoon activity bus to take students home.</p>
Suspension	<p><u>A suspension</u> is the denial of attendance for a stated period of time. A suspension also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.</p>
OSS	<p><u>Out of School Suspension</u> is the denial of attendance for a stated period of time, which includes the denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district for the duration of the suspension.</p>
SSS	<p><u>Student Success Services</u> provides a variety of student academic and social - emotional resources to help our students be successful.</p>
STS	<p><u>Short term suspension</u> is a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.</p>
LTS	<p><u>Long-term suspension</u> is a suspension which exceeds a "short-term suspension" (ten days or more).</p>
Expulsion	<p><u>Expulsion</u> is a denial of attendance at any single subject or class or at any full schedule of subjects or classes for a period of no more than one calendar year. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.</p>
Police Notification	<p><u>Notification</u> includes but is not limited to: phone consultation, in-person consultation, request for assistance, email, voice mail, and request for arrest. All notifications and results will be noted in the electronic student discipline system.</p>

## SUSPENSIONS

### SHORT-TERM SUSPENSION (STS)—CONDITIONS AND LIMITATIONS, WAC 392-400-245

A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC [392-400-225](#), subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC [392-400-250](#), and the grievance procedures set forth in WAC [392-400-255](#):

- (1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance

notice to students is advisable, and the imposition of such pre-established corrective action and/or punishment is permissible as long as:

- (a) Disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and
- (b) Short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. The Marysville School District may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which the Marysville School District has judged following consultation with an ad hoc citizen committee to:

- (a) Be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or
- (b) Be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by the Marysville School District to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizen's committee required by this section shall be composed of three or more persons chosen by the Marysville School District or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

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

- (a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;
- (b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her

educational success; and

- (c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.
- (4) Kindergarten through grade four -- No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.
- (5) Grade five and above program -- No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.
- (6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:
  - (a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade(s) or
  - (b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course(s) or
- (7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

**SHORT-TERM SUSPENSION—PRIOR CONFERENCE REQUIRED—NOTICE TO PARENT, WAC 392-400-250**

- (1) Prior to the short-term suspension of any student a conference shall be conducted with the student as follows:
  - (a) An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student,
  - (b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student,
  - (c) An oral or written explanation of the corrective action or punishment which may be imposed shall be provided to the student, and
  - (d) The student shall be provided the opportunity to present his/her explanation.
- (2) In the event a short-term suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to an informal conference pursuant to WAC [392-400-255](#) and that the suspension may possibly be reduced as a result of such conference.

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

**LONG-TERM SUSPENSION (LTS)—CONDITIONS AND LIMITATIONS, WAC 392-400-260**

A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC [392-400-225](#), subject to the following limitations or conditions and the notice requirements set forth in WAC [392-400-265](#) and the hearing requirements set forth in WAC [392-400-270](#):

- (1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such pre-established corrective action and/or punishment is permissible as long as:
- (a) Disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and
  - (b) Long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.
- (2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. The Marysville School District may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which the Marysville School District has judged following consultation with an ad hoc citizen's committee to
- (a) Be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizen's committee required by this section shall be composed of three or more persons chosen by the Marysville School District or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.
- (3) No student subject to compulsory attendance pursuant to chapter [28A.225](#) RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:
- (a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

- (b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and
  - (c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.
- (4) Kindergarten through grade four -- No student in grades kindergarten through four shall be subject to long-term suspension during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.
  - (5) Grade five and above program -- No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.
  - (6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.
  - (7) All long-term suspensions and the reasons therefore shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

## EXPULSIONS

### **EXPULSION—CONDITIONS AND LIMITATIONS, WAC 392-400-275**

A student may be expelled for violation of school district rules adopted pursuant to WAC [392-400-225](#), subject to the following limitations or conditions, the notice requirements set forth in WAC [392-400-280](#), and the hearing requirements set forth in WAC [392-400-285](#):

- (1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.
- (2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed. (Note: if the exceptional misconduct and has been judged to be;
  - (a) So serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school.
- (3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter [28A.225](#) RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:
  - (a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed

to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

- (b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and
  - (c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.
- (4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter [13.04](#) RCW in order that such authorities may address the student's educational needs.
  - (5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.
  - (6) All expulsions and the reasons therefore shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion

#### **LIMITATIONS ON LONG-TERM SUSPENSIONS AND EXPULSIONS-EFFECTIVE 6/9/2016**

In 2016, the legislature passed [HB 1541](#), which included significant changes to student discipline law pertaining to limitations on Long-Term Suspensions and Expulsions. These changes became effective June 9, 2016.

**A long-term suspension or expulsion must not exceed the length of an academic term**, as defined by the school board, from the time of the disciplinary action. This shortens the maximum length of a suspension or expulsion from the prior limitation of one calendar year.

**School districts must not use long-term suspension or expulsion as a form of discretionary discipline.** "Discretionary discipline" is a disciplinary action taken by a district for student behavior that violates the rules of student conduct, except for actions taken in response to:

1. A violation of the prohibition against firearms on school premises, transportation, or facilities;
2. Certain violent offenses, sex offenses, offenses related to liquor, controlled substances, and toxic inhalants, and certain crimes related to firearms, assault, kidnapping, harassment, and arson;

3. Two or more violations within a three-year period of criminal gang intimidation or other gang activity on school grounds, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property; or
4. Behavior that adversely impacts the health or safety of other students or educational staff.

Except for in response to the above, school districts may no longer use long-term suspension or expulsion. Even for any of the violations above, districts should consider alternative actions before using long-term suspension or expulsion, except for violation of the prohibition against firearms on school premises.

Possession of a telecommunication device and violation of dress and grooming codes are removed from the list of discretionary violations that, if performed two or more times within a three-year period, may result in long-term suspension or expulsion.

#### **Requirement to Provide Educational Services**

**School districts may not suspend the provision of educational services** as a disciplinary action, whether discretionary or nondiscretionary.

While students may be excluded from classrooms and other instructional or activity areas for the period of suspension or expulsion, districts must provide students with an opportunity to receive educational services during that time.

If educational services are provided in an alternative setting, the alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline.

#### **Reengagement Plan and Meeting**

**School districts must convene a reengagement meeting** with the student and family when a long-term suspension or expulsion is imposed.

Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

#### **EMERGENCY EXPULSION—LIMITATIONS, WAC 392-400-295**

Notwithstanding any other provision of this chapter, a student may be expelled immediately by the Marysville School District superintendent or a designee of the superintendent in emergency situations: Provided, that the superintendent or designee has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process. RCW 28A.600.015. An expulsion or suspension of a student may not be for an indefinite period of time and any emergency expulsions must be converted to another form within 10 days.

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

- (1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject,

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

- (a) The danger or threat ceases, or
  - (b) The principal or designated school authority acts to impose discipline, impose a short-term suspension, initiate a long-term suspension or an expulsion, or impose an emergency expulsion, pursuant to this chapter.
- (2) The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action or punishment. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the next school day. Prior to or at the time any such student is returned to the class(es), subject(s), or activity(ies), the principal or school authority shall notify the teacher or administrator who removed the student there from of the action which has been taken or initiated.

### **GRIEVANCE, READMISSION AND APPEAL PROCESSES**

#### **DISCIPLINE AND SHORT-TERM SUSPENSION—GRIEVANCE PROCEDURE, WAC 392-400-240 & WAC 392-400-255**

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

#### **APPLICATION FOR READMISSION FROM LONG-TERM SUSPENSION OR EXPULSION**

Any student, or the parent(s) or guardian(s) of any student who has been long term suspended or expelled, shall be allowed to make written application to the designee of the superintendent, named as the executive director of elementary (K-5) or secondary (6-12) of education, for readmission at any time.

- (1) Application should state the reasons for the request and should include such assurances concerning the non-reoccurrence of the behavior which led to the suspension or expulsion.



- (2) The executive director may designate an individual or committee to consider the application and make recommendations concerning such readmission.
- (3) The executive director (or his/her designee) shall, in writing, advise the student and the student's parent(s) or guardian(s) of the superintendent's designee's decision within thirty (30) days of the receipt of such application.
- (4) The superintendent's determination may be appealed to the Board of Directors.
- (5) See appeals/court appeals

**LONG-TERM SUSPENSION—APPEAL— NOTICE OF HEARING—WAIVER OF HEARING,  
WAC 392-400-265**

- (1) Prior to the long-term suspension of a student, written notice of an opportunity for an appeal hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:
  - (a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,
  - (b) Specify the alleged misconduct and the school district rule(s) alleged to have been violated,
  - (c) Set forth the corrective action or punishment proposed,
  - (d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to an appeal hearing for the purpose of contesting the allegation(s), and
  - (e) Set forth the facts that:
    - (i) A written (or "oral" if provided for by school district policy) request for an appeal hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for an appeal hearing, and
    - (ii) If such a request is not received within the prescribed period of time, then the right to an appeal hearing may be deemed to have been waived and the proposed long-term suspension may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing rights should be included with the notice.
- (2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for an appeal hearing and request the hearing within three school business days after the date of receipt of notice. A request for an appeal hearing shall be provided to the school district employee specified in the notice of opportunity for an appeal hearing, or to his or her office. A request for an appeal hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.
- (3) If a request for an appeal hearing is not received within the required three school business day period, the school

district may deem the student and his or her parent(s) or guardian(s) to have waived the right to an appeal hearing and the proposed long-term suspension may be imposed.

**LONG-TERM SUSPENSION—APPEAL—PREHEARING AND HEARING PROCESS, WAC 392-400-270**

- (1) If a request for an appeal hearing is received pursuant to WAC [392-400-265](#) within the required three school business days, the school district shall schedule the hearing to commence within three school business days after the date upon which the request for an appeal hearing was received.
- (2) The student and his or her parent(s) or guardian(s) shall have the right to:
  - (a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
  - (b) Be represented by legal counsel,
  - (c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:
    - (i) That the district made a reasonable effort to produce the witness and is unable to do so; or,
    - (ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,
  - (d) Present his or her explanation of the alleged misconduct, and
  - (e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.
- (3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.
- (4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.
- (5) Either a tape-recorded or verbatim record of the hearing shall be made.
- (6) A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form or corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

**EXPULSION—APPEAL—NOTICE OF HEARING—WAIVER OF HEARING, WAC 392-400-280**

- (1) Prior to the expulsion of a student, written notice of an opportunity for an appeal hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:
  - (a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,
  - (b) Specify the alleged misconduct and the school district rule(s) or policy alleged to have been violated,
  - (c) Set forth the corrective action or punishment proposed,
  - (d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to an appeal hearing for the purpose of contesting the allegation(s), and
  - (e) Set forth the facts that:
    - (i) A written (or "oral" if provided for by school district policy) request for an appeal hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for an appeal hearing, and
    - (ii) If such a request is not received within the prescribed period of time, then the right to an appeal hearing may be deemed to have been waived and the proposed expulsion may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.
- (2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for an appeal hearing and request the hearing within three school business days after the date of receipt of the notice. A request for an appeal hearing shall be provided to the school district employee specified in the notice of opportunity for an appeal hearing, or to his or her office. A request for an appeal hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the school district.
- (3) If a request for an appeal hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to an appeal hearing and the proposed expulsion may be imposed.

**EXPULSION—APPEAL—PREHEARING AND HEARING PROCESS, WAC 392-400-285**

- (1) If a request for an appeal hearing is received pursuant to WAC [392-400-280](#) within the required three school business days, the school district shall schedule the hearing to commence within three school business days after the date upon which the request for an appeal hearing was received.

- (2) The student and his or her parent(s) or guardian(s) shall have the right to:
  - (a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
  - (b) Be represented by legal counsel,
  - (c) Question and confront witnesses, unless the Marysville School District witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the Marysville School District must at a minimum establish either:
    - (i) That the district made a reasonable effort to produce the witness and is unable to do so; or,
    - (ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,
  - (d) Present his or her explanation of the alleged misconduct, and
  - (e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.
- (3) The designee(s) of the Marysville School District assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.
- (4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.
- (5) Either a tape-recorded or verbatim record of the hearing shall be made.
- (6) A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

**EMERGENCY EXPULSION—APPEAL—NOTICE OF HEARING—WAIVER OF HEARING RIGHT, WAC 392-400-300**

- (1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for an appeal hearing either by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery, or by certified letter(s) deposited in the United States mail, within twenty-four hours of the expulsion. If the emergency expulsion is based upon a failure to comply with the state immunization law (see chapter [392-380](#) WAC), the notice must be received

by the student's parent(s) or guardian(s) prior to the emergency expulsion of the student regardless of the method of delivery. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible.

Such written and oral notice shall:

- (a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,
  - (b) Specify the alleged reason(s) for the emergency expulsion,
  - (c) Set forth the corrective action or punishment taken and proposed,
  - (d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to an appeal hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and
  - (e) Set forth the facts that:
    - (i) A written (or "oral" if provided for by school district policy) request for an appeal hearing must be received by the Marysville School District employee designated, or by his or her office, on or before the expiration of the tenth school business day after receipt of the notice of opportunity for an appeal hearing, and
    - (ii) If such a request is not received within the prescribed period of time, then the right to an appeal hearing may be deemed to have been waived and the emergency expulsion may be continued as deemed necessary by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.
- (2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for an appeal hearing and request the hearing within ten school business days after the date of receipt of the notice. A request for an appeal hearing shall be provided to the school district employee specified in the notice of opportunity for an appeal hearing, or to his or her office. A request for an appeal hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.
- (3) If a request for an appeal hearing is not received within the required ten school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to the hearing and the emergency expulsion may be continued as deemed necessary by the school district. RCW 28A.600.015. An expulsion or suspension of a student may not be for an indefinite period of time and any emergency expulsions must be converted to another form within 10 days.

**EMERGENCY EXPULSION—APPEAL— PREHEARING AND HEARING PROCESS, WAC 392-400-305**

- (1) If a request for an appeal hearing is received within the required ten school business days pursuant to WAC [392-400-300](#), the school district shall immediately schedule and give notice of an appeal hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request for an appeal hearing.
- (2) The student and his or her parent(s) or guardian(s) shall have the right to:
  - (a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
  - (b) Be represented by legal counsel,
  - (c) Question and confront witnesses, unless the Marysville School District witness does not appear and the non-appearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the Marysville School District must at a minimum establish either:
    - (i) That the district made a reasonable effort to produce the witness and is unable to do so; or,
    - (ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,
  - (d) Present his or her explanation of the alleged misconduct, and
  - (e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.
- (3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.
- (4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.
- (5) Either a tape-recorded or verbatim record of the hearing shall be made.
- (6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency

expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

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

### **FINAL APPEAL PROCESS (WHEN APPLICABLE)**

#### **LONG-TERM SUSPENSION AND EXPULSION—WAC 392-400-310**

Appeals from decisions rendered pursuant to WAC [392-400-270](#), [392-400-285](#) and [392-400-305](#) which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

- (1) Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to the Marysville School District disciplinary appeal council established by the board. School district disciplinary appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.
- (2) If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his or her parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the district.
- (3) If an appeal is not taken to the board of directors or disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.
- (4) If a timely appeal is taken to the board of directors or disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:
  - (a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;
  - (b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school;
  - (c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's

suspension or expulsion; and

- (d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:
- (i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or
  - (ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

**APPEALS—HEARING BEFORE SCHOOL BOARD OR DISCIPLINARY APPEAL COUNCIL—PROCEDURES, WAC 392-400-315**

- 1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC [392-400-310](#)(2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:
  - (a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or
  - (b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or
  - (c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.
- (2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:
  - (a) The student and his or her parent(s) or guardian(s) shall have the right to:
    - (i) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
    - (ii) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:



- That the district made a reasonable effort to produce the witness and is unable to do so; or,
  - That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,
- (iii) Present his or her explanation of the alleged misconduct, and
- (iv) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,
- (b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and
- (c) Either a tape-recorded or verbatim record of the hearing shall be made.

**SCHOOL BOARD OR DISCIPLINARY APPEAL COUNCIL DECISIONS, WAC 392-400-320**

Any decision by a school board of directors or school district disciplinary appeal council pursuant to this chapter to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made:

- (1) Only by those board or council members who have heard or read the evidence
- (2) Only by those board or council members who have not acted as a witness in the matter
- (3) Only at a meeting at which a quorum of the board or council is present and by majority vote

**COURT APPEALS**

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

**OTHER REGULATIONS:**

**Student Dress**

Student dress will only be regulated when, in the judgment of school administrators, there is a reasonable expectation that: A. A health or safety hazard will be presented by the student's dress or appearance including possible membership in a gang or hate groups; B. Damage to school property will result from the student's dress; or C. A material and substantial disruption of the educational process will result from the students' dress or appearance. For the purpose of this policy, a material and substantial disruption of the educational process may be found to exist when a student's conduct is inconsistent with any part of the educational mission of the school district. Prohibited conduct includes the use of lewd, sexual, drug, tobacco or alcohol-related messages, or gang-related apparel. The uniforms of nationally

recognized youth organizations, and clothing worn in observance of a student's religion, are not subject to this policy. Appropriate student dress is required in school or while engaging in extracurricular activities. Any student wearing, carrying, or displaying gang-related apparel, or exhibiting behavior or gestures which symbolize gang membership, or causing and/or participating in activities which intimidate or affect the attendance of another student will be asked, with notice to his or her parents, to make appropriate corrections and be subject to discipline if the corrections are not undertaken.

### **Student Activities**

No student activities shall carry the sponsorship of the school unless properly organized within the framework of student organizations and under the authorized advisement of adult school personnel.

### **Student Computer Network Access**

Marysville School District students have the opportunity to access the District computer network for electronic mail and to use the Internet. To gain access, students and their parents must sign a copy of the district's Acceptable Use Policy, which will be kept on file in the office. Students signing this document agree to adhere to the Marysville School District Internet and E-Mail rules.

The network is provided for students to conduct research and communicate with others. Access to network services is given to students who agree to act in a considerate and responsible manner. Parent permission is required. Access is a privilege, not a right. Access entails responsibility. The following activities are not permitted:

1. Sending or displaying offensive messages or pictures
2. Using obscene language
3. Harassing, insulting or attacking others
4. Damaging computers, computer systems or computer networks
5. Violating copyright laws
6. Installing software onto district computers without written permission from a school official
7. Using another's password
8. Intentionally allowing another to use one's password to gain unauthorized access
9. Trespassing another's folders, work or files
10. Intentionally wasting limited resources
11. Giving personal information or making appointments to meet people in person who have been contacted via the network
12. Employing the network for commercial purposes

### **STUDENTS AND TELECOMMUNICATION DEVICES - POLICY 3246 - SEE ADDENDUM D**

**Students violating these rules will be subject to disciplinary action.**

### **ATTENDANCE LAWS**

Washington State compulsory attendance law RCW 28A.225 requires schools to file a petition with the juvenile court when a student accrues 7 unexcused absences in a month or 10 unexcused absences during the current school year. The purpose of the law is to make students, parents, and schools more accountable for truancy and to request court intervention to assist the district or parent to reduce a child's absences from school.

**Excused Absence:** Absences due to illness or injury; family emergency, prearranged medical or dental appointments; school-approved activities; suspensions, religious observances when requested by parents, and other absences pre-approved by the principal shall be excused when the parent, guardian, or adult student submit a signed note or oral statement to the school within 3 days of the return of the student to school. Short-term suspensions or other disciplinary actions resulting in the student missing school also constitute excused absences.

**Unexcused Absence:** An absence from school is unexcused if it does not constitute an excused absence as defined above or if a signed note or oral statement was not submitted by the parent, guardian or adult student within 3 days of the return of the student from an absence. This type of absence is also defined as truancy. Prior to filing a petition to juvenile court, schools will make every attempt to:

1. inform parents after each unexcused absence;
2. schedule a conference with the parent and/or child upon the second unexcused absence to analyze the cause of the child's absences; and
3. take action/steps to eliminate or reduce the student's absences in the future.

If the actions taken are not successful in reducing or eliminating the absence problem, and the student continues to accrue unexcused absences, the school may file a petition with juvenile court alleging a violation of the compulsory attendance law by (1) the parent; (2) the child; or (3) the parent and the child. If the school fails to file the petition, the parent of a child with 7 unexcused absences in a month or 10 unexcused absences during the year may file the petition.

Marysville School District is required to comply with the above compulsory attendance laws. Parents are encouraged to stress the importance of good school attendance to their children and to send a note or call school officials excusing the absence of their child within 3 days of his/her return to school. Call your local school if you have questions.

#### **EDUCATIONAL RIGHTS OF STUDENTS IN HOMELESS SITUATIONS**

The McKinney-Vento Act protects the educational rights of students experiencing homelessness. It provides legal protections so students in homeless situations can enroll in, attend, and succeed in school. The Act defines "homeless children and youth" as "individuals who lack a fixed, regular & adequate nighttime residence." This includes:

- Individuals who are sharing the housing of other persons due to lack of housing, economic hardship, or a similar reason
- Individuals living in motels, hotels, trailer parks, or campgrounds due to the lack of alternative accommodations
- Individuals living in emergency or transitional shelters
- Individuals abandoned in hospitals
- Individuals awaiting foster care placement
- Individuals who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Individuals living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children who are living in circumstances described above

Students in homeless situations have the right to:

- Go to school, no matter where they live or how long they have lived there

- Get help enrolling and succeeding in school from the school district’s Homeless Student Liaison. You can get the contact information for the Liaison from the school office. The Liaison has a special responsibility to help youth who are on their own
- Stay in the school they went to before becoming homeless or whatever school they were enrolled in last (called “school of origin”), even if they move out of the district, if that is feasible. Students can stay in their school of origin the entire time they are homeless. Students can finish the school year in their school if they find permanent housing during the year.
- Get transportation to their school of origin, provided or arranged by the school district, or a joint effort among school districts
- Go to the local school in the area where they are living. The school must immediately let students enroll, attend classes, and participate fully in school activities, even if students do not have a parent or guardian with them or documents, such as proof of residency, immunization records, other medical records, school records, or other documents. Once students are enrolled, the school must get records from the last school, and the Liaison must help students get immunizations or immunization and medical records.
- Get a written explanation from the school district if the district refuses to send students to the school they choose, and have the Liaison settle such disagreements
- Have disagreements settled quickly and go to the school they choose while disagreements are settled
- Get preschool services, free or reduced school meals, services for English Language Learners, special education, Title I services, vocational/technical education, gifted and talented services, and before- and after-school care, as needed
- Get information and referrals from the Liaison, including information about all available educational programs and how parents can participate, public notice about their rights, and referrals to health, mental health, dental, and other services.
- Have the opportunity to meet the same high academic achievement standards as all students

If the school district does not follow the Act’s requirements, you should contact the State Liaison for Homeless Education at 360-725-6050.

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. The right to inspect and review the student’s education records within 45 days of the day the District receives a request for access. \*

Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student’s educational records that the parent or eligible student believes is inaccurate or misleading.

Parents or eligible students may ask the Marysville School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent or eligible student, the

District will notify the parent or eligible student of the decision and advise them to their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

(Optional) Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.)

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

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, SW  
Washington, DC 20202-4605

\* State Law Qualification: Although FERPA allows 45 days to honor a request; the state policy records law requires an appropriate response to a "public records" request within five business days. RCW 42.17.320

*Marysville School District is an Equal Opportunity Employer. Marysville School District complies with all federal and Washington State rules and regulations and will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity will be provided without discrimination with respect to race, creed, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, the*

*presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability. Applications from all groups are encouraged. Inquiries regarding compliance and/or grievance procedures may be directed to the Executive Director of Human Resources, Title IX RCW 28.A.640; the Athletics Director, Affirmative Action Officer; or the Director of Categorical Programs, Section 504 Coordinator; and the Executive Director of Special Education, ADA Coordinator. Marysville School District is a drug- and tobacco-free workplace.*

Marysville School District No. 25

4220 80th Street NE

Marysville, WA 98270

[www.ms25.org](http://www.ms25.org)

Email: [hr@msvl.k12.wa.us](mailto:hr@msvl.k12.wa.us)

Phone: (360) 965-0000

**Marysville School District No. 25**

Revised 8/2/12

Revised 3/24/14

Revised 10/27/15

Revised 11/3/15

**Revised 8/11/16**

## **ADDENDUM A: Policy 3207**

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

The Marysville School District board is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers and community members that is free from harassment, intimidation or bullying. "Harassment, intimidation or bullying" means any intentionally written message or image — including those that are electronically transmitted — verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation including gender expression or identity, mental or physical disability or other distinguishing characteristics, when an act:

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

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

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

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

#### **Behaviors/Expressions**

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

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

#### **Training**

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

#### **Prevention**

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

#### **Interventions**

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

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

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

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the target of harassment, intimidation or bullying, the school will convene the student's IEP or Section 504 team to determine whether the incident had an impact on the student's ability to receive a free, appropriate public education (FAPE). The meeting should occur regardless of whether the harassment, intimidation or bullying incident was based on the student's disability. During the meeting,

the team will evaluate issues such as the student’s academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving a FAPE as a result of the harassment, intimidation or bullying incident, the district will provide additional services and supports as deemed necessary, such as counseling, monitoring and/or reevaluation or revision of the student’s IEP or Section 504 plan, to ensure the student receives a FAPE.

**Retaliation/False Allegations**

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

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

**Compliance Officer**

The superintendent will appoint a compliance officer as the primary district contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district.

The superintendent is authorized to direct the implementation of procedures addressing the elements of this policy.

<p>Cross References:</p> <p>Policy 2161                  Policy 3200                  Policy 3210                  Policy 3240                  Policy 3241                  Policy 5011</p>	<p>Special Education and Related Services for Eligible students                  Rights and Responsibilities                  Nondiscrimination                  Student Conduct                  Classroom Management, Corrective Action and Punishment                  Sexual Harassment</p>
<p>Legal Reference:</p> <p>RCW 28A.300.285                   WAC 392-190-059</p>	<p>Harassment, intimidation, and bullying prevention policies and procedures – Model policy and procedure – Training materials – Posting on website – Rules – Advisory committee                  Harassment, intimidation and bullying prevention policy and procedure – School districts.</p>

Management Resources:

<p><i>Policy News</i>, December 2014  <i>Policy News</i>, December 2010  <i>Policy News</i>, April 2008  <i>Policy News</i>, April 2002</p>	<p>Harassment, Intimidation and Bullying Policy Strengthened                  Cyberbullying Policy Required                  Legislature Passes and Anti-Bullying Bill</p>
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**Marysville School District No. 25**

First Reading: 7/11/2011  
 Adopted by Board of Directors: 8/1/2011  
 Revised for First Reading: 7/14/2014  
 Second Reading and Adoption: 8/4/2014  
 Revised for First Reading: 2/9/2015  
**Second Reading and Adoption: 2/17/2015**



## PROCEDURE 3207: PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING

### A. Introduction

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

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

The district takes Harassment, Intimidation, and Bullying (HIB) issues very seriously. Every adult who works with children receives training in HIB as well as reporting requirements as outlined in policy. Any school staff who observes, overhears, or otherwise witnesses' harassment, intimidation or bullying or to whom such actions have been reported must take prompt and appropriate action to stop the harassment and to prevent its reoccurrence.

As a district, we offer four ways to students or adults to report HIB issues and other unsafe behaviors such as drug use, weapons, or other high-risk behaviors through SafeSchools Alert. Reports can either be made online, email, text or phone call. Go to: <https://msvl-wa.safeschoolsalert.com/>. Reporting forms are also available at each school site and the district's Educational Service Center. Also see Reporting – Item G of this document.

### B. Definitions

**Aggressor** is a student, staff member, or other member of the school community who engages in the harassment, intimidation or bullying of a student.

**Harassment, intimidation or bullying** is an intentional act whether electronic, written, verbal, or physical that:

- Physically harms a student or damages the student's property.
- Has the effect of substantially interfering with a student's education.
- Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment.
- Has the effect of substantially disrupting the orderly operation of the school.

Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.

Conduct that may rise to the level of harassment, intimidation and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. A sample form is provided on the Office of Superintendent of Public Instruction's (OSPI) School Safety Center website: [www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx).

**Retaliation** is when an aggressor harasses, intimidates, or bullies a student who has reported incidents of bullying.

**Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).

**Targeted Student** is a student against whom harassment, intimidation or bullying has allegedly been perpetrated.

### C. Relationship to Other Laws

This procedure applies only to RCW 28A.300.285 – Harassment, Intimidation and Bullying prevention. There are other laws and procedures to address related issues such as sexual harassment or discrimination.

At least four Washington laws may apply to harassment or discrimination:

- RCW 28A.300.285 – Harassment, Intimidation and Bullying
- RCW 28A.640.020 – Sexual Harassment
- RCW 28A.642 – Prohibition of Discrimination in Public Schools
- RCW 49.60.010 – The Law Against Discrimination

The district will ensure its compliance with all state laws regarding harassment, intimidation or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a person's gender or membership in a legally protected class under local, state, or federal law.

### D. Prevention

#### 1. Dissemination

In each school and on the district's website the district will prominently post information on reporting harassment, intimidation and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district's policy and procedure will be available in each school in a language that families can understand.

Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways, or is posted on the district's website.

Additional distribution of the policy and procedure is subject to the requirements of Washington Administrative Code 392-400-226.

#### 2. Education

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

#### 3. Training

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

#### 4. Prevention Strategies

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches.

Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation and bullying in schools.

#### **E. Compliance Officer**

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation and bullying.
2. Provide support and assistance to the principal or designee in resolving complaints.
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations.
4. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern.
5. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
6. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training.
7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
8. In cases where, despite school efforts, a targeted student experiences harassment, intimidation or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: [www.k12.wa.us/SafetyCenter/default.aspx](http://www.k12.wa.us/SafetyCenter/default.aspx).

#### **F. Staff Intervention**

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

#### **G. Reporting HIB**

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation or bullying may report incidents verbally or in writing to any staff member or electronically at <https://msvl-wa.safeschoolsalert.com/> via online, email, text, or phone call. Reporting forms are available at each school site and the district's Educational Service Center.

#### **H. Addressing Bullying – Reports**

##### **Step 1: Reporting HIB - Confidentiality**

In order to protect a targeted student from retaliation, a student need not reveal his identity when reporting HIB. Reports may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential). Reporting may occur in any manner described in Item G – Reporting HIB.

Status of Reporter

a. Anonymous

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

b. Confidential

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

c. Non-confidential

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

**Step 2: Receiving an Incident Reporting Form**

All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation or bullying shall attempt to resolve the incident immediately. Reports that are submitted using SafeSchools Alert at <https://msvl-wa.safeschoolsalert.com/> (online, email, text, or phone) will also be acted upon as soon as possible (during normal business hours) by the designated district-level staff member assigned to receive such reports. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation or bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be recorded on a district Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint.

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

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

- a. Upon receipt of a report that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical

harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.

- b. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.
- c. Within two (2) school days after receiving the report, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation and bullying.
- d. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation and bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.
- e. The investigation shall include, at a minimum:
  - An interview with the complainant;
  - An interview with the alleged aggressor;
  - A review of any previous complaints involving either the complainant or the alleged aggressor; and
  - Interviews with other students or staff members who may have knowledge of the alleged incident.
- f. The principal or designee may determine that other steps must be taken before the investigation is complete.
- g. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.
- h. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee shall respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
  - The results of the investigation;
  - Whether the allegations were found to be factual;
  - Whether there was a violation of policy; and
  - The process for the complainant to file an appeal if the complainant disagrees with results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family. If professional school

personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.

If the incident cannot be resolved at the school level, the principal or designee shall request assistance from the district.

#### **Step 4: Corrective Measures for the Aggressor**

After completion of the investigation, the school or district designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to district policy 3241, *Classroom Management, Corrective Actions or Punishment*. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

#### **Step 5: Targeted Student's Right to Appeal**

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

#### **Step 6: Discipline/Corrective Action**

The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation or bullying. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

Corrective measures for a student who commits an act of harassment, intimidation or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district policy.

If the conduct was of a public nature or involved groups of students or bystanders, the district should strongly consider schoolwide training or other activities to address the incident.

If staff have been found to be in violation of this policy and procedure, school districts may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of WAC 181-87, commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

### **Step 7: Support for the Targeted Student**

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

#### **I. Immunity/Retaliation**

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

#### **J. Other Resources**

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

- OSPI Equity and Civil Rights Office  
360.725.6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
[www.k12.wa.us/Equity/default.aspx](http://www.k12.wa.us/Equity/default.aspx)
- Washington State Human Rights Commission  
800.233.3247  
[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)
- Office for Civil Rights, U.S. Department of Education, Region IX  
206.607.1600  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)
- Department of Justice Community Relations Service  
877.292.3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)
- Office of the Education Ombudsman  
866.297-2597  
Email: [OEOinfo@gov.wa.gov](mailto:OEOinfo@gov.wa.gov)  
[www.governor.wa.gov/oeo/default.asp](http://www.governor.wa.gov/oeo/default.asp)
- OSPI Safety Center  
360.725-6044  
[www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx)

**K. Other District Policies and Procedures**

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

**Marysville School District No. 25**

Revised Date: 04/02

Revised Date: 04/08

Revised Date: 12/10

Revised Date: 08/11

**Revised Date: 11/24/2015**

**Revised Date: 08/09/2016**





Procedure No. 3200P

Students

Legal References:	RCW 9.41.280	Dangerous weapons on facilities-Penalty- Exceptions
	RCW 9A.16.020	Use of force--when lawful
	RCW 9.91.160	Personal Protection Spray devices
	RCW 28A.600.420	Firearms on school premises, transportation, or facilities -- Penalty -- Exemptions

Management Resources:

<i>Policy News</i> , August 2006	Weapons on School Premises
<i>Policy News</i> , August 1998	State Encourages Modification of Weapons Policy
<i>Policy News</i> , October 1997	Legislature also addresses "look alike" firearms

**Marysville School District No. 25**

Adoption Date: 8/2/99

Revised for First Reading: 11/04/13

**Second Reading and Adoption: 11/18/13**

**PROCEDURE 4210: REGULATION OF DANGEROUS WEAPONS ON SCHOOL PREMISES**

- A. Any firearm, air gun, or other device from which a projectile may be fired by explosive force (RCW 9.41.010);
- B. Any knife or similar item dangerous to others defined as follows:
  - 1) Any knife having a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle, or which opens by gravity or centrifugal force, the blade of which, when open, projects from the handle (RCW 9.41.250);
  - 2) Any knife having any device of any kind that holds the blade partially or totally open, the blade of which when open projects from the handle (RCW 9.41.250);
  - 3) Any knife, dirk, or dagger of any kind (including pocket knives and jack knives). This is intended to include all knives such as butcher knives or other knives that do not close, other than those provided by, supervised by, and used as part of a school's curriculum or program (RCW 9.41.250);
  - 4) Any razor or ice pick, other than those provided by, supervised by, and used as part of a school's curriculum or program;
  - 5) Any knife or device used to threaten, harm, or attempt to harm another person, or
- C. Devices commonly known as "sling shots," "sand clubs," "metal knuckles," "num-chu-ka sticks," or "throwing stars" and defined as such in RCW 9.41.250 or RCW 9.41.280;
- D. Any other object capable of producing bodily harm that is carried, used or threatened for use for the purpose or with intent of inflicting injury on or intimidating another person (RCW 9.41.270) including mace, pepper spray, stun gun, chemical spray or personal protection devices designed to disable an individual.
- E. Students with a legitimate purpose must obtain a permit to carry an approved chemical protection device from the building administration.

- II. Administrators or other designated school officials will confiscate any article identified as a weapon. Such weapons will be submitted to the appropriate law enforcement agency. A student having in his or her possession, or in his or her desk, locker, or other personal property brought onto school grounds, or to a school sponsored event, any weapon defined above, will be recommended for arrest by the appropriate law enforcement agency for violation of RCW 9.41.280.
- III. Additionally the following school disciplinary standards shall apply:
- A. A student at school or attending a school-sponsored event having any firearm or air gun in his or her possession will be subject to expulsion from school.
- B. A student at school or attending a school-sponsored event having any weapon (as defined above) other than a firearm or air gun in his or her possession will be subject to suspension from school for not less than five school days. Circumstances or the previous disciplinary record of the student may merit consideration of a longer suspension in the judgment of the administrator investigating the incident.
- A second possession infraction involving weapons other than a firearm or air gun will make the student subject to expulsion from school.
- C. A student using any type of weapon (as defined above) to intimidate, threaten or inflict injury on another will be subject to expulsion from school.
- IV. Additionally, the school district recognizes other categories of potentially dangerous objects:
- A. Articles designed for other purposes, but which could be used to inflict bodily harm or intimidate others. Examples are belts, combs, pencils, files, compasses, scissors, etc.
- A student acting in an aggressive or belligerent manner with any such article will be administratively judged in possession of a weapon and appropriate disciplinary action will be taken. A student using such an object as a weapon in a fight or altercation will be administratively judged to be a danger to others and self and will be subject to suspension or expulsion proceedings, or other appropriate disciplinary action in the judgment of the administration.
- B. Articles designed for other purposes which if used improperly could cause harm or injury of unknown severity. Examples include, but are not limited to, laser *devices*. The District recognizes laser devices may have legitimate use on District property, (i.e. survey equipment, trade tools, etc.) so, therefore, use is permitted by staff for the purpose of educational presentations or application to duties, responsibilities or jobs. Use of laser devices and other similar objects by students for the sole purpose of educational presentations is also permitted with advance permission and under the direct supervision of the instructor.
- Unauthorized possession or use of laser devices or other such objects by a student is subject to disciplinary action. A student possessing any such object will have the object immediately confiscated and the incident will be recorded. Further disciplinary actions, based on the severity of the incident, may be taken as appropriate in the judgment of the administration.
- V. In the enforcement of these regulations, principals and their designees have the authority to conduct:
- A. Unannounced inspections of students' desks and lockers.

(in accordance with RCW 28A.600.210 - 240)

- B. Inspections may be made of students' vehicles driven to school, if reasonable suspicion of an individualized, particular nature exists that the student is likely housing, storing, transporting, or secreting in the vehicle prohibited, stolen, or other contraband items, including weapons.
  - C. Inspection of the contents of pockets, notebooks, bags, backpacks, wallets, purses, and other such articles, if reasonable suspicion of an individualized, particular nature exists that the student has possession of prohibited, stolen, or other contraband items, including weapons.
- VI. Each school shall undertake activities designed to develop school-wide acceptance of desirable behavior standards particularly as they relate to weapons. Schools are encouraged to use special student committees to help establish a climate of responsible behavior at school and interscholastic events. Such activities shall have as a goal that all students feel a school citizenship responsibility to promote a safe environment by immediately reporting violations of weapons regulations.
- VII. Schools shall periodically publish and regularly review with students, staff, and the community the school district's 'zero-tolerance' policy towards weapons.

**Marysville School District No. 25**

Revised Date: 8/2/99

**Revised Date: 11/18/13**

**ADDENDUM C: POLICY 3247**

**RESTRAINT, ISOLATION, AND OTHER USES OF REASONABLE FORCE**

It is the policy of the Marysville School District Board of Directors that the district maintains a safe learning environment while treating all students with dignity and respect. All students in the district will remain free from the unreasonable use of force, restraint, or isolation including those with an Individualized Education Program (IEP) or a plan developed under Section 504 of the Rehabilitation Act.

This policy is intended to address district students. It is not intended to prevent or limit the use of restraint or other reasonable force as necessary with adults or other youth from outside the district as allowed by law.

Restraint and other uses of physical force, as defined in this policy and the procedure accompanying this policy, may be used when necessary to prevent or minimize imminent bodily injury to self or others. Restraint and other uses of physical force may be used to protect district property if de-escalation interventions have failed or are inappropriate.

Use of restraint, isolation, and other forms of reasonable force may be used on any student when reasonably necessary to control spontaneous behavior that poses an "imminent likelihood of serious harm" as defined by RCW 70.96B.010 and explained in the procedure accompanying this policy. Serious harm includes physical harm to self, another, or district property. Staff will closely monitor such actions to prevent harm to the student and will use the minimum amount of restraint and isolation appropriate to protect the safety of students and staff. The restraint, isolation, and other forms of reasonable force will be discontinued when the likelihood of serious harm has dissipated.

The superintendent will develop procedures to implement this policy, including review, reporting and parent/guardian notification of incidents involving restraint or isolation as required by law. Additionally, the superintendent or designees will annually report to the board on incidents involving the use of force.

## Procedure No. 3200P

## Students

Cross References:	Policy 2161	Special Education and Related Services for Eligible Students
	Policy 2162	Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973
Legal References:	RCW 9A.16.020	Use of Force — When lawful
	RCW 9A.16.100	Use of Force on Children — Policy Actions presumed unreasonable
	RCW 28A.150.300	Corporal Punishment Prohibited
	RCW 28A.600.485	Restraint of students with individualized education programs or plans developed under section 504 of the rehabilitation act of 1973
	RCW 28A.600.486	District policy on use of isolation or restraint – Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973.
	RCW 28A.155.210	Use of restraint or isolation — Requirement for procedures to notify parent or guardian.
	Chapter 392-172A WAC	Rules for the Provision of Special Education
	Chapter 392-400-235	Discipline — Conditions and limitations
Management Resources:		
	<i>Policy and Legal New</i> , July 2015	June Policy & Legal News Issue
	<i>Policy and Legal New</i> , July 2014	June Policy & Legal News Issue
	<i>Policy and Legal News</i> , July 2013	Use of Reasonable Force Policy retitled, revised to include new reporting requirement pursuant to ESSB 1688
	<i>Policy and Legal News</i> , December 2008	Use of Reasonable Force Policy

### **Marysville School District No.25**

First Reading: 09/16/13

Second Reading and Adoption: 09/30/13

Revised for First Reading: 09/02/14

Second Reading and Adoption: 09/16/14

Revised for First Reading: 9/14/15

**Second Reading and Adoption: 9/21/15**

## **3247: Restraint, Isolation and Other Uses of Reasonable Force**

### A. Definitions:

**Restraint:** Physical intervention or force used to control a student, not to include use of a harness or seatbelt with students whose disabilities require support, or proper physical positioning, balance or alignment, or to permit a student to safely participate in activities.

**Isolation:** Restricting a student within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

**Imminent:** The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

**Likelihood of serious harm:** a substantial risk that physical harm will be inflicted by a student:

- upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
- upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm;
- upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
- after the student has threatened the physical safety of another and has a history of one or more violent acts.

### B. Use of restraint, isolation, or other forms of reasonable force:

- Restraint, isolation, or other forms of reasonable force may be used to prevent or minimize imminent bodily harm to self or others, or if de-escalation or other positive interventions fail or are inappropriate, to protect district property, where there is a likelihood of such serious harm occurring.
- Restraint, isolation, or other forms of reasonable physical force may be used when a student has caused a substantial loss or damage to the property of others, and the student's behavior poses a substantial risk that such property damage will be inflicted.

- Restraint devices may be used as needed to obtain possession of a known or reasonably-suspected weapon or other dangerous object on a person or within the control of a person.
- Consistent with the provisions found in chapter 392-172A WAC, nothing in this procedure precludes the use of restraint or isolation as part of a behavior intervention plan in an Individualized Education Program (IEP) or a Section 504 Plan, provided that the student requires more specific advanced educational planning and the parent/guardian agrees to the use of these techniques in writing.
- Restraint, isolation, or other forms of reasonable physical force will not be used as a form of discipline or punishment.
- Restraint, isolation, or other forms of reasonable physical force will not be used as an initial response to destruction of property, school disruption, refusal of the student to comply with school rules or a staff directive; or a verbal threat that does not constitute a threat of imminent bodily injury, unless other forms of de-escalation and positive interventions fail or are inappropriate.
- Restraint, isolation, or other forms of reasonable physical force should not be used as an intervention if the school employee, school resource officer or school security officer knows that the student has a health condition or physical problem and the condition or problem would be exacerbated by the use of such techniques.

### **C. Reporting Requirement**

Any school employee, school resource officer or school security officer who uses restraint, isolation, or other forms of reasonable physical force, as defined in this procedure, on a student during school-sponsored instruction or activities, will inform the principal or a designee as soon as possible and within two (2) business days submit a written report of the incident to the district office. The written report will contain, at a minimum:

- inform the principal or designee as soon as possible and;
- submit a written report of the incident to the district office within two (2) business days that contains, at a minimum:
  - the date and time of the incident;
  - the name and job title of the staff member who administered the restraint or isolation;
  - a description of the activity that led to the restraint or isolation;
  - the type of restraint or isolation used on the student, and the duration;
  - whether the student or staff was physically injured during the restraint or isolation; and
  - any medical care provided to the student or staff;
  - any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

### **D. Parent/Guardian Notification**

The principal or designee will:

- make a reasonable effort to verbally inform the student’s parent/guardian of the incident within twenty-four (24) hours of the incident; and
- send written notification no later than five (5) business days after the incident occurred in the language that the school customarily provides school-related information to the parent.

The IEP process will include the above procedures for notification of parents/guardians regarding the use of isolation and restraint on their student, provided at the time of the IEP.

**E. Providing Parents/Guardians with Restraint and Isolation Policy**

The district will provide parents/guardians of students with IEPs or 504 plans with a copy of the district’s policy on Isolation and Restraint when the IEP or 504 plan is created.

Submission of incident reports to the Office of Superintendent of Public Instruction

Beginning January 1, 2016 and annually by January 1 thereafter, the district will summarize the written incident reports described above and submit those summaries to OSPI. The summaries will include:

- the number of individual incidents of restraint and isolation;
- the number of students involved in the incidents;
- the number of injuries to students and staff; and
- the types of restraint or isolation used.

Annual Report

The building administrator or a designee will maintain a log of all instances of use of force as defined by this procedure, which will be presented to the superintendent annually. The superintendent will provide an annual report to the board regarding the district's use of force.

Marysville School District No. 25  
 Second Reading and Adoption: 08/26/2015

**ADDENDUM D: POLICY 3246**



## STUDENTS AND TELECOMMUNICATION DEVICES

To avoid disruption of the learning environment, students in possession of telecommunications devices including but not limited to pagers, beepers, cellular phones, smart phones and other related personal electronic communication devices ("Telecommunication Devices") shall observe the following conditions:

- A. Telecommunication Devices shall be turned on and operated only before and after the regular school day unless (a) an emergency situation exists that involves imminent physical danger, (b) otherwise authorized by a school administrator or (c) otherwise authorized by school rules.
- B. Students shall not use Telecommunication Devices in a manner that poses a threat to academic integrity, disrupts the educational learning environment, harasses/bullies/threatens other students or invades the privacy rights of others.
- C. Students shall not send, share, view or possess pictures, text messages, emails or other material depicting sexually explicit conduct, as defined in RCW 9.68A.011, on a cell phone or other electronic device. This is commonly known as "sexting", and is prohibited, while the student is on school grounds, at school sponsored events or on school buses or vehicles provided by the District.
- D. Students who violate this policy will be subject to disciplinary action, including suspension or expulsion; and may lose the privilege of bringing Telecommunication Devices onto District property.
- E. An administrator may search a Telecommunication Device when the administrator has a reasonable individualized suspicion that a search of the Telecommunication Device will reveal a violation of this Policy, other District/school rules or illegal activity.
- F. The administrator may confiscate the Telecommunication Device if evidence exists of a violation of this Policy, other District/school rules or illegal activity. If confiscated, a Telecommunication Device shall be returned to the student after the end of the school day or the student's parent/guardian consistent with school rules. Content or images that may violate state or federal laws will be referred to law enforcement.
- G. Students are responsible for a Telecommunication Device brought to school. The District shall not be responsible for loss, theft or destruction of a Telecommunication Device brought onto District property.
- H. Students shall comply with any additional rules developed by an individual school for the appropriate use of Telecommunication Devices.

Cross References:     2022     Electronic Resources  
                               3207     Prohibition of Harassment, Intimidation and Bullying  
                               3241     Classroom Management, Corrective Actions or Punishment  
                               3241P   Classroom Management, Corrective Actions or Punishment  
                               4310     Relations with Law Enforcement Agencies, Child Protective Agencies and County Health

Management Resources:     *Policy News*, October 2010     Students and Telecommunication  
                                               *Policy News*, June 2010             Students and Sexting  
                                               *Policy News*, February 2004       Evolution of Cell Phone Use

Marysville School District No. 25  
 Adopted: March 7, 2011

## PROCEDURE 3246: STUDENTS AND TELECOMMUNICATION DEVICES

### Definitions:

- A. Sexting** means sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on a cell phone, computer or other electronic means during school hours or school activities on or off campus; while on school district property, during any recess, lunch or leave periods on or off school district property; or beyond the hours of school operation if the behavior detrimentally affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school; or the educational process or experience.
- B. Disrupting the Learning Environment:** means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act or statement initiated, occurring, transmitted or received by a student at school that a reasonable person under the circumstance should know will have the effect of:
  1. Insulting, mocking or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or
  2. Creating an intimidating, threatening, hostile or abusive educational environment for a student or group of students through substantially severe, persistent or pervasive behavior.
- C. Third parties** include, but are not limited to coaches, school volunteers, parents or guardians, school visitors, service contractors or others engaged in district business or activities that are not directly subject to District control at inter-district and intra-district athletic competitions or other school events.

### Reporting Violations:

Any student, employee, parent or guardian or third party who has knowledge of conduct in violation of this policy or any student who feels he/she has been a victim of sexting, menacing, retaliation or reprisal in violation of this policy shall immediately report the concerns to:

- A.** The building principal or his/her designee;
- B.** A teacher who will be responsible for notifying the building principal or designee immediately if the matter cannot be adequately addressed by the teacher, or warrants administrative intervention;
- C.** A counselor, who is responsible for notifying the building principal or designee immediately if the matter cannot be addressed by the counselor or is sufficiently serious to warrant administrative intervention; or
- D.** The superintendent of schools or designee.

### Investigating:

The principal or designee shall be responsible for timely investigating a complaint made under this policy. The investigation, witness statements and evidence shall be documented along with the outcome of the investigation.

In the course of the investigation, administrative staff will not send, receive or unnecessarily view or transmit sexting photographs or any other inappropriate images on either the district's or their personal electronic devices. The examination or viewing of the evidence/information will be limited to the extent necessary to determine that misconduct occurred.

**Parent or Guardian Notification:**

Parents or guardians of all students identified in the report shall be notified of the investigation and informed of their students' involvement in the incident.

**Discipline:**

Students whose behavior violates this policy will be subject to discipline up to and including expulsion. Law enforcement will also be notified when conduct may violate criminal laws.

In addition to discipline, the district will assist students and/or parents or guardians to resolve concerns and issues prior to the use of the formal criminal complaint process. These interventions may include consultation, counseling, education, mediation and/or other opportunities for problem-solving.

In imposing discipline, the administrator will take into consideration the context of the events, all relevant circumstances, and the parties' prior behavior, the nature of the behavior and its potential harm and the emotional and/or physical harm resulting from the reported party's actions. Exceptional misconduct penalties may be imposed, if in the opinion of the administration it is warranted.

***Sexting Offenses***

**First offense:**

- A. Parents or guardians will be notified;
- B. The district will file an information report with the police by phone or in writing;
- C. The student's phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
- D. The student will receive a short-term, out-of-school suspension or an in-school suspension; and
- E. The district may impose appropriate interventions.

**Second offense:**

- A. Parents or guardians will be notified;
- B. Police will be notified;
- C. The student's phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
- D. The student will receive a long-term suspension; and
- E. The student will be ineligible to participate in extracurricular activities.

**Third offense:**

- A. Parents or guardians will be notified;
- B. Police will be notified;
- C. The student's phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
- D. The student will be expelled; and
- E. The student will be ineligible to participate in extracurricular activities.