



STUDENT CONDUCT MANUAL

2023-2024 School Year

Toledo School District #237

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STUDENT RIGHTS & RESPONSIBILITIES

Student Rights, Responsibilities and Consequences

Welcome to Toledo Schools. Our mission is to provide opportunities and meaningful experiences to empower students to achieve their goals. Each child. Each day. Each classroom. In order to create great schools that serve all, it is right to have a statement of what everyone can expect from others and what duties everyone has to others. This manual is that statement. This is a summary of what the law allows and requires of everyone. We know that you'll find this helpful.

Each year, the superintendent or designee shall make available to all students, their parents and teachers written statements pertaining to student rights, conduct and corrective action. Periodically these statements shall be reviewed and updated with the participation of staff, parents and other community members. The school principal and certificated staff shall confer at least annually regarding discipline standards.

It is also the policy of the district to provide a learning environment that is free from all forms of intimidation, bullying, or harassment, including conduct, which constitutes sexual or racial harassment and/or retaliation. The district recognizes that regardless of intent, racial, ethnic, sexual, gender orientation, and other harassing slurs have the capacity of substantially harming individuals toward whom the slurs are addressed and the educational community as a whole. Any student who participates in the act of intimidation, discrimination, harassment, or bullying shall be subject to disciplinary action, up to and including expulsion and/or referral to law enforcement.

Students are encouraged to notify a staff member in the event they believe any form of harassment, intimidation, and/or bullying is occurring. Staff must notify a building administrator who will investigate all such matters and take appropriate action.

1 Student Conduct

- 1.1 Any student who willfully performs any act which interferes with or is detrimental to the orderly operation of a school, a school-sponsored activity or any other aspect of the educational process within the school district shall be subject to discipline, suspension or expulsion. Such acts shall include, but not be limited to, those below. The following acts by a student on school premises or off school premises at any school-sponsored or related activity shall constitute sufficient cause for discipline, suspension or expulsion:
- Use by inhalation, ingestion or otherwise of any substance for its intoxication effect;
 - Assault or battery of another student or staff member;
 - Cheating or forgery;
 - Destruction or defacing of school property;
 - Disobedience of reasonable instructions of school authorities;
 - Disruptive, obscene, and/or demeaning conduct, vulgarity or profanity;

- Extortion, or coercion, of another student or a staff member;
- Harassment, intimidation, and/or bullying of another student or a staff member;
 - False reports or retaliation for harassment, intimidation, or bullying also constitute a violation of this policy.
- Intimidating a student in an effort to induce false testimony or to avoid cooperation with an investigation or hearing by school officials; and
- Misrepresenting information which he/she is aware of that is relevant to an investigation or hearing conducted by school officials;
- Possession of drug paraphernalia intended or designed for use, storage or distribution of any controlled substance/illegal drug except to the extent authorized by a physician for such possession;
- Possession or use of nicotine products/tobacco/e-liquids (vaping) and/or possession, use, or being under the influence of alcohol, or any illegal drug or of any controlled substance, including marijuana, as defined by RCW Chapter 69.50 not lawfully prescribed by a physician for the use of the possessor or user.
- Sale or delivery of any illegal drug or of any controlled substance or the sale of any otherwise lawful substance on the representation that such substance is an illegal drug or a controlled substance;
- Possession of laser pens;
- Possession or use of explosives, firearms, firearm look-alikes, or any dangerous weapons or objects;
- Refusal to identify oneself;
- Stealing;
- Commission of any criminal act as defined by law;
- Truancy or unauthorized absence from class;
- Making or attempting to make a picture or video recording of tests or test related materials;
- Taking or attempting to take a picture or video recording of other students or a staff member(s) without expressed permission of the other student(s) or staff member(s) to do so.

2 Rights, Responsibilities and Authority of Teachers

- 2.1 Teacher Responsibilities. Teachers and other nonsupervisory certificated personnel (collectively referred to as “teachers” in this section) shall have the following responsibilities with respect to the discipline of students:
- 2.1.1 Teachers shall enforce the prescribed school district rules for student conduct.
 - 2.1.2 Teachers shall comply with school district and building rules and guidelines relating to the discipline of students.
 - 2.1.3 Teachers shall maintain good order and discipline in the classroom, in the hallways and on the playgrounds or other common areas of the school.
 - 2.1.4 Teachers assigned to classroom duties shall keep and maintain accurate attendance records of students.

- 2.2 Teacher Authority: Subject to policy limitations in connection with the emergency removal and corporal punishment of students, all teachers shall have the authority to discipline any student for any disruptive or disorderly conduct or other violation of rules for student conduct which may occur in the presence of the teacher or when the student is under the teacher's supervision. Teachers may also recommend the suspension or expulsion of students to the proper school authorities.
- 2.3 Teacher Rights: Teachers shall have the following rights with respect to the discipline of students:
 - 2.3.1 Teachers shall be entitled to appropriate assistance and support from building administrators in connection with discipline problems relating to students.
 - 2.3.2 Teachers shall be promptly advised of any complaint made to the principal or other school district administrator regarding the teacher's discipline of students. The teacher shall be given the opportunity to present his/her version of the incident and to meet with the complaining party in the event that a conference with the complaining party is arranged.
 - 2.3.3 A teacher shall have the authority to exclude a student who creates a disruption of the educational process from his/her classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity or up to the following two days, or until the principal or his/her designee and the teacher have conferred.

3 Rights, Responsibilities and Authority of Classified Staff

- 3.1 Classified Staff Authority: Classified staff shall have the following responsibilities with respect to the discipline of students:
 - 3.1.1 Classified staff shall comply with school district and building rules and guidelines relating to the discipline of students.
 - 3.1.2 Classified staff shall maintain good order and discipline in the classroom, in the hallways and on the playgrounds or other common areas of the school.
 - 3.1.3 Classified staff shall refer all issues of student discipline to an appropriate teacher or principal.
- 3.2 Classified Staff: Classified staff shall have the following rights with respect to the discipline of students.
 - 3.2.1 Classified staff shall be entitled to appropriate assistance and support from teachers and building administrators in connection with discipline problems relating to students.

4 Rights, Responsibilities and Authority of Principals

- 4.1 Principal's Responsibilities: Principals and other assigned certificated administrators to whom such authority has been delegated by the superintendent shall have the following responsibilities with respect to the discipline of students:
 - 4.1.1 Principals shall be responsible for the enforcement of the prescribed school district rules for student conduct and for the compliance with school district and building guidelines relating to the discipline of students.
 - 4.1.2 Principals may develop such building guidelines relating to student discipline as may be appropriate. Such building guidelines shall be consistent with school district rules related to student discipline.
 - 4.1.3 Principals shall make available to each staff member, student and parents or guardians of students a copy of this policy (or summary thereof) together with any building guidelines developed pursuant to section 4.1.2 thereof.
 - 4.1.4 Principals shall provide appropriate assistance and support to teachers, staff and others in connection with discipline problems relating to students.
- 4.2 Principal Authority: Subject to the limitations set forth in policies relating to the suspension or expulsion of students, all principals shall have the authority to discipline, suspend or expel any student for any violation of rules for student conduct.
- 4.3 Principal Rights: Each principal shall be promptly advised of any complaint made to any other school district administrator regarding the principal's discipline of students. The principal shall be given the opportunity to present his or her version of the incident and to meet with the complaining party in the event that a conference with the complaining party is arranged.

5 Excused and Unexcused Absences and Tardiness

Upon enrollment and at the beginning of each school year, the district shall inform students and their parents/guardians of this expectation, the benefits of regular school attendance, the consequences of truancy, the role and responsibility of the district in regard to truancy, and resources available to assist the student and their parents and guardians in correcting truancy. Parents will be required to date and acknowledge review of this information online or in writing.

- 5.1 Excused Absences are valid excuses for absences and tardiness. Assignments and/or activities not completed because of an excused absence or tardiness may be made up in the manner provided by the teacher.
 - (a) School-approved Activities or instructional program: To be excused for a school-approved absence it must be authorized by a staff member. Once authorized a student must take a Pre-Planned Parental/School Outing Form around to all of their classes. A "No" response from the teacher does not deny a student from going if a

parent/guardian signature is obtained. Parents and students must be aware that absences can/will affect a student's performance in class. The teacher recommendation indicates a student's need to stay in class to ensure academic success.

- (b) Absence due to: illness; health condition; medical appointment; family emergency; religious purposes; court, judicial proceeding or serving on a jury; post-secondary, technical school or apprenticeship program visitation, or scholarship interview; State-recognized search and rescue activities consistent with RCW 28A.225.055; and directly related to the student's homeless status.

The parent/guardian is expected to notify the school office by phone or email to provide the excuse for the absence, or submit an excuse via phone, email or written note upon the student's return to school. Adult students (those over eighteen) and emancipated students (those over sixteen who have been emancipated by court action) will notify the school office of their absences with a signed note of explanation. Students fourteen years old or older who are absent from school due to testing or treatment for a sexually transmitted disease will notify the school of their absence with a signed note of explanation, which will be kept confidential. Students thirteen years and older may do the same for mental health, drug or alcohol treatment; and all students have that right for family planning and abortion.

A parent/guardian may request that a student be excused from attending school in observance of a religious holiday. In addition, a student, upon the request of his/her parent/guardian, may be excused for a portion of a school day to participate in religious instruction provided such is not conducted on school property. A student will be allowed one makeup day for each day of absence.

- (c) Parental-requested Activities: If there is a written agreement between the appropriate school official and a student's parent or guardian pursuant to RCW 28A.225.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress, the absent student may be approved as excused. This category of absence shall be counted as excused for purposes agreed upon in advance by the principal or designee. An absence may not be approved if it may cause a serious adverse effect on the student's educational progress. In performance based classes (e.g. physical education, music, etc) the student may not achieve the objectives of the unit of instruction as a result of the absence from class. In such a case, a parent/guardian-approved absence may have an adverse effect on the student's educational

progress which would ultimately be reflected in the grade for such a course.

- (d) Absence resulting from disciplinary actions--or short-term suspension: As required by law, students who are removed from a class or classes as a disciplinary measure or students who have been placed on short-term suspension shall have the right to make up assignments or exams missed during the time they were denied entry to the classroom if the effect of the missed assignments shall be a substantial lowering of the course grade.
- (e) Extended illness or health condition: If a student is confined to home or hospital for an extended period, the school shall arrange for the accomplishment of assignments at the place of confinement whenever practical. If the student is unable to do his/her schoolwork, or if there are major requirements of a particular course which cannot be accomplished outside of class, the student may be required to take an incomplete or withdraw from the class without penalty.
- (f) Excused absence for chronic health condition: Students with a chronic health condition which interrupts regular attendance may qualify for placement in a limited attendance and participation program. The student and his/her parent/guardian shall apply to the principal or counselor, and a limited program shall be written following the advice and recommendations of the student medical advisor. The recommended limited program shall be approved by the principal. Staff shall be informed of the student needs, though the confidentiality of medical information shall be respected at the parent's request.

5.2 Required conference for elementary school students if an elementary school student has five or more excused absences in a single month during the current school year or ten or more excused absences in the current school year, the district will schedule a conference with the student and their parent(s) at a reasonably convenient time. The conference is intended to identify barriers to the student's regular attendance and to identify supports and resources so the student may regularly attend school.

The conference must include at least one school district employee, preferably a nurse, counselor, social worker, teacher of community human service provider, and may occur on the same day as the scheduled parent-teacher conference, provided it takes place within thirty days of the absences. If the student has an Individualized Education Program or a Section 504 Plan, the team that created that

program must reconvene. A conference is not required if a doctor's note has been provided and a plan is in place to ensure the student will not fall behind in their coursework.

- 5.3 Unexcused Absences means that a student has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy on absences. If the school is not notified by phone or note within two school days of the students return following an absence due to illness, health condition, family emergency or religious observances, the absence will be unexcused. If a student does not have authorization from the school for a parent-requested or school-approved activity, the absence will be unexcused. Students who have unexcused absences may receive an "F" for the day with no opportunity to make up work and/or other disciplinary action. A student may be suspended or expelled for habitual truancy. Prior to suspension or expulsion, the parent shall be notified in writing in his/her primary language that the student has unexcused absences.

Unexcused absences occur when:

- (a) The parent, guardian or adult student submits an excuse that does not meet the definition of an excused absence as defined above; or
- (b) The parent, guardian or adult student fails to submit any type of excuse statement, whether by phone, e-mail or in writing, for an absence.

5.3.1 Each unexcused absence within any month of the current school year will be followed by a letter or phone call to the parent informing them of the consequences of additional unexcused absences. The school will make reasonable efforts to provide this information in a language in which the parent is fluent. A student's grade will not be affected if no graded activity is missed during such an absence.

5.3.2 After two unexcused absences within any month of the current school year, a conference will be held between the principal, student and parent to analyze the causes of the student's absenteeism. If a regularly scheduled parent-teacher conference is scheduled to take place within thirty days of the second unexcused absence, the district may schedule the attendance conference on the same day. The district will assess student needs related to attendance. As appropriate, the district will also consider:

- (a) adjusting the student's course assignments;
- (b) providing the student more individualized instruction;
- (c) providing appropriate vocational courses or work experience;
- (d) requiring the student to attend an alternative school or program;
- (e) assisting the parent or student to obtain supplementary services; or
- (f) referring the student to a community truancy board.

5.3.3 If the student's parent/guardian does not attend the conference, the conference may be conducted with the student and school official. However, the parent will be notified of the steps taken to eliminate or reduce the student's absences.

5.4 Transfers: In the case of a student who transfers from one district to another during the school year, the sending district will provide to the receiving district, together with a copy of the WARNS assessment and any interventions previously provided to the student, the most recent truancy information for that student. The information will include the online or written acknowledgment by the parent and student.

Not later than a student's fifth unexcused absence in a month, the district will:

- (a) enter into an agreement with the student and parents/guardians that establishes school attendance requirements;
- (b) refer the student to a community truancy board; or
- (c) file a petition to juvenile court (see below).

5.5 Community Truancy Board: A "community truancy board" means a board established pursuant to a memorandum of understanding (MOU) between a juvenile court and the school district and composed of members of the local community in which the student attends school. The Toledo School District Board of Directors serves as the Truancy Board for the district.

5.5.1 The district will designate and identify to the juvenile court (and update as necessary) a staff member to coordinate district efforts to address excessive absenteeism and truancy, including outreach and conferences, coordinating the MOU, establishing protocols and procedures with the court, coordinating trainings, sharing evidence-based and culturally appropriate promising practices. The district will also identify a person within each school to serve as a contact regarding excessive absenteeism and truancy and assisting in the recruitment of community truancy board members.

5.5.2 Not later than a student's seventh unexcused absence within any month during the current school year, or a tenth unexcused absence during the current school year, if the district's attempts to substantially reduce a student's absences have not been successful and if the student is under the age of seventeen, the district will file a petition and supporting affidavit for a civil action in juvenile court.

5.6 Petition to juvenile court

(a) The petition will contain the following:

- a. A statement that the student has unexcused absences in the current school year. (*District Note: While petitions must be filed if the student has seven or more unexcused absences within any one month, or ten or more unexcused absences in the current school year, a petition may be filed earlier. Unexcused absences accumulated in another school or school will be counted when preparing the petition*);
- b. An attestation that actions taken by the school district have not been successful in substantially reducing the student's absences from school;
- c. A statement that court intervention and supervision are necessary to assist the school district to reduce the student's absences from school;
- d. A statement that RCW 28A.225.010 has been violated by the parent, student or parent and student;
- e. The student's name, date of birth, school, address, gender, race and ethnicity; and the names and addresses of the student's parents/guardians, whether the student and parent are fluent in English, whether there is an existing individualized education program (IEP) and the student's current academic status in school;
 - i. A list of all interventions that have been attempted, a copy of any previous truancy assessment completed by the student's current school district, the history of approved best practices intervention or research-based intervention(s) previously provided to the student by the district, and a copy of the most recent truancy information document signed by the parent and student.
- f. Facts that support the above allegations.

5.7 Excessive absences: If a student is absent 20 school days either excused or unexcused, the school may require a note from a medical

professional before excusing any further absences (District Policy No. 3122).

- 5.7.1 Petitions may be served by certified mail, return receipt requested, but if such service is unsuccessful, personal service is required. At the district's choice, it may be represented by a person who is not an attorney at hearings related to truancy petitions.
- 5.7.2 If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for a period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the student, to most likely cause the student to return to and remain in school while the student is subject to the court's jurisdiction.
- 5.7.3 If the court assumes jurisdiction, the school district will periodically report to the court any additional unexcused absences by the student, actions taken by the school district, and an update on the student's academic status in school at a schedule specified by the court. The first report must be received no later than three (3) months from the date that the court assumes jurisdiction.

5.8

6 Disciplinary Procedures

- 6.1 Discipline: "Discretionary discipline" under RCW 28A.600.015 refers to any form of corrective action taken in response to student misconduct that violates the rules, policies, or procedures adopted by the board of directors, other than the misconduct listed in one or more of the categories in this procedure set forth below in the section entitled "Suspension, Expulsions, and Discretionary Discipline." Discretionary discipline cannot include long-term suspension or expulsion. "Discipline" shall mean all forms of corrective action other than expulsion and suspension and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not to exceed the balance of the immediate class, provided that the student is in the custody of a 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 in behalf of a school district. No form of discipline shall be administered in such a manner as to:

- (a) prevent a student from accomplishing specific academic grade, subject or graduation requirements; or
- (b) adversely affect a student's academic grade or credit in a subject or course because of tardiness or absences, except to the extent that the student's attendance and/or participation is related to the instructional objectives of the subject or course and such attendance and/or participation has been identified pursuant to a school district policy as a basis for grading.

6.1.1 Emergency Removal. Notwithstanding any other provision of this policy, a student may be removed immediately from a class, subject or activity by a teacher or administrator and sent to the principal or a designated school authority. This action may be taken when 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 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.

6.1.2 The principal or designated school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action. In no case shall the student's opportunity for a meeting be delayed beyond commencement of the next school day. The teacher or administrator who removed the student shall be notified of the action, which has been taken or initiated.

6.2 Special Education Students

6.2.1 Change of placement for disciplinary removals: For purposes of removals of a special education student from the student's current educational placement, a change of placement occurs if:

- (a) the removal is for more than ten consecutive school days; or
- (b) the student is subjected to a series of removals that constitute a pattern because they accumulate more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

6.2.2 Removals – Ten school days or less. To the extent removal would be applied to students without disabilities, school personnel may

order the removal of a special education student from the student's current placement for not more than ten (10) consecutive school days for any violation of school rules.

- 6.2.3 Removals for weapons or controlled substance/illegal drugs. School personnel may order a change in placement of a special education student to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:
- (a) the student possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of a state or local education agency; or
 - (b) the student knowingly possesses or uses a controlled substance/illegal drug or sells or solicits the sale of a controlled substance/illegal drug while at school or a school function under the jurisdiction of a state or local educational agency.
- 6.2.4 Functional behavioral assessment and intervention plan. Within ten (10) business days after first removing a student for more than ten school days in a school year, including weapons violations, drugs violations, or behavior that is substantially likely to result in injury to the student or to others, the following actions shall be taken by the school district or other public agency:
- (a) If the district or other public agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, the district or other public agency shall convene an individualized education program meeting to develop an assessment plan.
 - (b) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation and modify it, as necessary, to address the behavior.
 - (c) As soon as practical after developing the plan described in subsection (1) of this section, and completing the assessments required by the plan, the district or other public agency shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.
 - (d) If subsequently, a special education student who has a behavioral intervention plan and who has been removed from the student's current educational placement for more than ten (10) school days in a school year is subjected to a removal that does not constitute a change of placement, the

IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more of the team members believe that modifications are needed, the team shall meet to review the plan and its implementation, to the extent the team determines necessary.

- 6.2.5 Manifestation determination review requirements. If an action is contemplated by a school district, other public agency personnel, or a hearing officer that involves removing a student for weapons violations, drugs violations, behavior that violates any rule or code of conduct that applies to all students which results in a change of placement, the following actions shall be taken by the school district or other public agency:
- (a) Not later than the date of which the decision to remove the student is made, the parents must be notified of that decision and provided the procedural safeguards notice described under WAC 392 172-370 through 385; and
 - (b) Immediately, if possible, but in no case later than ten (10) days after the date on which the decision to remove the student is made, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.
- 6.2.6 Determination that behavior was not manifestation of disability.
- (a) If the results of the manifestation determination review indicate that the behavior of the special education student was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education shall continue to be made available to those students consistent with this chapter.
 - (b) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP, if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.
 - (c) If the school district or other public agency initiates disciplinary procedures applicable to all students, the district or other public agency shall ensure that the special education and disciplinary records of the special education student are transmitted for consideration by the person or

persons making the final determination regarding the disciplinary action.

- (d) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the student's current educational placement.

6.3 Suspension: "Suspension" shall mean denial of the right of attendance (other than for the balance of the immediate class for the "discipline" purpose) at any single subject or class, or any full schedule of subjects or classes, 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.

6.3.1 No student shall be suspended or expelled for one or more unexcused absences unless the school district has also first:

- (a) provided notice, to the extent feasible, to the student's parent or guardian, in the primary language of such parent or guardian;
- (b) scheduled a conference or conferences with the parents(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 of 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 or her educational success; and
- (c) taken steps to reduce the student's absence which include, where appropriate in the judgment of school officials and, where possible, discussed with the student and parent or guardian, adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that ameliorate the cause(s) for the student's absence from school.

6.3.2 The nature and circumstances of the violation must reasonably warrant a suspension and the length of the suspension imposed. As a general rule, no student shall be suspended unless another form of corrective action reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. If, however, the violation of school district rules for student conduct constitutes "exceptional misconduct" as defined in paragraph 5.3.5 below, suspension may be imposed notwithstanding the fact that prior alternative corrective action has not been imposed upon the student involved. Disciplinary and hearing officers may grant exceptions to the suspension of students who engage in "exceptional misconduct" in cases involving extenuating and/or exceptional circumstances.

6.3.3 Guidelines for the **in-school suspension** program are as follows:

- 1) A student who is afforded the opportunity to be assigned to in-school suspension will agree to the conditions specified by the school principal. Unless the student is of majority age, if the suspension is to exceed one calendar day, the principal will notify the parent or guardian 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 reasonable possible. The student's or parents' or guardians' authorization will include the number of days the student will be assigned to in-school suspension. In-school suspension is designed to encourage learning. Students will be expected to work on their classroom assignments at all times.
- 2) A student in in-school suspension will attend a single subject or class or any full schedule of subjects or classes in a separate location on school property from their regular subject or class or schedule and/or classmates.
- 3) The student will be denied the opportunity to participate in any school activities while in in-school suspension.
- 4) While in-school suspended, the student and staff may develop a behavior contract that defines the future expected behavior of the student. The student and his/her parents/guardians and a staff member will sign the contract.
 - a) Notification must be given to the parent or guardian of a student who is given more than one day of in-school suspension program as an option to suspension.
 - b) Students will be expected to work on their classroom assignments at all times.
 - c) Any act of inappropriate conduct may result in imposition of other corrective actions.
 - d) After a student is placed back into the regular classroom(s), the principal or a designee will monitor the student's progress as necessary and feasible. When appropriate, the student will be encouraged to maintain a relationship with the school counselor as a means of dealing with any problems that arise.
 - e) Specific rules and building procedures shall be developed by the building principal.

6.3.4 **“Short-term suspension”** shall mean a suspension for all or any portion of a calendar day up to and not exceeding ten (10) consecutive school days.

- (a) No student in grades kindergarten through four shall be subject to a short-term suspension for more than a total of ten (10) school days during any single semester and no loss

of academic grades or credit shall be imposed by reason of the suspension of such a student.

- (b) No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen (15) school days in a semester or ten (10) school days in a trimester.
- (c) The district will not suspend the provision of educational services during a period of long-term suspension and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of an emergency expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.
- (d) All short-term suspensions and the reasons therefore shall be reported in writing to the superintendent of the school district or to his or her designee within twenty-four (24) hours after the imposition of the suspension.

6.3.5 **“Long-term suspension”** shall mean a suspension, which exceeds a short-term suspension as defined in paragraph 5.3.3. A long-term suspension as set by the school board may not exceed 90 days and may not be imposed as a form of discretionary discipline except for the offenses listed below in section 6.3.6. A long-term suspension may not be imposed as a form of discretionary discipline, as defined in this procedure.

- (a) No student in grades kindergarten through four shall be subject to long-term suspensions.
- (b) 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 or in excess of one trimester during the same school year.
- (c) 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 (24) hours after the imposition of the suspension.
- (d) The district will not suspend the provision of educational services during a period of long-term suspension and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of an emergency expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

6.3.6 Suspensions (including long-term suspension) and expulsions may be imposed for any of the following student behaviors:

- (a) Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
- (b) Any of the following offenses listed in RCW 13.04.155, including:
 - a. any violent offense as defined in RCW 9.94A.030, including
 - i. any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
 - ii. manslaughter;
 - iii. indecent liberties committed by forcible compulsion;
 - iv. kidnapping;
 - v. arson;
 - vi. assault in the second degree;
 - vii. assault of a child in the second degree;
 - viii. robbery;
 - ix. drive-by shooting; and
 - x. vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner;
 - b. any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to registered as a sex offender in violation of 9A.44.132), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
 - c. inhaling toxic fumes in violation of chapter 9.47A RCW;
 - d. any controlled substance violation of chapter 69.50 RCW;
 - e. any liquor violation of RCW 66.44.270;
 - f. any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
 - g. any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon assistance for an injured victim of a crime in need of assistance;

- h. any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
 - i. any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation; and
 - j. any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti;
- (c) Two or more violations of the following within a three-year period
- a. criminal gang intimidation in violation of RCW 9A.46.120;
 - b. gang activity on school grounds in violation of RCW 28A.600.455;
 - c. willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
 - d. defacing or injuring school property in violation of RCW 28A.635.060; and
- (d) Any student behavior that adversely affects the health or safety of other students or educational staff.

Unless otherwise required by law, school administrators are not required to impose a long-term suspension or expulsion for the misconduct listed above, and whenever reasonable school administrators should first consider alternative sanctions.

For student behaviors—including specific offenses contained in Policy 3240 and procedure 3240P—that do not fall within one or more of the categories listed above, schools may only impose discretionary discipline as defined in this procedure. Schools may not impose long-term suspension or expulsion as a form of discretionary discipline, but may impose other sanctions up to and including short-term suspension in a manner consistent with this procedure.

- 6.4 **Expulsion:** Expulsion is the exclusion from school or individual classes as set by the school board not to exceed 90 days. An expulsion may not be for an indefinite period of time and may not be imposed as a form of discretionary discipline except for the offenses listed in section 6.3.6. Expulsions for more than one calendar year may be imposed based on public health or safety reasons, but only as provided by law. 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.

- 6.4.1 The nature and circumstances of the violation must reasonably warrant the harshness of expulsion. No student shall be expelled unless other forms of corrective action reasonably calculated to modify the student's conduct have failed or unless there is good reason to believe that other forms of corrective action would fail if employed. The requirements of paragraph 5.2.4 shall apply with respect to the expulsion of any student in the special education program.
- 6.4.2 Notwithstanding paragraph 5.3.1 above, students who carry onto, or who possess on, school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools any firearm, or other dangerous weapons, nun-chu-ka sticks, throwing stars, air guns, or other projectiles shall be subject to expulsion. Students who, with malice, display an instrument that appears to be a firearm shall be subject to expulsion for up to one year. Students carrying or possessing a firearm shall be expelled for a period of not less than one (1) year. The superintendent may modify the expulsion of a student on a case-by-case basis.
- 6.4.3 All expulsions and the reasons therefore shall be reported in writing to the superintendent of the school district or to his or her designee within twenty-four (24) hours after the imposition of the expulsion.
- 6.4.4 Appropriate local and state authorities, including juvenile authorities acting pursuant to RCW 13.04, shall be notified of any expulsion in order that such authorities may address the student's educational needs.
- 6.4.5 The district will not suspend the provision of educational services during a period of expulsion and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of an emergency expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.
- 6.5 **Emergency Expulsion:** An emergency expulsion may be imposed if the expelling authority has good and sufficient reason to believe that the student's presence is 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. Such emergency expulsion shall end within ten school days from the date of the emergency removal from school.

Schools may not impose an emergency expulsion for an immediate and continuing danger or threat of substantial disruption unless the student's misconduct falls within one or more of the categories listed in this

procedure above in section 6.3.6. If the student's behavior falls within one or more of such categories, a student may be emergency expelled based on the conditions below. An emergency expulsion may not be imposed as a form of discretionary discipline, as defined in this procedure. In addition, an emergency expulsion may not be imposed solely for the purposes of investigating student conduct. If the student's behavior falls within one or more of such categories, a student may be expelled for a violation of school district rules, provided that the expulsion does not exceed 90 days.

- (a) The school petitions the superintendent for an extension; AND
- (b) The superintendent authorizes the extension in compliance with the superintendent of public instruction's rules adopted for this purpose (see Section 13).

6.6 **Continuation of educational services:** The district will not suspend the provision of educational services during a period of emergency expulsion and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of an emergency expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

6.7 **Delegation of Authority to Expel and Suspend:** The following school district personnel are delegated the authority to expel, suspend or order the emergency expulsion of students subject to the right of any such student to a conference pursuant to paragraph 11 hereof, or a hearing pursuant to paragraph 12 hereof: Superintendent, principals, assistant principals, and any other certificated administrator to whom such authority has been delegated by the superintendent.

7 Procedures for Short-Term Suspension

7.1 Procedures for Short-Term Suspension: A short-term suspension may be imposed upon a student by a designated school authority subject to the limitations and conditions set forth in paragraph 5.2.3 and provided that a prior conference is conducted with the student as follows:

- 7.1.1 An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student.
- 7.1.2 An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student.
- 7.1.3 An oral or written explanation of the corrective action which may be imposed shall be provided to the student.
- 7.1.4 The student shall be provided the opportunity to present his or her explanation.

7.2 In the event a short-term suspension is to exceed one calendar day, the parent or guardian of the student shall be notified of the reason for the

student's suspension, and its duration, 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.

8 Procedures for Long-Term Suspension and Expulsion

- 8.1 Procedures for Long-Term Suspension and Expulsion: No long-term suspension or expulsion may be imposed until written notice of the suspension or expulsion has been delivered to the student and to his or her parent or guardian by certified mail or in person. Such notice shall:
- (a) be provided in the primary language of a student and/or a parent or guardian, 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 a student and/or the parent or guardian to a hearing for the purpose of contesting the allegation(s) and/or sanction;
 - (e) state that a written request for hearing must be received by the designated school authority on or before the expiration of the third school business day after the receipt of the notice of opportunity for a hearing, and further, that the right to a hearing may be deemed waived, and the proposed sanction imposed without further opportunity to contest the matter, if such a request is not received within the prescribed period of time; and
 - (f) include a schedule of the school business days applicable to the exercise of the right to request such a hearing.
- 8.2 The student and or parent or guardian shall reply in writing or in person to the notice within three (3) school business days or receipt, indicating whether a hearing will be requested.
- 8.3 If such a request is not received within the three (3) school business day period, the student and parent or guardian shall be deemed to have waived the right to a hearing and the proposed sanction shall take effect.
- 8.4 Any special education student for whom suspension is appropriate under 5.2.3 shall, in addition to the notice required under paragraph 7.1, also be given written notice of any hearing rights available under WAC 392-172-350-360 pertaining to education for special education students.

9 Procedures for Emergency Expulsion

- 9.1 If an emergency expulsion has been imposed, the notice requirements are as follows:
- (a) be provided in the primary language of a student and/or a parent or guardian, 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 taken and proposed;
- (d) set forth the right of a student and/or the parent or guardian to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible;
- (e) the written notice of emergency expulsion shall be prepared and delivered to the student and parent or guardian within twenty-four (24) hours of such expulsion. In addition, reasonable attempts shall be made to notify the student and parent or guardian by telephone or in person as soon as reasonably possible;
- (f) the student and parent or guardian shall have ten (10) school business days in which to reply in writing to the notice of opportunity for a hearing; and
- (g) include a schedule of the school business days applicable to the exercise of the right to request such a hearing.

10 Corporal Punishment

10.1 The Toledo School District shall not use corporal punishment.

11 Detention

11.1 Teachers and other certificated employees shall have the authority to detain students under their supervision for up to sixty (60) minutes beyond the school day. Detention will not extend beyond the time of departure of available buses unless prior arrangements have been made with the student's parents or guardian.

12 Grievance Procedure -- Informal Conference

12.1 Any student, parent or guardian who is aggrieved by any disciplinary action, or by the imposition of a short-term suspension has the right to an informal conference with the principal or his or her designee and any other staff member involved. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible.

12.2 At such informal conference the student, parent or guardian shall be subject to questioning by the principal or his/her designee and shall be entitled to question school personnel involved in the matter being grieved.

12.3 Any student, parent or guardian who may be aggrieved following the informal conference may, upon two (2) school business days prior notice, present a written and/or oral grievance to the superintendent of the district or to his/her designee. If the grievance is not resolved, the student, parent or guardian, upon two (2) school business days prior notice, may present a written and/or oral grievance to the board of directors at its next regularly scheduled meeting.

- 12.4 Grievances before the board of directors shall be heard in a closed meeting.
- 12.5 The board of directors shall notify the student and the student's parent or guardian in writing of its decision within ten (10) school business days following the meeting.
- 12.6 The disciplinary action or short-term suspension shall continue notwithstanding the implementation of the grievance procedure unless the principal or his or her designee elects to postpone such action.

13 Hearing Procedures-Long-term Suspension, Expulsion, Emergency Expulsion

- 13.1 Upon the timely receipt of written request for a hearing, the principal or other appropriate school authority shall schedule the hearing to commence within three (3) school business days after the receipt of such request, unless an emergency expulsion has been imposed on the student, in which event the hearing shall be scheduled to commence as soon as reasonably possible. The student and parent or guardian shall promptly be informed of the time, date and place of the hearing.
- 13.2 The hearing shall be conducted by a hearing officer designated for such purposes by the superintendent. The hearing officer shall not be witness and shall determine the facts of each case solely on the evidence presented at the hearing.
- 13.3 The student and parent or guardian shall be permitted to inspect in advance of such hearing any documentary and physical evidence, which the school district intends to introduce at the hearing. The designated school authority assigned to present the district's case shall likewise be permitted to inspect in advance of the hearing documentary and physical evidence which the student and parent or guardian intend to introduce at such hearing.
- 13.4 At any hearing conducted in accordance with this paragraph, the student shall have the following rights:
 - 12.4.1 The student may be represented by counsel.
 - 12.4.2 The student may question and confront witnesses, presented at the hearing.
 - 12.4.3 The student may present his/her explanation of the alleged misconduct.
 - 12.4.4 The student may make a relevant showing by way of witnesses and the introduction of such documentary and physical evidence as he/she desires.

- 13.5 An audio recording shall be made of the hearing by the district.
- 13.6 A written decision setting forth findings of fact, conclusions and the nature and duration of the suspension or expulsion, or lesser form of corrective action to be imposed, if any, shall be provided to the student's legal counsel, if any, or to the student and parent or guardian. If a student is in an emergency expulsion status, the decision shall be rendered within one (1) school business day after the date upon which the hearing concludes, and shall be communicated to the student's legal counsel or, if none, to the student and parent or guardian by depositing a certified letter in the United States mail.
- 13.7 If the hearing officer imposes a sanction of a long-term suspension or expulsion or continues an emergency expulsion, the student or the student's parent(s) or guardian shall have the right to appeal such decision to the board of directors by filing a written notice of appeal at either the office of the superintendent or at the office of the hearing officer within three (3) school business days after the receipt of the decision.
- 13.8 If timely appeal is taken to the board of directors, the school may impose long-term suspension or expulsion during the appeal period for no more than ten (10) consecutive days or until the appeal is decided, whichever is the shortest period. Any days that the 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.
- 13.9 If the hearing officer imposes a sanction of long-term suspension or expulsion, and if at the time of the hearing the student is in an emergency expulsion status, such sanction shall not be stayed if the decision includes a conclusion that the student continues to pose an immediate and continuing danger to himself or herself, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school.
- 13.10 If an appeal is not taken, the sanction shall take effect on the calendar day following the expiration of the three (3) school business day period.

14 Appeal to the Board of Directors

- 14.1 If timely appeal is taken to the board of directors, the board shall schedule and hold a closed meeting to review the matter within ten (10) school business days from receipt of such appeal. At that time the student and parent or guardian or legal counsel shall be granted the opportunity to present such witnesses and testimony as the Board deems reasonable. Prior to adjournment, the board shall agree to one of the following procedures:

- 14.1.1 Study the hearing record or other material submitted and render its decision within ten (10) school business days; or
- 14.1.2 Schedule and hold a special meeting to hear further arguments based on the record and render its decision within fifteen (15) school business days; or
- 14.1.3 Hear and try the case again within ten (10) school business days and in accordance with the applicable hearing provisions of paragraph 11.3 through 11.5 above.

15 School Board Decision

- 15.1 Any decision by the board of directors to impose or to affirm, reverse, or modify the imposition of discipline, suspension or expulsion upon a student shall be made:
 - 15.2.1 Only by those board members who have heard or read the evidence.
 - 15.3.2 Only by those board members who have not acted as a witness in the matter.
 - 15.4.3 Only at a meeting at which a quorum of the board is present and by majority vote.

16 Appeal to Superior Court

- 16.1 Within thirty (30) days of receipt of the board of directors' final decision, a student, parent, or guardian may appeal any decision upon the part of the board to impose or to affirm a long-term suspension or an expulsion to the courts. Whether or not the decision of the board shall be postponed pending an appeal to superior court shall be discretionary with the board, except as ordered otherwise by a court.

17 Readmission

- 17.1 Any student who has been suspended or expelled may apply for re-admission at any time by making written application to the superintendent. Any such application should state the reasons therefore and should include such assurances as may be appropriate concerning the nonoccurrence of the problem, which led to such suspension or expulsion.
- 17.2 The superintendent may designate an individual or committee to consider the application and make recommendations concerning such readmission.
- 17.3 The superintendent shall, in writing, advise the student and the student's parents or guardian of the superintendent's decision within thirty (30) days of the receipt of such application.

18 Petition for Extension of Expulsion

- 18.1 The principal or designee may petition the superintendent for authorization to exceed the length of one academic term year calendar limitation for a student's expulsion when warranted because of a perceived risk to public health and safety. The petition may be submitted any time after final imposition of the expulsion and prior to the end of the expulsion. The petition will include:
- (a) A detailed description of the student's misconduct, the school rules that were violated, and the public health or safety concerns of the district;
 - (b) A detailed description of the student's academic, attendance and discipline history, if any;
 - (c) A description of the lesser forms of corrective action that were considered and the reasons why they were rejected;
 - (d) A description of all alternative learning experiences, vocational programs and/or other educational services that may be available to the student;
 - (e) The proposed extended length of the expulsion;
 - (f) Identification of special education services or accommodations pursuant to Section 504 of the Rehabilitation Act of 1973, if appropriate;
 - (g) A proposed date for the reengagement meeting.
- 18.2 A copy of the petition will be delivered in person or by certified mail to the student and his/her parents/guardians in the predominant language of the student and/or his/her parents/guardians, if other than English, if feasible. The student and/or parents/guardians may submit a written or oral response to the petition within ten (10) school business days of receipt of the petition.
- 18.3 Within eleven (11) school business days, but no later than twenty (20) school business days from delivery of the petition to the student and parent/guardians, the superintendent will issue a written decision granting or denying the petition. The superintendent, in his/her discretion, may grant the petition if evidence exists that if a student was to return at or before one calendar year, he/she would pose a risk to public health or safety. The written decision will include a description of rights and procedures for appeal.
- 18.4 The student and/or parents/guardians may appeal the decision within ten (10) school business days of receipt of the decision to the school board.
- 18.5 The district will report the number of petitions submitted, approved and denied to the office of the superintendent of public instruction annually.

19 Reengagement Plans

The district will convene a reengagement meeting to return suspended or expelled students to an educational setting as soon as possible. Parents or guardians of students will be given the opportunity to meaningfully participate and provide input in the student's reengagement plan. Within twenty days of the student's long-term suspension or expulsion, but not later than five days before the student's scheduled return to school from a long-term suspension or expulsion.

The reengagement plan should be tailored to the student's individual circumstances that includes consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion. Additionally, the district will take reasonable steps to develop the plan with the participation and input of the student and their parent(s)/guardian(s) to ensure that it is culturally sensitive and culturally responsive.

Reengagement meetings are not intended to replace a petition for readmission.

20 School Business Day

As used in this policy, "school business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent 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.

21 Protection of Public Rights Amendment

The Protection of Public Rights Amendment (PPRA) affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of –

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the

immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use –

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

22 Non Discrimination

The Toledo School District shall provide equal opportunity and treatment for all students in all aspects of the academic and activities program without regard to race, color, sex, religion, creed, national origin (including language), age, marital status, honorably discharged veteran or military status, sexual orientation including gender identity or expression, previous arrest (unless a clear and present danger exists), or incarceration, the presence of any sensory, mental or physical disability, or the use of trained guide or service animal by a person with a disability, and provides equal access to the Boy Scouts and other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs shall be free from sexual harassment. Auxiliary aids and services will be provided upon request to individuals with disabilities.

Those who feel that they have been discriminated against should contact the District Title IX Officer, the Section 504/ADA Coordinator or the Compliance Officer listed below:

Brennan Bailey, Compliance Officer, Title IX, Section 504/ADA
Toledo School District
PO Box 469
Toledo, WA 98591

23 Harassment, Intimidation and Bullying Policy 3207

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

- 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 education environment.
- 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, innuendos, 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 shall 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.

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.

Toledo School District's Compliance Officer is

Brennan Bailey

Superintendent

Toledo School District

PO Box 469

Toledo, WA 98591

360-864-6325

24 Sexual Harassment Policy 3205 & 5011

This district is committed to a positive and productive education and working environment free from discrimination, including sexual harassment. Whereas sexual harassment substantially compromises the attainment of educational excellence, the District will not tolerate such harassment of students, employees and others involved in school district activities.

This policy applies to individuals attending any events on District property, whether or not District sponsored, and to any school-sponsored events regardless of location.

Under federal and state law, the term "sexual harassment" includes:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communication that interferes with an individual's educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

A "hostile environment" has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to

demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious. A “hostile environment” for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual harassment can occur adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male and female to female.

The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them and adverse consequences of the harassment shall be reviewed and remedied.

Engaging in sexual harassment will result in discipline or other sanctions against offending students, staff and contractors. Anyone else who engages in sexual harassment on school property or at school activities will have access to school property and activities restricted.

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to discipline.

The superintendent shall develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy. All staff are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing complainants through the formal complaint process.

A report of sexual harassment or intimidation and the investigation will be kept in strictest confidentiality for the protection of all parties involved.

The parties’ right to privacy will be protected. The District has a compelling interest to provide educational programs in an environment free of sexual discrimination. Sex discrimination includes sexual harassment. Therefore, the District’s obligation to investigate and take corrective action may supersede an individual’s right to privacy.

The superintendent shall develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this policy and the

recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this policy will be included in staff, student and regular volunteer orientation. This policy shall be posted in each district building in a place available to staff, students, parents, volunteers and visitors. The policy shall be reproduced in each student, staff, volunteer and parent handbook.

25 Student Records

The school district maintains current, clear, and accurate records for all students in attendance. Uniform procedures govern the collection, maintenance, storage, examination, transmittal, and destruction of all student records and any information included therein.

Only information deemed necessary to the welfare of students and the orderly operation of school, or that information required by law and regulation, is included in the student's official records. Student records are the property of the school district. Student records are available for inspection and review by parents in an orderly and timely manner and in accordance with district policy and procedures. Parents may challenge inclusion of any information in a student's records, which they believe inaccurate, misleading, or in violation of the student's privacy or other rights. Parents may request deletion or modification of records, or enter into the records their own statements of clarification or explanation. All information relating to individual students shall be deemed confidential and be dealt with in a professional manner. Student records will be released upon request to a school in which a student seeks or intends to enroll. Other organizations, agencies, or individuals will receive student records only upon the signed, written, dated request of the parent, except as otherwise provided by law or district policy. A high school student may grant authority to the district permitting prospective employers with the opportunity to review the student's transcript. This policy shall not apply to records required for reports of child abuse or neglect. All rights accorded to, or consent required of, parents shall be accorded to, or required of, legal guardians or student who have attained eighteen years of age or have entered a post-secondary training or education institution. A student upon request is entitled to receive a final transcript after graduating from high school.

The following is considered DIRECTORY INFORMATION and may be released by the school: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, photographs and other similar information.

A parent or guardian, or any student who is 18, has the right to not have such directory information shared with the public. If that is the case, the student or parent must notify the school district in writing of their desire to not have such directory information shared. This request must be made within 10 days following publication of this notice, or no later than 10 days following the enrollment of a student in the school district. This written

notice should be addressed to the principal of the school(s) involved. Certain provisions of federal law require that military recruiters have access to directory information as well. If you do not want directory information to be shared with military recruiters, you must so inform the principal of the school involved as described above.

The Toledo School District seeks to actively promote the accomplishments of our students. In many cases photos of our students or work samples (poems, art work, essays, etc.) appear in local media and in publications produced by the District. If you DO NOT wish for your child's photo image or work to be used in publicity initiated by the district, reproduced in school publications such as the school calendar and newsletter, or to appear on the District's web site, you must notify the school district in writing of your desire to not have such directory information shared.