



# Rights, Responsibilities, and Due Process in the Issaquah School District

## ***PREAMBLE***

It is the intent of the Board of Directors of the Issaquah School District that all students, teachers, administrators, and parents have access to and understanding of the state laws and regulations governing student rights, responsibilities and due process. This brochure presents these laws and regulations, along with a summation of district policy.

## ***INTRODUCTION***

All students enjoy the rights granted by the United States and Washington State Constitutions, including the First and Fourteenth Amendments of the United States Constitution.

It is the responsibility of all students enjoying the benefits of school citizenship to follow the established rules and procedures governing their school. The community is entitled to expect good citizenship from its students. It is, therefore, the district's purpose to encourage students to learn how to properly exercise their rights, and to encourage students to meet their responsibilities by living up to the reasonable restrictions and appropriate standards of behavior described herein.

## ***STUDENT CONDUCT***

All students who attend the schools and ride the buses of Issaquah School District will comply with the district's rules and regulations and will submit to the reasonable discipline of school authorities.

## ***STUDENT RESPONSIBILITIES***

Students have the responsibility to:

- pursue their course of studies;
- attend school daily and be on time to all classes;
- be aware of all school rules governing student behavior and conduct themselves accordingly;
- express their opinions and ideas in a respectful manner, so as not to libel or slander others;
- dress in a manner that is not disruptive to the educational process or threatening to the health and safety of themselves or others;
- conduct themselves in a manner which will not disrupt their education or disrupt or deprive others of their education;
- respect the rights of others and to exercise the highest degree of self-discipline in observing and adhering to established rules and regulations;
- follow established procedures in seeking changes in those policies, rules or regulations which affect them and with which they disagree;
- identify themselves, upon request, to any school district personnel or authorities in the school building, on school grounds, at school-sponsored events or on school buses;
- comply with requests of school employees in the performance of their duties.

## ***STUDENT RIGHTS***

Students have the right to:

- expect the maintenance of high educational standards in a safe and sanitary building;
- a relevant education consistent with the stated district goals;
- equal educational opportunity and freedom from discrimination in all phases of the educational process;
- see their own cumulative academic folder within a reasonable amount of time upon request during a school day;
- expect fair and just treatment from school authorities and freedom from maltreatment and physical abuse;
- be free from unlawful interference in their pursuit of an education while under the supervision of the Issaquah School District;
- be secure in their persons, papers and effects against unreasonable searches and seizures;

- expression and assembly consistent with the maintenance of an orderly and efficient educational process and the limitations imposed by laws governing obscenity, libel, slander, etc.;
- advise in the development of rules and regulations to which they are subject and to be instructed on rules and regulations as they relate to their rights and responsibilities;
- use established channels to voice their opinions in the development of curriculum;
- representation on advisory committees affecting students and student rights;
- present petitions, complaints or grievances to school authorities and the right to prompt replies;
- consult with teachers, counselors and administrators, and other school personnel at reasonable times;
- be involved in school activities, provided they meet the reasonable qualifications of the sponsoring organization;
- seek and hold office in student government by free election of their peers;
- know the requirements of each course of study and the basis on which the grade will be determined;
- citizenship as delineated in the United States Constitution and its amendments.\*

*\* The constitutional rights are not absolute and in the school setting reasonable limitation must be placed upon the exercise of these rights in order that the schools may effectively fulfill the function of educating young people. The school system may not, however, unduly infringe upon constitutional rights.*

### ***STUDENT CONTROL***

Any student who willfully performs any act that materially interferes with or is detrimental to the orderly operation of a school, a school-sponsored activity or any other aspect of the educational process shall be subject to discipline, suspension or expulsion. The following acts or attempts of such acts by a student shall constitute sufficient cause for discipline, suspension or expulsion, whether on the school grounds immediately before, during and immediately after school hours; near the school grounds immediately before, during and immediately after school hours; at any time when a school is being used by any school group; off the school grounds at a school activity, function or event; or anywhere and anytime a student's conduct has a real and substantial relationship to the lawful maintenance and operation of the district:

Abusive behavior, lewd conduct, harassment and sexual harassment; the use or possession of alcoholic beverages, narcotics and stimulant drugs; arson; assault, extortion, causing physical injury or damage to school property; the commission of any criminal acts; possession or use of any dangerous weapon or object, or object that resembles a dangerous weapon or object; destruction or theft of property; disruptive conduct; failure to pursue studies; false alarms; forgery, lying and misuse of documents; loitering and trespassing; negligent driving; use of possession of tobacco; truancy; repeated misconduct; general rule violations; unauthorized entry of school property; inappropriate computer/network behavior; and gang activity.

This is not an exhaustive list of acts that will result in punishment, but provides only examples of the types of behavior that violate school district policy.

### ***DUE PROCESS***

No student shall be deprived of the right to an equal educational opportunity without due process. Essentially, due process means fair treatment. Procedures have been established to guarantee that punishment that denies access to educational opportunity is administered in accordance with these principles. The procedures are designed to ensure that corrective action, if any, is taken only after a thorough examination of the facts.

### ***DEFINITIONS***

- **Discipline:** All forms of corrective punishment other than suspension or expulsion. It shall include, but not be limited to, the removal of a student from a class by a teacher or administrator for not longer than the balance of the immediate class.

- **Emergency Removal:** Immediate removal of a student from a class or activity when a teacher or administrator has good and sufficient reason to believe that the student poses either an immediate or continuing danger to himself, other students or school personnel, or poses a threat of substantial disruption of the educational process.
- **Emergency Expulsion:** The immediate denial of the right of school attendance because the student is either an immediate and continuing danger to himself, other students or school personnel, or poses a threat of substantial disruption of the educational process.
- **Suspension:** The denial of a right of attendance (other than for merely the balance of the immediate class period) for any single class or for any full schedule of classes, for a stated period of time.
- **Short-Term Suspension:** A suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.
- **Long-Term Suspension:** A suspension which exceeds a "short-term" suspension.
- **Expulsion:** The denial of the right of attendance for any single class or for any full schedule of classes, for an indefinite period of time.
- **School Business Day:** Any calendar day, exclusive of Saturdays, Sundays and federal and school holidays, upon which the office of the Superintendent is open to the public for the conduct of business.

### ***STUDENT CONTROL—DISCIPLINE AND SHORT-TERM SUSPENSION***

All certificated teachers, school administrators, school bus drivers, and any other school employees designated by the Board of Directors shall have the authority to discipline any student for any disruptive or disorderly conduct while under his/her supervision on or off the campus. The sanctions will be the same whether the violation was on or off campus.

No form of "Discipline," as defined above, shall be administered in such a way as to prevent a student from completing his/her class or graduation requirements or affect his/her grade or credit in a course. A student's absences may adversely affect a student's grade or credit in a particular subject or course if the student's attendance and/or participation is related to the instructional objective of the course and the student's attendance and/or participation has been identified by the teacher as a basis for grading, in whole or in part, in the particular subject or course.

- **Detention** may be given after regular student dismissal time, but will not extend beyond activity bus departure time, unless prior arrangements have been made with the student's parents or guardians.
- **Emergency Removal** shall continue only until the danger or threat ceases or the principal imposes discipline, suspension or expulsion, or imposes an emergency expulsion. The principal shall meet with the student as soon as reasonably possible following the student's removal in order to initiate corrective action and not later than the commencement of the next school day.
- **Corporal Punishment**, consisting of spanking a child, striking a child or other physical or bodily punishment, whether administered by either teachers or administrators, is not allowed in the Issaquah School District. However, this shall not prevent the use of reasonable and moderate force to restrain or correct a student's behavior which is necessary to maintain order or to prevent a student from harming himself/herself, other students, and school staff or property and does not have the appearance or effect of a punishment or discipline. At no time shall any form of physical or bodily force be inflicted upon the head of the student.
- **Short-Term Suspension:** No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten (10) school days in any semester, and no loss of his or her grades or credit shall occur because of the suspension. No student in grades 5 and above shall receive short-term suspensions for more than a total of fifteen (15) school days in a single semester. As a general rule, no student may be subject to a short-term suspension unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed as a consequence of misconduct of a similar nature, or the conduct is so exceptional as to justify an immediate resort to long-term suspension. Any student so suspended may make up assignments and tests if they have a substantial effect upon his/her grades or if failure to make up the work would cause him/her to fail the course.

Prior to a short-term suspension, a conference with the student shall be held in which an oral or written notice of the student's alleged misconduct and violations, the evidence in support of the charges, and the corrective action to be taken shall be provided. The student shall then be given the opportunity to present his/her explanation. If the suspension exceeds one (1) calendar day, the parent shall be notified of the reasons and of the right to an informal conference to discuss the length of the suspension and shall be notified that the suspension may possibly be reduced as a result of such informal conference.

**Grievance Procedures for Discipline and Short-Term Suspension:** Any student or parent or guardian of a student who is aggrieved by a discipline or short-term suspension imposed on the student, has the right to an informal conference with the principal or designee for the purpose of resolving the grievance. If, after the conference, the grievance is not resolved, the student, parent or guardian may, upon two (2) school business days' prior notice, present a written and/or oral grievance to the Superintendent or designee. If the grievance is still unresolved, the student, parent or guardian may, upon two (2) school business days' prior notice, present a written and/or oral grievance to the district Board of Directors at its next regularly scheduled meeting. Meetings will be closed unless requested by the aggrieved party. Notification of the decision shall be delivered, in writing, within ten (10) school business days following the meeting. The disciplinary action or short-term suspension shall continue throughout the grievance procedure unless the principal or designee decides to postpone such action. At each level of the appeal process, the student and parent or guardian will be notified of their right to appeal to a higher authority and of the time limits within which appeal must be made.

#### ***STUDENT CONTROL—LONG-TERM SUSPENSION AND EXPULSION***

- **Long-Term Suspension:** No student in grade kindergarten through four shall be subject to a long-term suspension during any single semester and no loss of his or her grades or credits shall occur because of the suspension. No student in grades five and above shall receive a single long-term suspension that causes him/her to lose academic grades or credit in excess of one semester during that school year. As a general rule, no student may be subject to a long-term suspension unless another form of corrective action or punishment has previously been imposed as a consequence of misconduct of a similar nature, or the conduct is so exceptional as to justify an immediate resort to long-term suspension. No long-term suspension shall be imposed until three days following the delivery by certified mail or in person to the student and to the parent or guardian a written notice of the long-term suspension. If a request for hearing is not received within three (3) days after receipt of the notice, the right to a hearing shall have been considered waived and the suspension may be imposed.
- **Expulsion:** No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed, or if there is good reason to believe that other methods would fail if employed. The Superintendent shall be notified of the expulsion in writing within 24 hours of its imposition. No expulsion shall be imposed until (3) three days following the delivery by certified mail or in person to the student and to the parent or guardian a written notice of the expulsion. If a request for hearing is not received within three (3) days after receipt of the notice, the right to a hearing shall have been considered waived and the expulsion may be imposed.
- **Emergency Expulsion:** Emergency expulsion sanction may be imposed if the superintendent or designee has good and sufficient reason to believe that the student poses an immediate and continuing danger to himself, other students, or school personnel, or an immediate and continuing threat of substantial disruption to the educational process. The expulsion shall continue until the student is reinstated by the expelling authority or until a hearing is held and a final determination reached. The student and parent or guardian will be notified of the emergency expulsion and the opportunity for a hearing by certified letter deposited in the United States mail, within twenty-four (24) hours of the expulsion. If a request for hearing is not received within ten (10) school business days from receipt of the notice, the right to hearing shall have been considered waived and the emergency expulsion may be continued as deemed necessary by the school district.

**Hearing Procedures for Long-Term Suspension and Expulsion:** Long-term suspension or expulsion hearings will begin within three (3) school business days after the school authority receives such a request and will be conducted by an officer appointed by the Superintendent. All evidence that the parties intend to introduce at the hearing may be inspected by the student, parents, and the school authorities prior to the hearing. The student shall have the following rights at the hearing:

- The opportunity to be represented by counsel;
- The opportunity to express his or her explanation;
- The opportunity to present evidence and witnesses;
- The opportunity to question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the hearing officer based upon evidence of good reason for doing so submitted by the school district. This includes 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 witness to appear due to fear of retaliation.

**Appeal Procedures to Board of Directors:** If a hearing is properly appealed, the matter will be reviewed by the Board of Directors within ten (10) school days from receipt of the appeal. The Board shall render a decision within ten (10) school days or schedule a second meeting to hear further arguments or hear the case anew. An appeal of the Board of Director's decision may be made to the courts.

### ***READMISSION***

Any student who has been suspended or expelled may apply for readmission at any time by written application to the principal of the school from which the student has been suspended or expelled. The application may include the reasons for readmission, any corrective actions that have been taken, and a statement ensuring that the conduct that resulted in the suspension or expulsion will not reoccur. The principal will reply within five (5) school business days of the receipt of the application.

### ***DISTRICT POLICIES AND PROCEDURES***

The statements contained in this brochure **are for information only and are not to be construed as replacing established school district policies and procedures.** Copies of official district policies and procedures are available upon request.

### ***LEGAL REFERENCES***

These statements summarize Chapter 392-400 of the Washington Administrative Code (WAC) and the District's own policies on student discipline.