
Student Conduct Expectations and Reasonable Sanctions

Student Conduct Expectations

As authorized by chapter 28A.600 RCW, the following procedure sets forth rights and conduct expectations for students, along with the sanctions that may be imposed for violations of such expectations. At all times, this procedure will be read consistent with federal statutes and regulations, state statutes, common law, and rules promulgated by the Washington Office of the Superintendent of Public Instruction.

Respect for the Law and the Rights of Others

The student is responsible as a citizen to observe the laws of the United States, the state of Washington, and local ordinances and laws. The student will respect the rights of others while in school, on school property, at all school activities, on district provided transportation or otherwise under school authority.

Compliance with Rules

All students will obey the written rules and regulations established for the orderly operation of the district and the reasonable requests, instructions, and directives of district personnel. For purposes of Policy 3240 and this procedure, the term “district personnel” includes all adults, including contractors and volunteers, authorized to supervise student activities. Failure to do so will be cause for disciplinary action. All students will submit to reasonable discipline by the school district and its representatives for violations of policies, regulations and rules.

Student Rights

In addition to individual rights established by law and district policies, students served by or on behalf of the district will have the right to:

- High educational standards in a safe and sanitary building;
- Education consistent with stated district goals;
- Equal educational opportunity and in all aspects of the educational process freedom from discrimination based on economic status, pregnancy, marital status, sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of trained dog guide or service animal by a person with a disability.;
- Access to their own education records at reasonable school times upon request;
- Fair and just treatment from school authorities and freedom from mistreatment and physical abuse;
- Freedom from unlawful interference in their pursuit of an education while in the custody of the district;
- Security against unreasonable searches and seizures;
- The substantive constitutional rights listed in WAC 392-400-215, subject to reasonable limitations upon the time, place, and manner of exercising such rights consistent with the

maintenance of an orderly and efficient educational process within limitations set by law, including the right to:

- freedom of speech and press,
 - peaceably assemble
 - petition the government and its representatives for a redress of grievances,
 - the free exercise of religion and to have their schools free from sectarian control or influence, and
- Participate in the development of rules and regulations to which they are subject and to be instructed on rules and regulations that affect them;
 - Establish appropriate 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, administrators and other school personnel at reasonable times;
 - Be involved in school activities, provided they meet the reasonable qualifications of the sponsoring organization;
 - Free election of their peers in student government and the right to hold office;
 - Know the requirements of the course of study, be informed about and know upon what basis grades will be determined;
 - Citizenship privileges as determined by the United States and Washington State Constitution and its amendments; and,
 - Annual information pertaining to the district's rules and regulations regarding students, discipline and rights.

Scope of District Authority

Students, who involve themselves in acts that have a detrimental effect on the maintenance and operation of the school or the school district; criminal acts; and/or violations of school rules and regulations, may be subject to disciplinary action by the school and prosecution under the law.

The rules will be enforced by school officials:

- On school grounds during and immediately before or immediately after school hours;
- On school grounds at any other time when school is being used by a school group(s) or for a school activity;
- Off school grounds at a school activity, function, or event;
- Off the school grounds if the actions of the student materially or substantially effects or interferes with the educational process; or,

- In school-provided transportation, or any other place while under the authority of school personnel.

Disruptive Conduct

A student will not intentionally cause substantial and/or material disruption of any school operations. The following illustrate the kinds of offenses that are prohibited:

- Intentionally obstructing normal pedestrian or vehicular traffic on a school campus;
- Intentionally obstructing the entrance or exit of any school building or room in order to deprive others of passing through;
- Causing a disturbance or disruption on school grounds, at school activities, or on district-provided transportation, including substantially interfering with any class or activity;
- Cheating or disclosure of exams;
- Defiance of school personnel by;
 - disobedience of reasonable requests, instruction, and directives of school personnel;
 - refusal to leave an area when instructed to do so by school personnel;
 - refusing a reasonable request to identify oneself to district personnel (including law enforcement officers) while under the supervision of the school; and
 - refusal to cease prohibited behavior;
- Disruptive and/or dangerous use of motor vehicles or conduct on a school bus that endangers students;
- Extortion, theft, forgery;
- Fighting: Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where blows are exchanged is prohibited, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;
- Gambling or encouraging other students to gamble;
- Gang-related behavior, association, and/or affiliation;
- Harassment of others;
- Inappropriate dress or appearance;
- Trespassing on school property or school transportation at a time or place the student's presence is not permitted;
- Occupying a school building or school grounds in order to deprive others of its use;

- Preventing students from attending class or school activities;
- Use or possession of tobacco;
- Using any object in a dangerous manner;
- Intentionally defacing or destroying the property of another.

Exceptional Misconduct

Exceptional misconduct is a violation of rules so serious in nature and/or so disruptive as to warrant an immediate short-term or long-term suspension, or expulsion. Exceptional misconduct includes the following:

- Arson;
- Assault, if the assault involves
 - injury to another;
 - bodily fluids; or
 - a weapon;
- Commission of any crime on school grounds, or the commission of a crime or other dangerous conduct anywhere that indicates the student's presence on school grounds poses a danger to other students or staff;
- Cumulative violations;
- Causing intentional, substantial damage or destruction to school property or the property of another on school grounds or at school activities;
- Dangerous use of motor vehicles on school grounds or at school activities, or endangering students on a school bus;
- Disruption of the school program by bomb scares, false fire alarms, firecrackers, etc.;
- Extortion;
- Fighting: Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where physical blows are exchanged is prohibited, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, choking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;
- Harassment/intimidation/bullying of others;
- Knowingly possessing stolen property;
- Possession, use, sale, or delivery of illegal or controlled chemical substances, including marijuana or substances containing marijuana and alcoholic beverages, as well as possession of items reasonably determined to be drug paraphernalia as used or possessed;

- Presence on school property or at a school activity following the consumption or use elsewhere of an alcoholic beverage or a controlled substance, including marijuana;
- Sexual misconduct on school grounds, at school activities, or on school provided transportation;
- Theft on school grounds, at school activities, on school provided transportation, or of school property at any time;
- Threats of violence to other students or staff
- Use or possession of dangerous weapons, including firearms, airguns, knives, nun-chu-ka sticks, throwing stars, stun guns, explosives and other weapons prohibited by state law and Policy4210.

Guidelines for Sanctions

Chapter 392-400 WAC contains the following restrictions for suspensions:

- Kindergarten through grade four - No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.
- Grades five and above program - No student in grade five and above program shall be subjected to short-term suspension for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

In all cases where sanctions are imposed, a reasonable effort to contact parents or guardians will occur prior to, or contemporaneous with, the imposition of the sanction, in addition to any written notice required by law. When a school administrator determines that there is an immediate and continuing threat to the student or school staff, or an immediate and continuing threat of substantial disruption of the educational process, immediate emergency removal or emergency expulsion may be appropriate.

In conjunction with the following sanction guidelines, administrators may also consider any alternative form of corrective action—including programs intended to lessen the time of exclusion from class attendance—which has been approved by the Board of Directors and/or Superintendent. The district encourages the use of alternative forms of correction action when possible and practicable in light of the duty to maintain safe and orderly school environments conducive to student learning.

In addition to school sanctions, administrators should determine whether restitution for damage or injury should be considered.

Implementing the Guidelines for Sanctions

It is presumed that school administrators will sanction a student for the following offenses within each listed standard range, beginning at the presumptive sanction and determining whether mitigating or aggravating factors warrant a sanction higher or lower within the standard range. School administrators are expected to use their professional judgment and experience when assigning students sanctions and will, to the best of their abilities, attempt to apply these sanctions to all similarly-situated students in a fair and equitable manner. The administrator's judgment and discretion will carefully balance the duty to maintain order and discipline in a safe school environment, the appropriate corrective action needed to address the student's misconduct, and the student's long-term educational success.

The sanctions below do not prohibit administrators from considering approved alternatives to out-of-school suspension or expulsion, including in-school suspension. The standard range for each offense does not prohibit a school administrator from exceeding the range, up to and including expulsion, if sufficient aggravating factors warrant such corrective action or if the threat of danger or substantial disruption supports an emergency expulsion under WAC 392-400-295.

ARSON

For purposes of school discipline, "arson" means any intentional or reckless setting of a fire or other burning of personal or public property. "Reckless" means that the student understood, but acted with disregard for, the consequences of his or her conduct.

STANDARD RANGE: 0-20 Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Short-Term Suspension of 1 Day

Secondary: Short-Term Suspension of 5 Days

MITIGATING FACTORS:

- No prior documented misconduct
- Minimal damage
- Little potential of harm
- Student's intent or purpose
- Student's age and/or inability to understand potential consequences of the conduct
- Admitted or self-reported conduct
- Student attempted, but failed to or was prevented from, carrying out the conduct

AGGRAVATING FACTORS:

- Significant damage
- Potential of serious harm
- Intent or purpose in setting fire

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- Previous discipline record of student warranting progressive sanctions
 - The student's presence on campus is determined to be a threat to the safety of others.

ASSAULT

For purposes of school discipline, "assault" means actual or attempted hitting, striking or other wrongful physical contact inflicted on another either directly or indirectly through an object. For verbal threats, see Harassment, Intimidation, and Bullying.

STANDARD RANGE: 0-10 Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: 0 Days

Secondary: Short-Term Suspension of 5 Days

MITIGATING FACTORS:

- No prior documented misconduct
- Minimal injury or damage
- Student was primarily acting defensively, but facts do not support a conclusion that the student's conduct was clearly reasonable self-defense as set forth below
- Student's age and/or inability to understand potential consequences of the conduct
- Admitted or self-reported conduct

AGGRAVATING FACTORS:

- Serious actual or potential injury
- Use of an object or weapon
- Premeditated conduct
- Multiple students assaulting a single student
- Prior assault(s), threat(s), harassment, or bullying by the student against the same victim
- Exceptional severity or cruelty
- Conduct is motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of the victim
- Conduct is motivated by actual or perceived gang rivalry or affiliation
- Previous discipline record of student warranting progressive sanctions

REASONABLE SELF-DEFENSE:

It is expected that a student must always first retreat from any threat of harm and/or contact an adult staff member for assistance before engaging in any type of physical response to an assault. However, an administrator may decide not to subject a student to discipline if, following a reasonable investigation, the administrator determines that all of the following are true:

- a student who is being assaulted or witnesses another student being assaulted acts only in a manner that is defensive and protective of himself/herself or others;
- the student is acting in a manner that a building administrator determines is reasonable and necessary in light of the circumstances; and
- the student did not instigate, provoke, or promote the violence by his or her words or conduct immediately prior to the assault.

A reasonable physical response to an assault may include holding the assailant's hands or arms to prevent the assault, or pulling two fighting students apart and holding them until adult staff can arrive and intervene.

DEFACING OR DESTRUCTION OF PROPERTY

For school discipline purposes, means the unauthorized, intentional damage to district property or the property of others (other than arson, above).

STANDARD RANGE: 0-10 Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Discipline other than Suspension

Secondary: Short-Term Suspension of 3 Days

Restitution will usually be required.

MITIGATING FACTORS:

- No prior documented misconduct
- Minimal damage
- Student's age and/or inability to understand potential consequences of the conduct
- Admitted or self-reported conduct
- Subsequent remedial steps, including restitution to district or victim of misconduct

AGGRAVATING FACTORS:

- Significant damage in extent or cost
- Similar previous conduct
- Previous discipline record of student warranting progressive sanctions
- Property defaced with:
 - lewd or obscene words or imagery
 - words or imagery containing slurs or negative reference to the race, color, national origin, gender, sexual orientation, gender expression, or disability of others
 - gang words or imagery

Note: Under RCW 28A.635.060 (1), the school district may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the district, a contractor of the district, an employee, or another student until the pupil or the pupil's parent or guardian has paid for the damages. If a student has been suspended or expelled, the student may not be readmitted until the student or parents or legal guardian has made payment in full, or until the superintendent directs otherwise. If the property damaged is a school bus owned and operated by the district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed otherwise by the superintendent.

When the pupil and parent or guardian are unable to pay for the damages, the school district will provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of the pupil is liable for damages as otherwise provided by Washington state law.

DEFIANCE OF SCHOOL AUTHORITY

Refusal to obey reasonable requests, instructions, and directives of any school personnel, including volunteers or contractors working for the school. Defiance includes dress or appearance in violation of Policy 3224 that the student either refuses to correct at the directive of a school administrator, or that is a persistent and repeated violation of Policy 3224. Defiance of school authority can also include intentional disruptive behavior.

STANDARD RANGE: 0-10 Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Discipline other than Suspension

Secondary: Discipline other than Suspension

MITIGATING FACTORS:

- No prior documented misconduct
- Student's age and/or inability to understand potential consequences of the conduct
- Subsequent action taken by student to make amends for misconduct with school personnel

AGGRAVATING FACTORS:

- Part of a pattern of similar misconduct
- Previous discipline record of student warranting progressive sanctions
- Substantial disruption to learning of others caused by student's defiance
- Student attempts to solicit or incite others to engage in defiant behavior
- Use of lewd, obscene, or profane language directed towards supervising school personnel
- Conduct is motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of school personnel

DRUGS/ALCOHOL AND OTHER PROHIBITED CHEMICAL SUBSTANCES

The possession, consumption, use, storage, or distribution of drugs, alcohol, and other similar chemical substances on school grounds, at school activities, or on district-provided transportation is prohibited. For purposes of student conduct expectations:

- This section applies to any controlled substance, medication, stimulant, depressant, or mood altering compound, including simulated compounds intended to produce intoxication or euphoria, whether or not such compounds have been designated a controlled substance by state or federal law;
 - This section applies to marijuana or substances containing marijuana;
 - This section applies to legally-prescribed drugs which a student is nevertheless not lawfully authorized to possess on school grounds, at school activities, or on district-provided transportation;
 - This section applies to students who enter school grounds, school activities, or district-provided transportation following the unlawful use or consumption of drugs, alcohol, and other similar chemical substances, including students who appear to be under the influence of such substances; and
 - This section applies equally to the possession or use of paraphernalia or other items used to possess, consume, store, or distribute drugs, alcohol, and/or other illegal chemical substances, including marijuana or substances containing marijuana.
1. First offense – ten (10) day suspension, law enforcement will be contacted; in an attempt to assist students who may have a substance abuse problem or addiction, consequences for a first offense may be rolled back from a ten (10) day to a three (3) day suspension. In accordance with the shortened suspension the student must

arrange and show verification of having gone through a professional substance abuse assessment at the student's expense. All treatment agencies and providers will use the ASAM criteria and communicate the results and recommendations to the Lynden School District. In addition, the student and his/her parent(s)/guardian(s) will meet with the district drug/alcohol interventionist as a condition upon returning to school.

2. Second offense – long-term suspension or expulsion with possible loss of credit. Law enforcement will be contacted.

The Lynden School District views this first offense alternative as a time for family education, support and counseling about the issues of drug and alcohol abuse and addiction.

The following actions are often appropriately imposed for the sale or delivery of illegal substances or paraphernalia:

1. Emergency expulsion
2. Suspension or expulsion
3. Referral to law enforcement
4. Establish regular communications with law enforcement organizations, social service agencies, and other groups in the community for the purpose of developing the community-wide capacity to support and reinforce the schools' plans for safety and ethical decision making.

MITIGATING FACTORS:

- Little or no prior documented misconduct
- A significantly small amount of substance
- Student's age and/or inability to understand potential consequences of the conduct
- Momentary or transient handling of the item
- Admitted or self-reported conduct
- Student believed that he or she was authorized to possess a lawfully-prescribed drug on campus
- Evidence that there was no intent to use, consume, or distribute the substance on school grounds, district-provided transportation, or at school activities.

AGGRAVATING FACTORS:

- Previous discipline record of student warranting progressive sanctions
- A relatively large amount of substance that would reasonably exceed anticipated single use
- Evidence of sophistication or pre-planning
- Evidence of distribution or intent to distribute prohibited substances
- The substance is heroin or another similar opiate (including methadone, oxycodone, etc.), cocaine, methamphetamine, or a similar substance designated as a level one or level two controlled substance with the potential for significant harm and addiction

- Distribution has been to multiple students
- Conduct is related to gang affiliation

An expulsion may be imposed for such conduct when sufficient aggravating circumstances are present and in consultation with the superintendent or the superintendent's designee. Emergency expulsion may be imposed when the student's conduct meets the requirements of WAC 392-400-295.

In all cases in which a student possesses or is distributing on school grounds, at school activities, or on district-provided transportation a substance prohibited under this section that is also a violation of the law, a report will be made by school officials to law enforcement.

FIGHTING OR FIGHTING INVOLVEMENT

Includes instigating, promoting (including promotion by presence as a spectator), and escalating a fight, as well as the failure to disperse at the scene of a fight.

SANCTIONS: See Assault

GANG CONDUCT

Students are prohibited from any secret societies or gang activity, or activity by a group with the purpose of violating the law, district policy or school rules, or having a criminal intent or nature. While on school premises, in a reasonable proximity, or at a school-sponsored event, students shall not participate in any gang behavior. Indicators of gang or secret society activities may include two or more of the following:

- Declaration of membership and membership recruitment;
- Colors of distinctive clothing of any type;
- A claim of turf or a particular territory in community or school;
- Graffiti with special meaning to the secret society or gang;
- Hand signs with unique meaning;
- A group name, organization and structure;
- Nicknames or secret names;
- Identifiable leadership;
- Tattoos, haircuts, shaved eyebrows, or other body markings or piercings with distinctive meanings; and conspiring and acting in concert, mainly for purposes which may violate

school policy and are not approved by the school and which are not beneficial solely to the school.

Participation in any of the above indicated activities may be sufficient to identify a student for increased scrutiny in order to preserve the health, safety and welfare of the general student body and staff. The district supports complete abstention from gang behaviors so that all students can develop freely and securely and can reach full intellectual, emotional, social and physical potential. This decision to abstain from gang participation can become a decision of life or death importance. Intervention will begin as early as a pattern of behavior is observed that indicates that a student is vulnerable to gang participation. Dressing and acting like a gang member is a gateway behavior to serious gang involvement.

These behaviors constitute a substantial disruption of the educational process and pose a serious safety threat to both the students and staff of the Lynden School District. Therefore, they constitute exceptional misconduct under WAC 392-400 and WAC 392-400-295. Participation in any of these acts will result in immediate short or long term suspension. Repeat, multiple, or sever offenses may result in expulsion. An individual's extraordinary circumstances will be considered before a final decision is made. In addition to corrective action imposed, the district will confiscate all gang contraband, such as markers and graffiti, bandanas, belts, and shoe laces and specify no visible tattoos, drugs, and weapons; contact law enforcement offices; and assist in the prosecution of any criminal charges filed against the student. However, alternatives to corrective actions may be allowed if the school principal/designee, student and/or family agrees and if the student participates in an assessment by a qualified professional and follows that professional's resulting recommendation(s).

Lynden School District has established a 1,000 foot school safety zone around each school and its premises from which gang members can and will be excluded if they engage in any identifiable activity that warrants concern for the safety of staff or students.

Alternative Discipline Process in Gang Activity Offenses

The Lynden School District is committed to a uniform approach to addressing gang activity or gang associated students. An effective anti-gang initiative requires elements of prevention, intervention, and suppression, hopefully with actions taken by the student to transition himself/herself back to an appreciation of the need for an education.

The district is committed to cooperating with helping agencies, family and students during treatment and aftercare. Violation of the alternative to corrective action agreement and failure to follow through on agreed-upon alternatives will result in reinstatement of the corrective action steps outlined below. The student and parent(s)/guardian(s), by entering into this agreement, waive any hearing on the original corrective action and/or appeals regarding the reinstatement of the corrective action previously held in abeyance if the student fails to follow through with treatment.

Behaviors Requiring Immediate Severe Discipline

Student gang behaviors violate state and federal law and district operational procedure. Some individual student behaviors are particularly severe or heinous, such as arming oneself and threatening danger by gun, knife, brass knuckles, etc. Other examples may include “jumping” other students, supporting gang behavior through drug sales, and a wide range of violence directed against persons from their gangs. In severe cases of this nature or when parent cooperation is not forthcoming, the alternative to discipline is not an option.

Self-Disclosure

In some cases, a student or parent(s)/guardian(s) may self-disclose problem gang behaviors. In those cases, the school supports interventions in which the family and student may engage. However, this avenue of student support cannot be provided as a means to avoid school corrective actions.

First Offense

Unless a first offense is particularly heinous, disruptive, or dangerous, lower level disciplines will have occurred prior to this short-term suspension. Those may have included oral warning, detention, parent call, parent conference, class exclusion, etc. When reasonable intervention efforts fail, this exceptional misconduct procedure may be chosen by building or program administrators

The Lynden School District views each infraction as a time for family awareness, support, and counseling about the serious issues that arise due to student gang behaviors; it is for this reason that a student/parent learning opportunity is required.

First Offense Correction Action Mode

A student found violating the Alternative Discipline Process in Gang Activity Offenses shall be subject to an immediate ten (10) school day short-term suspension. Prior to readmission to school, a student, parent(s)/guardian(s) and principal and/or designee conference must be held. At the imposition of this short-term suspension, notice of the suspension and an opportunity to request an appeal will be given.

First Offense Alternative Approach

For a first offense, following mutual agreement of all parties that an alternative is an option, the short-term suspension shall be amended to no less than three (3) school days if the student and parent(s)/guardian(s) choose this route and begin to follow an alternative approach to discipline by immediately seeking an appointment with a qualified helping agency. The remaining seven (7) school days of suspension shall be held in abeyance. The alternative track requires an

assessment by a qualified licensed counseling or drug/alcohol agency. Once this assessment is completed and reported to staff, the student after three (3) school days may be allowed to re-enter school conditional to all other behaviors cited above and adherence to follow through if indicated by the assessment. All facets of the alternative must be completed on or before fifteen (15) school days from the agreement. Violation of the agreement or failure to comply with the assessment recommendation will result in reinstatement of the original ten (10) school day suspension, including those days which had been held in abeyance, and without recourse to a hearing or appeal of the corrective action and of its reinstatement.

Second Offense, Corrective Action Mode

A student violating gang activity for a second time shall be subject to long-term suspension of thirty (30) school days. At the imposition of this long-term suspension, notice of the suspension and an opportunity request a hearing will be given.

Second Offense, Alternative Mode

For a second offense, following mutual agreement of all parties that an alternative is an option, the long-term suspension shall be amended to eleven (11) school days if the student and parent(s)/guardian(s) choose this route and commit for the student to follow an alternative approach to corrective action. The remaining nineteen (19) school days of suspension shall be held in abeyance. The alternative track requires an assessment by a district approved or state licensed agency professional to determine the student's level of commitment to gang behaviors. Once this assessment is completed and reported to staff with the required agency's treatment plan of the student made clear, the student after eleven (11) school days may be allowed to re-enter school conditional to other behaviors cited above. All facets of the alternative resource must be completed on or before twenty (20) school days from the agreement. Violation of the agreement or failure to comply with the assessment recommendation will result immediately in the reinstatement of the original thirty (30) school day, long-term suspension, which had been held in abeyance and will be without recourse to a hearing or appeal of the corrective action and of its reinstatement.

Third Offense, Corrective Action Mode

A student violating gang activity for a third time shall be expelled from the school district. At the imposition of the expulsion, notice and an opportunity for a hearing will be given to the student.

Third Offense, Alternative Mode

For a third offense, following mutual agreement of all parties that an alternative is an option, the expulsion shall be amended to a thirty (30) school day suspension if the student and parent(s)/guardian(s) choose this route and commit for the student to follow an alternative to

corrective action. The alternative track requires an assessment by one (1) or more district-approved or state agency, such as a behavioral counseling service, as well as a substance abuse counseling agency. Once this assessment is completed and reported to the superintendent's designee by the agency, the student after thirty (30) school days may be allowed to re-enter school conditional to other behaviors cited above. All facets of the alternative must be completed excepting complete follow through of treatment with the professional helping agencies on or before thirty (30) school days from the agreement. Violation of the agreement or failure to comply with the assessment recommendation will result immediately in the reinstatement of the original expulsion which had been held in abeyance and without recourse to a hearing or appeal of the corrective action and of its reinstatement.

Expulsion or Long-term suspension for gang conduct alone, absent any other misconduct, may only occur under extraordinary circumstances following consultation with the Superintendent or Superintendent's designee.

HARASSMENT, INTIMIDATION OR BULLYING

For school discipline purposes, "harassment, intimidation and bullying" includes:

- intentional hurtful, threatening, or intimidating verbal and/or physical conduct in violation of district policy 3207 and procedure 3207P;
- unsolicited or unwelcome verbal or physical conduct that is harassing or intimidating that can be of a sexual, religious, racial or ethnic nature, or based on disability;
- a threat to cause bodily injury, property damage, or to cause the physical confinement or restraint of the person threatened, or any other act causing substantial harm to the physical or mental health of the person threatened.

STANDARD RANGE Elementary: 0-10 Day Suspension

STANDARD RANGE: Secondary: 3-20 Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Discipline other than Suspension

Secondary: 3 Day Suspension

MITIGATING FACTORS:

- No prior documented misconduct
- Student's age and/or inability to understand potential consequences of the conduct
- Admitted or self-reported conduct
- Subsequent action taken by student to make amends for misconduct with the victim

AGGRAVATING FACTORS:

- Threat of serious injury
- Use of an object or weapon

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- Premeditated conduct
 - Part of a pattern of similar misconduct against the same victim
 - Prior assault(s) threat(s), harassment, or bullying by the student against the same victim
 - Exceptional severity or cruelty
 - Conduct is motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of the victim
 - Conduct is motivated by actual or perceived gang rivalry or affiliation
 - Previous discipline record of student warranting progressive sanctions

LEWD, OBSCENE, OR PROFANE LANGUAGE, GESTURES OR MATERIALS

For purposes of school discipline, this includes, but is not limited to, lewd, obscene or profane language, gestures or materials that are unrelated to authorized school curriculum. Prohibited “materials” includes digital or electronic text, images, or sounds that are possessed, displayed, or transmitted while under the supervision of school authorities.

STANDARD RANGE: 0-10 Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Discipline other than Suspension

Secondary: Discipline other than Suspension

MITIGATING FACTORS:

- No prior documented misconduct
- Student’s age and/or inability to understand potential consequences of the conduct
- Subsequent action taken by student to make amends for misconduct

AGGRAVATING FACTORS:

- Part of a pattern of similar misconduct
- Previous discipline record of student warranting progressive sanctions
- Substantial disruption to learning of others caused by student’s defiance
- Student attempts to solicit or incite others to engage in behavior
Conduct is motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of school personnel

Any conduct under this section that could constitute a criminal act will be reported to law enforcement. Any conduct under this section that involves the use of district resources or equipment may result in the loss or restriction of a student’s use of district systems, resources, or equipment.

TARDINESS

Schedule a conference or conferences with the custodial parent or guardian and student, at a time reasonably convenient for all, for the purpose of analyzing the causes of the student's tardiness. Take steps to eliminate the tardies, including adjusting the student's school program, or school/course assignment.

THEFT/STEALING

Possession of another person's or district property, regardless of value, without the person's permission with the intent to deprive the owner of such property. As part of the sanction, restitution will usually be required.

STANDARD RANGE: 0-10 Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Discipline other than Suspension

Secondary: Short-Term Suspension of 2 Days

Restitution will usually be required if property is not recovered and returned.

MITIGATING FACTORS:

- No prior documented misconduct
- Property returned to victim
- Student's age and/or inability to understand potential consequences of the conduct
- Admitted or self-reported conduct
- Subsequent remedial steps, including restitution to district or victim of misconduct

AGGRAVATING FACTORS:

- Significant damage in extent or cost
- Similar previous conduct
- Previous discipline record of student warranting progressive sanctions
- Conduct is motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of the victim
- Conduct is motivated by gang affiliation

Note: Under RCW 28A.635.060 (1), the school district may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the district, a contractor of the district, an employee, or another student until the pupil or the pupil's parent or guardian has paid for the damages. If a student has been suspended or expelled, the student may not be readmitted until the student or parents or legal guardian has made payment in full, or until the superintendent directs otherwise. If the property damaged is a school bus owned and operated by the district, a student suspended for the damage may not be permitted to enter or ride

any school bus until the student or parent or legal guardian has made payment in full or until directed otherwise by the superintendent.

When the pupil and parent or guardian is unable to pay for the damages, the school district will provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of the pupil is liable for damages as otherwise provided by Washington state law.

TOBACCO/NICOTINE PRODUCTS - USE OR POSSESSION

Students may not participate in smoking, use of tobacco products or products containing nicotine, including e-cigarettes, or possess tobacco products on the school premises or at school-sponsored functions.

Offenders will be reported to the Principal or Assistant Principal and for the offense of TOBACCO USE and POSSESSION will receive:

- a. FIRST OFFENSE: Offenders will receive a three (3) day suspension and parents are notified by letter and phone call. The penalty could be reduced to one (1) day provided the student agrees to participate in and show verification of having gone through a tobacco cessation class. In addition, local law enforcement officials may be contacted and the student could receive a citation.
- b. SECOND OFFENSE: Offenders will receive a five (5) day suspension and parents are notified by letter and phone call that the next occurrence the student will not be re-admitted . The penalty could be reduced to three (3) days provided the student agrees to participate in and show verification of having gone through a tobacco cessation class. Law enforcement officials may be contacted and the student could receive a citation.
- c. THIRD OFFENSE: Offenders will receive a long-term suspension and loss of credit for the term.

EXCUSED AND UNEXCUSED ABSENCES

See Policy and Procedure 3122.

WEAPONS

This section addresses the possession or use of actual weapons in violation of district policy 4210, including firearms, dangerous weapons, and other items listed within that policy. This includes when a student acts with malice as defined under RCW 9A.04.110 and displays a device that appears to be a firearm. Objects and conduct that fall outside of Policy 3240 ~~3245~~ should be addressed under other sections, as appropriate.

STANDARD RANGE: 0-20 Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Short-Term Suspension of 3 Days

Secondary: Long-Term Suspension of 11 Days

SANCTION FOR FIREARM AT SCHOOL: Emergency Expulsion (see below)

MITIGATING FACTORS:

- No prior documented misconduct
- No injury or damage caused
- No evidence that student intended to display or use the weapon
- The weapon is a small pocketknife with a blade 3 inches or less
- Student's age and/or inability to understand potential consequences of the conduct
- Admitted or self-reported conduct
- Student offers credible evidence that he or she had the weapon for legitimate purposes away from school and unintentionally brought the object to school

AGGRAVATING FACTORS:

- Previous discipline record of student warranting progressive sanctions
- Student used the weapon in furtherance of an assault, to intimidate another, cause injury, and/or to cause physical damage to property
- Student displayed, activated or discharged the weapon in a reckless manner
- Evidence of premeditation
- Display or use of the weapon was motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of a person intimidated or assaulted
- Conduct is motivated by actual or perceived gang rivalry or affiliation
- The weapon is an airgun or firearm.
- The object appears to be a firearm and the student displaying or using the object does so with malice

Any student who is determined to have carried a firearm or to have possessed a firearm on school premises, school-provided transportation, or school sponsored activities at any facility shall be expelled from school *for not less than one year (12 months) under RCW 28A.600.420*, with notification to parents and law enforcement. The district superintendent or the superintendent's designee is authorized to modify the expulsion of a student on a case-by-case basis.

The school district may also suspend or expel a student for up to one year if the student acts with malice as defined under *RCW 9A.04.110* and displays a device that appears to be a firearm.

Lynden School District No. 504
BOARD POLICY

No. 3240P

Expulsion may result based upon the administrator's judgment of the seriousness of the act or circumstances surrounding the act, and/or the previous record of the student.

Adopted: November 13, 2014