

STUDENT CONDUCT EXPECTATIONS AND SANCTIONS

Student Conduct Expectations

As authorized by RCW 28A.600, 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. For procedures and legal requirements related to imposition of suspension and expulsion, see Policy and Procedure 3241, Classroom Management, Discipline and Corrective Action.

Respect for the Law and the Rights of Others

The student referred by a member district for NWESD 189 services and cooperative program placement is responsible as a citizen to observe the laws of the United States, the State of Washington, and local ordinances and laws. The student shall respect the rights of others while in the program, on NWESD 189 property, at all program activities, on NWESD 189 provided transportation, or otherwise under NWESD 189 program authority.

Compliance with Rules

All students will obey the written rules and regulations established for the orderly operation of the NWESD 189 and the reasonable requests, instructions, and directives of its personnel. For purposes of Policy 3240 and this procedure, the term “NWESD 189 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 NWESD 189 and its representatives for violations of policies, regulations, and rules.

Student Rights

In addition to individual rights established by law and NWESD 189 policies, students served by or on behalf of the NWESD 189 and/or its cooperative member districts will have the right to:

- 1) high educational standards in a safe and sanitary building;
- 2) education consistent with stated NWESD 189 goals;
- 3) equal educational opportunity and in all aspects of the educational process freedom from discrimination based on economic status, pregnancy, marital status, gender, race, creed, religion, color, national origin, citizenship or immigration status, 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;
- 4) access to their own education records at reasonable times upon request;
- 5) fair and just treatment from NWESD 189 authorities and freedom from mistreatment and physical abuse;

- 6) freedom from unlawful interference in their pursuit of an education while in the custody of the NWESD 189;
- 7) security against unreasonable searches and seizures;
- 8) 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:
 - A) freedom of speech and press,
 - B) peaceably assemble,
 - C) petition the government and its representatives for a redress of grievances,
 - D) the free exercise of religion and to have their schools free from sectarian control or influence, and
 - E) participate in the development of rules and regulations to which they are subject and to be instructed on rules and regulations that affect them, including the periodic review and update of discipline rules, policies, and procedures;
- 9) establish appropriate channels to voice their opinions in the development of curriculum;
- 10) representation on advisory committees affecting students and student rights;
- 11) present petitions, complaints, or grievances to NWESD 189 authorities and the right to prompt replies;
- 12) consult with teachers, counselors, administrators and other NWESD 189 personnel at reasonable times;
- 13) be involved in program activities, provided they meet the reasonable qualifications of the sponsoring organization;
- 14) election by their peers in student government and the right to hold office, as appropriate;
- 15) know the requirements of the course of study, be informed about and know upon what basis grades will be determined;
- 16) citizenship privileges as determined by the United States and Washington State Constitution and its amendments; and,
- 17) annual information pertaining to the NWESD 189's rules and regulations regarding students, discipline and rights.

Scope of NWESD 189 Authority

Students who involve themselves in acts that have a detrimental effect on the maintenance and operation of the program or the NWESD 189; criminal acts; and/or violations of program rules and regulations, may be subject to disciplinary action by the program and prosecution under the law.

The rules will be enforced by program officials:

- 1) on program grounds during and immediately before or immediately after program hours;
- 2) on program grounds at any other time when the facility is being used by a program group(s) or for a program activity;
- 3) off program grounds at a program-sponsored activity, function, or event;
- 4) off the program grounds if the actions of the student materially or substantially affects or interferes with the educational process; and/or,

- 5) in NWESD 189 or cooperative member district-provided transportation, or any other place while under the authority of program personnel.

Disruptive Conduct

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

- 1) intentionally obstructing normal pedestrian or vehicular traffic on a program campus;
- 2) intentionally obstructing the entrance or exit of any program building or room in order to deprive others of passing through;
- 3) causing a disturbance or disruption on program grounds, at program activities, or on NWESD 189-provided transportation, including substantially interfering with any class or activity;
- 4) cheating or disclosure of exams;
- 5) defiance of program personnel by;
 - A) disobedience of reasonable requests, instruction, and directives of program personnel,
 - B) refusal to leave an area when instructed to do so by program personnel,
 - C) refusing a reasonable request to identify oneself to NWESD 189 personnel (including law enforcement officers) while under the supervision of the program, and
 - D) refusal to cease prohibited behavior;
- 6) disruptive and/or dangerous use of motor vehicles or conduct on a school bus that endangers students;
- 7) extortion, theft, forgery;
- 8) 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);
- 9) gambling or encouraging other students to gamble;
- 10) gang-related behavior, association, and/or affiliation (see Policy 3246);
- 11) harassment of others;
- 12) inappropriate dress or appearance (see Policy 3224);
- 13) trespassing on program property or NWESD 189 or cooperative member district-provided transportation at a time or place the student's presence is not permitted;
- 14) occupying a program building or program grounds in order to deprive others of its use;
- 15) preventing students from attending class or program activities;
- 16) use or possession of tobacco;
- 17) using any object in a dangerous manner; and/or,
- 18) 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:

- 1) arson;
- 2) assault, if the assault involves:
 - A) injury to another,
 - B) bodily fluids, and/or
 - C) a weapon;
- 3) commission of any crime on program grounds, or the commission of a crime or other dangerous conduct anywhere that indicates the student's presence on program grounds poses a danger to other students or staff;
- 4) cumulative violations;
- 5) causing intentional, substantial damage or destruction to program property or the property of another on program grounds or at program activities;
- 6) dangerous use of motor vehicles on program grounds or at program activities, or endangering students on a school bus;
- 7) disruption of the program by bomb scares, false fire alarms, firecrackers, etc.;
- 8) extortion;
- 9) 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);
- 10) harassment/intimidation/bullying of others;
- 11) knowingly possessing stolen property;
- 12) 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;
- 13) presence on program property or at a program activity following the consumption or use elsewhere of an alcoholic beverage or a controlled substance, including marijuana;
- 14) sexual misconduct on program grounds, at program activities, or on NWESD 189 or cooperative member district-provided transportation;
- 15) theft on program grounds, at program activities, on NWESD 189 or cooperative member district-provided transportation, or of program property at any time;
- 16) threats of violence to other students or staff
- 17) 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 Policy 4210.

Guidelines for Sanctions

WAC 392-400 contains the following restrictions for suspensions:

- 1) Kindergarten through grade four - No student in grades kindergarten through four (4) shall be subject to short-term suspensions for more than a total of ten (10) program 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.
- 2) Grades five and above program - No student in grade five (5) and above program shall be subjected to short-term suspension for more than a total of fifteen (15) program days during any single semester or ten (10) program days during any single trimester, as the case may be.

In all cases where sanctions are imposed, a reasonable effort to contact parents/guardians will occur prior to, or contemporaneous with, the imposition of the sanction, in addition to any written notice required by law. When a program administrator has good and sufficient reason to believe that a student's presence poses an immediate and continuing danger to the student, other students, or program staff, or an immediate and continuing threat of substantial disruption of the educational process, immediate emergency removal or emergency expulsion may be appropriate. (See Policy 3241, *Classroom Management, Discipline and Corrective Action*.)

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 NWESD 189 Board of Directors and/or Superintendent. The NWESD 189 encourages the use of alternative forms of correction action when possible and practicable in light of the duty to maintain safe and orderly program environments conducive to student learning.

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

Implementing the Guidelines for Sanctions

It is presumed that program 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. Program 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 program administrator's judgment and discretion will carefully balance the duty to maintain order and discipline in a safe program 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 program administrators from considering approved alternatives to out-of-program suspension or expulsion, including in-program suspension. The standard range

for each offense does not prohibit a program 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 program 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: Zero (0) - Twenty (20) Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Short-Term Suspension of One (1) Day

Secondary: Short-Term Suspension of Five (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
- 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 program 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: Zero (0) – Ten (10) Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Zero (0) Days

Secondary: Short-Term Suspension of Five (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, citizenship or immigration status, 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:

- 1) 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;
- 2) the student is acting in a manner that a program administrator determines is reasonable and necessary in light of the circumstances; and,
- 3) the student did not instigate, provoke, or promote the violence by his/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 (2) fighting students apart and holding them until adult staff can arrive and intervene.

DEFACING OR DESTRUCTION OF PROPERTY

For program discipline purposes, means the unauthorized, intentional damage to NWESD 189 property or the property of others (other than arson, above).

STANDARD RANGE: Zero (0) – Ten (10) Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Discipline other than Suspension

Secondary: Short-Term Suspension of Three (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 NWESD 189 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, citizenship or immigration status, gender, sexual orientation, gender expression, or disability of others
 - gang words or imagery

Note: Under RCW 28A.635.060 (1), the NWESD 189 may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the NWESD 189, a contractor of the NWESD 189, an employee, or another student until the pupil or the pupil's parent/guardian has paid for the damages. If a student has been suspended or referred to his/her resident district for expulsion proceedings, the student may not be readmitted until the student or parents/guardian has made payment in full, or until the Superintendent directs otherwise. If the property damaged is a school bus owned and operated by a cooperative member district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent/guardian has made payment in full or until directed otherwise by the Superintendent. When the pupil and parent/guardian are unable to pay for the damages, the NWESD 189 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/guardian of the pupil is liable for damages as otherwise provided by Washington state law.

DEFIANCE OF PROGRAM AUTHORITY

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

STANDARD RANGE: Zero (0) – Ten (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 program 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 program personnel
- Conduct is motivated by perceived race, color, national origin, citizenship or immigration status, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of program personnel

DRUGS/ALCOHOL AND OTHER PROHIBITED CHEMICAL SUBSTANCES

The possession, consumption, use, storage, or distribution of drugs (including marijuana/cannabis), alcohol, and other similar chemical substances on program grounds, at program-sponsored activities, or on NWESD 189 or cooperative member district-provided transportation is prohibited. For purposes of student conduct expectation this section applies:

- 1) 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;
- 2) to marijuana or substances containing marijuana;
- 3) to legally-prescribed drugs which a student is nevertheless not lawfully authorized to possess on program grounds, at program activities, or on NWESD 189 or cooperative member district-provided transportation;

- 4) to students who enter program grounds, program activities, or NWESD 189 or cooperative member 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,
- 5) 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.

STANDARD RANGE Elementary: Zero (0) – Ten (10) Day Suspension

STANDARD RANGE Secondary: Three (3) – Twenty (20) Day Suspension

PRESUMPTIVE STANDARD SANCTION FOR POSSESSION OR USE:

Elementary: Short-Term Suspension of One (1) Day

Secondary: Short-Term Suspension of Ten (10) Days

PRESUMPTIVE STANDARD SANCTION FOR DISTRIBUTION:

Elementary: Short-Term Suspension of Five (5) Days

Secondary: Long-Term Suspension of Twenty (20) Days

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 program grounds, NWESD 189 or cooperative member district-provided transportation, or at program 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

Generally, a suspension for possession, use, or consumption should not exceed ten (10) days, and a suspension for distribution should not exceed twenty (20) days. A suspension for secondary students in either case should not fall below three (3) days.

An expulsion may be imposed by a school district for such conduct when sufficient aggravating circumstances are present and in consultation with the superintendent or the superintendent's designee. School districts may also impose an emergency expulsion when the student's conduct meets the requirements of WAC 392-400-295.

An administrator may draw up a contract with a student serving a suspension, and a maximum of fifty percent (50%) of the suspension may be held in abeyance when the student successfully complies with the terms and conditions of the contract.

In all cases in which a student possesses or is distributing on program grounds, at program activities, or on NWESD 189 or cooperative member district-provided transportation a substance prohibited under this section that is also a violation of the law, a report will be made by program 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

For program discipline purposes includes:

- 1) the creation, display, or communication of gestures, language, imagery, or symbols as defined below commonly associated with gang culture;
- 2) the promotion of gang culture and/or gang violence; and/or,
- 3) the solicitation or recruitment of gang members.

Gang imagery and symbols include, but are not limited to:

- 1) apparel (including shoelaces, bandanas, belts, or hats) which by virtue of color, arrangement, trademark, symbol, or any other attributes indicate or imply gang membership or affiliation;
- 2) displays of gang affiliation on personal belongings including clothing, program assignments, notebooks, body, etc.

STANDARD RANGE: Zero (0) – Ten (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
- Admitted or self-reported conduct
- Subsequent remedial steps, including restitution for property damaged or defaced with gang imagery, symbols, or language

AGGRAVATING FACTORS:

- Similar previous conduct
- Concerted action with other students or non-students
- Gang conduct in connection with other misconduct prohibited elsewhere by this procedure, including but not limited to assault, harassment, intimidation, bullying, theft, and the possession of weapons
- Previous discipline record of student warranting progressive sanctions

Referral to the resident district for the purpose of initiating expulsion proceedings or long-term suspension for gang conduct alone, absent any other misconduct, may only occur under extraordinary circumstances following consultation with the NWESD 189 Superintendent or Special Programs and Services Director.

HARASSMENT, INTIMIDATION OR BULLYING

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

- 1) intentional hurtful, threatening, or intimidating verbal and/or physical conduct in violation of NWESD 189 Policy 3207 and Procedure 3207P;
- 2) 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;
- 3) 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: Zero (0) – Ten (10) Day Suspension

STANDARD RANGE: Secondary: Three (3) – Twenty (20) Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Discipline other than Suspension

Secondary: Three (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
- 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, citizenship or immigration status, 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 program discipline, this includes, but is not limited to, lewd, obscene or profane language, gestures or materials that are unrelated to authorized program curriculum. Prohibited “materials” includes digital or electronic text, images, or sounds that are possessed, displayed, or transmitted while under the supervision of program authorities.

STANDARD RANGE: Zero (0) – Ten (0) 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, citizenship or immigration status, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of program 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 NWESD 189 resources or equipment may result in the loss or restriction of a student’s use of NWESD 189 systems, resources, or equipment.

TARDINESS

Schedule a conference or conferences with the custodial parent/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 program, or course assignment, with consultation and consent of the cooperative member district.

THEFT/STEALING

Possession of another person's or NWESD 189 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: Zero (0) – Ten (10) Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Discipline other than Suspension

Secondary: Short-Term Suspension of Two (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 NWESD 189 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, citizenship or immigration status, 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 NWESD 189 may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the NWESD 189, a contractor of the NWESD 189, an employee, or another student until the pupil or the pupil's parent/guardian has paid for the damages. If a student has been suspended or referred to his/her resident district for expulsion proceedings, the student may not be readmitted until the student or parents/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 NWESD 189 or cooperative member district, a student suspended for the damage may not be permitted to enter or ride any school bus

until the student or parent/guardian has made payment in full or until directed otherwise by the Superintendent.

When the pupil and parent/guardian are unable to pay for the damages, the NWESD 189 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/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, or possess tobacco products on the program premises or at program-sponsored functions.

Elementary Students

See sanctions for Defiance of Program Authorities

Secondary Students

First Offense: Complete Tobacco Intervention Packet. [Refusal or failure to complete Tobacco Intervention Packet shall be considered to be a tobacco-related offense for which students may receive program discipline sanctions as set forth in Defiance of Program Authorities.]

Second Offense: Complete Tobacco Intervention Packet and attend extended after-program detention. [Refusal to complete Tobacco Intervention Packet shall be considered to be a tobacco-related offense for which students may receive program discipline that includes short-term suspension with days that may be held in held in abeyance for community service.]

Third Offense: Complete Tobacco Intervention Packet and attend extended after-program detention. [Refusal to complete Tobacco Intervention Packet shall be considered to be a tobacco-related offense for which students may receive program discipline that includes short-term suspension with days that may be held in held in abeyance for community service.]

TRUANCY

See Policy and Procedure 3122.

WEAPONS

This section addresses the possession or use of actual weapons in violation of 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 4210 should be addressed under other sections, as appropriate.

STANDARD RANGE: Zero (0) –Twenty (20) Day Suspension

PRESUMPTIVE STANDARD SANCTION:

Elementary: Short-Term Suspension of Three (3) Days

Secondary: Long-Term Suspension of Eleven (11) Days

SANCTION FOR FIREARM AT PROGRAM: 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 three (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 program and unintentionally brought the object to program

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, citizenship or immigration status, 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 program premises, NWESD 189, cooperative member district, or program-provided transportation, or program-sponsored activities at any facility shall be referred to his/her resident district for expulsion proceedings from the program *for not less than one year (12 months) under RCW 28A.600.420*, with notification to parents/guardians and law enforcement. The superintendent or the superintendent's

designee of the resident district is authorized to modify the expulsion of a student on a case-by-case basis.

The NWESD 189 may suspend or refer a student to his/her resident district for expulsion for up to one (1) year if the student acts with malice as defined under RCW 9A.04.110 and displays a device that appears to be a firearm.

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

Presented to Board: 04/25/01
Reviewed: 05/23/01
Revised: 10/23/13
Revised: 10/22/14
Revised: 08/17/16
Revised: 06/23/21