

Stanwood Camano School District #401

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INSTRUCTIONAL SERVICES

Lloy Schaaf

Assistant Superintendent of Teaching and Learning

Memorandum

To: The Stanwood-Camano School Board of Directors

Fr: Lloy Schaaf, Ed.D

Re: Update of Policy 3241

Date: August 6, 2019

Attached, please find the updated policy for Student Discipline, Policy 3241. This policy needs to be in place by September 1, 2019. I have been working with our attorney to address some substantial changes in the procedures as well, however, these changes are not something that must be board approved. They must reflect the changes in the rules and regulations.

Our district has been working on this transition to new policy and procedures for several months. I have also included a summary of changes related to the rules and regulations for student discipline. You also received this at the June 18, 2019 school board study session

There are no tracked changes as I am recommending that we adopt the WSSDA policy.

Recommendation: That the School Board approves Policy 3241.

/tt

STUDENT DISCIPLINE

“Discipline” means any action taken by the school district in response to behavioral violations. Discipline is not necessarily punitive, but can take positive and supportive forms. Data show that a supportive response to behavioral violation is more effective and increases equitable educational opportunities. The purposes of this policy and accompanying procedure include:

- Engaging with families and the community and striving to understand and be responsive to cultural context
- Supporting students in meeting behavioral expectations, including providing for early involvement of parents
- Administering discipline in ways that respond to the needs and strengths of students and keep students in the classroom to the maximum extent possible
- Providing educational services that students need during suspension and expulsion
- Facilitating collaboration between school personnel, students, and parents, and thereby supporting successful reentry into the classroom following a suspension or expulsion
- Ensuring fairness, equity, and due process in the administration of discipline
- Providing every student with the opportunity to achieve personal and academic success
- Providing a safe environment for all students and for district employees

The Superintendent shall establish and make available rules of student conduct, designed to provide students with a safe, healthy, and educationally sound environment. Students are expected to be aware of the district’s rules of student conduct, including behavior standards that respect the rights, person, and property of others. Students and staff are expected to work together to develop a positive climate for learning.

Minimizing exclusion, engaging with families, and supporting students

Unless a student’s presence poses an immediate and continuing danger to others or an immediate and continuing threat to the educational process, staff members must first attempt one or more forms of other forms of discipline to support students in meeting behavioral expectations before imposing classroom exclusion, short-term suspension, or in-school suspension. Before imposing a long-term suspension or expulsion, the district must first consider other forms of discipline.

These other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035. The accompanying procedure will identify a list of other forms of discipline for staff use. However, staff members are not restricted to that list and may use any other form of discipline compliant with WAC 392-400-025(9).

School personnel must make every reasonable attempt to involve parents and students to resolve behavioral violations. The district must ensure that associated notices, hearings, conferences, meetings, plans, proceedings, agreements, petitions, and decisions are in a language the student and parents understand; this may require language assistance. Language assistance includes oral and written communication and further includes assistance to understand written communication, even if parents cannot read any language. The district’s use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the school district, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning.

As described in the procedures, the district will offer educational services to students during suspension or expulsion. When the district administers a long-term suspension or expulsion, the district will timely hold a reengagement meeting and collaborate with parents and students to develop a reengagement plan that is tailored to the student’s individual circumstances, in order to return the student to school successfully. Additionally, any student who has been suspended or expelled may apply for readmission at any time.

Staff authority

District staff members are responsible for supervising students during the school day, during school activities, whether on or off campus, and on the school bus. Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The Superintendent has general authority to administer discipline, including all exclusionary discipline. The Superintendent will identify

other staff members to whom the Superintendent has designated disciplinary authority. After attempting at least one other form of discipline, teachers have statutory authority to impose classroom exclusion for behaviors that disrupt the educational process. Because perceptions of subjective behaviors vary and include implicit or unconscious bias, the accompanying procedures will seek to identify the types of behaviors for which the identified district staff may administer discipline.

Ensuring fairness, providing notice, and an opportunity for a hearing

When administering discipline, the district will observe all of the student's constitutional rights. The district will notify parents as soon as reasonably possible about classroom exclusion and before administering any suspension or expulsion. The district will provide opportunities for parent participation during an initial hearing with the student. The district will provide parents with written notice, consistent with WAC 392-400-455, of a suspension or expulsion no later than one school business day following the initial hearing. As stated above, language assistance includes oral and written communication and further includes assistance to understand written communication, even if parents cannot read any language. The district has established procedures for review and appeal of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-530.

The district has also established procedures to address grievances of parents or students related to other forms of discipline, classroom exclusion, and exclusion from transportation or extra-curricular activity. The grievance procedures include an opportunity for the student to share his or her perspective and explanation regarding the behavioral violation.

Development and review

Accurate and complete reporting of all disciplinary actions, including the behavioral violations that led to them, is essential for effective review of this policy; therefore, the district will ensure such reporting. The district will periodically collect and review data on disciplinary actions taken against students in each school. The data will be disaggregated into subgroups as required by RCW 28A.300.042, including students who qualify for special education or Section 504. The data review will include classroom exclusion, in-school and short-term suspensions, and long-term suspensions and expulsions. The district will invite school personnel, students, parents, families, and the community to participate in the data review. The purpose of the data review is to determine if disproportionality exists; if disproportionality is found the district will take action to ensure that it is not the result of discrimination and may update this policy and procedure to improve fairness and equity regarding discipline.

Distribution of policies and procedures

The school district will make its discipline policies and procedures available to families and the community. The district will annually provide its discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district will ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

Cross References: 2121 - Substance Abuse Program
 2161 - Special Education and Related Services for Eligible Students
 2162 - Education of Students With Disabilities Under Section 504 of the
 Rehabilitation Act of 1973
 3122 - Excused and Unexcused Absences
 3200 - Rights and Responsibilities
 3210 - Nondiscrimination
 3244 - Prohibition of Corporal Punishment
 3520 - Student Fees, Fines, or Charges
 3210 - Regulation of Dangerous Weapons on School Premises
 4218 - Language Access Plan

Management Resources: 2019 - April Policy Alert
 2010 - June Issue
 2014 - August Issue
 2014 - December Issue
 2016 - July Policy Issue
 2018 - August 2018 - August Policy Issue

Adoption Date:
Stanwood-Camano School District
Revision Date:

CLASSROOM MANAGEMENT, DISCIPLINE AND CORRECTIVE ACTION

Rules of student conduct are essential for maintaining a safe and supportive learning environment. A student's refusal to comply with written rules and regulations established for the governing of the school will constitute sufficient cause for discipline or corrective action.

Staff are responsible for supervising student behavior, employing effective classroom management methods and enforcing the rules of student conduct in a fair, consistent and non-discriminatory manner. Corrective action must be reasonable, culturally responsive, and necessary under the circumstances, while reflecting the District's priority to maintain a safe and positive learning environment for all students and staff. The District will administer disciplinary action in a way that responds to the needs and strengths of students, supports students in meeting behavioral expectations, and keeps them within the classroom to the maximum extent possible.

When administering discipline under this policy and the related procedure, District staff must not unlawfully:

- Discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;
- Deprive a student of constitutional rights to freedom of speech, press, peaceable assembly, petition the government and its representatives for a redress of grievances, free exercise of religion, free from sectarian control or influence, subject to reasonable time, place, and manner limitations on exercising such rights;
- Deprive a student of the constitutional right to be secure in the person, papers, and effects against unreasonable searches and seizures;
- Interfere in a student's pursuit of an education while in the District's custody; or
- Deprive a student of the right to an equal educational opportunity, in whole or in part without due process of law.

The district will assist long-term suspended and expelled students in returning to school as soon as possible by providing them with a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion.

The District, however, may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses, as follow:

- Teacher victim. A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned; and
- Student victim. A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

The district will distribute its discipline policy and procedure to students, their parents/guardians, and the community on an annual basis. The District will provide student or their parents/guardians with all required substantive and procedural due process concerning grievances, hearings, and appeals of corrective action. The District will ensure that it provides such information with language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The district will also strive to provide trainings regarding policies and procedures related to student

discipline for appropriate school and district staff whose duties require them to interact with students and enforce or implement components of student discipline.

The District will annually collect and review data on disciplinary actions taken against students within each school. The data will be disaggregated into subgroups as required by RCW 28A.300.042 and will include students protected by the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. The review must include short-term suspensions, long-term suspensions and expulsions. In reviewing the data, the district will determine whether it has disciplined a substantially disproportionate number of students within any of the disaggregated categories. If disproportionality is found, the district will take action to ensure that it is not the result of discrimination.

In consultation with school district staff, students, families and the community, the district will periodically review and update this policy and its accompanying procedure.

Cross References:	Policy 2121 -	Substance Abuse Program
	Policy 2161 -	Special Education and Related Services for Eligible Students
	Policy 2162 -	Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973
	Policy 3122 -	Excused and Unexcused Absences
	Policy 3210 -	Nondiscrimination
	Policy 3240 -	Student Conduct Expectations and Reasonable Sanctions
	Policy 3244 -	Prohibition of Corporal Punishment
	Policy 3520 -	Student Fees, Fines, or Charges
	Policy 4210 -	Regulation of Dangerous Weapons on School Premises
	Policy 4218 -	Language Access Plan

Legal References:	RCW 9A.16.100	Use of force on children — Policy — Actions presumed unreasonable
	RCW 9.41.280	Possessing dangerous weapons on school facilities — Penalty — Exceptions
	RCW 28A.150.240	Certificated teaching and administrative staff as accountable for classroom teaching — Scope — Responsibilities — Penalty
	Chapter 28A.225, RCW	Compulsory school attendance and admission
	Chapter 28A.320, RCW	Provisions applicable to all districts
	RCW 28A.400.100	Principals and vice principals — Employment of — Qualifications — Duties
	RCW 28A.400.110	Principal to assure appropriate student discipline — Building discipline standards — Classes to improve classroom management skills
	Chapter 28A.600, RCW	Students
	WAC 392-190-048	Access to course offerings – Student discipline
	Chapter 392-400, WAC	Pupils
	34 CFR Part 100.3	Regulations implementing Civil Rights Act of 1964
	42 U.S.C. 2000d et seq.	Civil Rights Act of 1964

Management Resources:	2018 – August Issue
	2016 - July Issue

2014 - December Issue

2014 - August Issue

2010 - June Issue

Adoption Date: 06.03.03

Stanwood-Camano School District

Revision Date: 05.21.08; 06.17.08; 08.19.14; 09.02.14; 06.20.17;10.16.18

Discipline Update June 18, 2019

Background

- 2016 HB 1541 passed
- 2017-18 the first set of rules needed to be implemented
 - Continued educational services during suspensions
 - Addressing Classroom Exclusions

Purpose

- Limit exclusions; minimize impacts; reduce disparities
- Focus on best practices
- Restorative Justice
- Parent involvement
- Student voice
- Due process
- Update of definitions
- No more zero tolerance
- Identify other forms of discipline that staff should administer before a classroom exclusion, suspension or expulsion

Changes

- Discipline: Any action taken by a school district in response to behavioral violations (WAC392-400-025)
- Before administering any suspension or expulsion an informal initial hearing must be held with student to hear student perspective
- Classroom Exclusions – principal, teacher or designee must contact home as soon as reasonably possible
- Not an exclusion if done for a short time and student remains under supervision of staff not missing instructional time
- In school suspension/Short Term suspension: Must consider other forms of discipline- Informal hearing-Initial Notice- Initial Hearing- parent participation- Decision/Notice- Appeal rights (shorter turnaround time)
- Long Term Suspension: Length of academic term (90 days) RCW. 28A.600.015- Imminent danger to students/staff; or imminent threat of material substantial disruption
- Expulsion: Imminent danger to students/staff
- Emergency Expulsion: Sufficient cause
- Shortened timelines for appeals
- May continue LT suspensions through appeal
- Educational Services

District Response

- Admin Training
- Staff Training
- Re-doing policy and procedure (Curran Law)
- Updating parent letters