

**Student Code of Conduct\*\***

1. Code of Conduct

A student, while at school, on school property, including parking lots, or at school-sponsored activities shall:

- a. Obey and comply with the instructions and directions of school employee(s) and official school volunteers;
- b. Attend school regularly and punctually;
- c. Comply with individual building school rules;
- d. Not damage school property;
- e. Not use obscene, profane or libelous language (harmful to another person's character), and not use racially, ethnically, sexually or religiously discriminatory or abusive language; nor shall the student distribute, hand out or display material containing such language, caricatures or representations;
- f. Not disrupt or attempt to disrupt the orderly operation of the school, its offices, classes, assemblies or co-curricular activities;
- g. Comply with Oregon Revised Statutes which make it illegal for children under the age of 18 to possess any form of tobacco and with Board policy JFCG/KGC/GBK - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems, which includes all tobacco products, nicotine and nicotine delivery devices and inhalant delivery systems;
- h. Not possess, solicit, use or be under the influence of alcohol, non-prescribed drugs or illegal substances, or possess any form of drug, narcotic, imitation illegal substance or related paraphernalia (*See* Board policies JFCH - Alcohol and JFCI - Substance/Drug Use);
- i. Not possess, store or carry real or replica firearms, destructive devices, dangerous or deadly weapons (as defined in Board policy JFCJ - Weapons in the Schools), dangerous chemicals, stolen property or contraband;
- j. Not loiter, litter, trespass or create nuisances, including while the student is coming to or going from school;
- k. Comply with school rules regarding operation of vehicles on school property during school hours and comply with school traffic rules, and local and state traffic laws (*See* Board policy JHFD - Student Vehicle Use);
- l. Not steal or rob;
- m. Not dress or groom in a manner that disrupts the educational process or climate, or be unclean, or threaten the health or safety of the student or others, including dress, signing or paraphernalia which reflects gang activity (*See* Board policy JFCA - Student Attire and Grooming);
- n. Not intimidate, threaten, bully, fight, harass, roughhouse, haze, engage in horseplay or injure any student or staff member (*See* Board policy JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence/Domestic Violence - Student);

- o. Comply with the established rules and the bus driver’s directives when riding buses (*See* Board policy EEACC - Student Conduct on School Buses);
- p. Not initiate or participate in sexual or other types of harassment (*See* Board policies JBA/GBN - Sexual Harassment and JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence/Domestic Violence - Student);
- q. Not assault or menace another student or school employee. “Menace” any act intended to place a district employee, student or third party in fear of imminent serious physical injury. “Physical injury” means impairment of physical condition or substantial pain (*See* Board policy JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence/Domestic Violence - Student);
- r. Comply with district and school rules when using electronic technology, including the Internet (*See* Board policies JFCEB - Personal Electronic Devices and Social Media and IIBGA - Electronic Communications System).

## 2. Penalties and Disciplinary Procedures

If a student violates this Code of Conduct, individual school rules, Board policy, or local, state or federal law, one or more of the following disciplinary procedures may be taken, depending upon the student’s discipline history, maturity of the student, severity of the infraction, and disability (Board policy JGDA/JGEA - Discipline of Students with Disabilities):

- a. Verbal warning;
- b. Teacher-student conference/Behavior plan-training in proper behavior;
- c. In-class consequences;
- d. Work detail and/or remuneration;
- e. Parent contact - Parent/School understanding consequence(s);
- f. Referral to specialist or another public agency;
- g. Teacher-student-parent conference;
- h. Administrative conference;
- i. Detention (includes Saturday School);
- j. In-school suspension;
- k. Restorative Justice Conference;
- l. Out-of-school suspension (1-10 school days)<sup>1</sup>;
- m. Expulsion from Lincoln County School District (LCSD) schools;
- n. Request that the Oregon Department of Transportation revoke, deny or suspend a student’s driving privileges;
- o. Removal from one LCSD School to another LCSD school – the district may deny admission to a resident student who is expelled from another school district;
- p. Law enforcement contact/Proper authorities contact, including, but not limited to, Juvenile Department or Oregon Department of Human Services, Community Human Services. Once law enforcement is called Board policy KN - Police Investigations and Interviews dictates that LCSD cooperate with law enforcement and not hamper the investigation. Law enforcement dictates whether or not the parent(s) is notified and when.

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<sup>1</sup>State law limits the use of out-of-school suspension for students grade five and below. State law also prohibits expulsion to address truancy. (*See* Board policies JG - Student Discipline, JGD - Suspension, JGE - Expulsion).

3. Tobacco, nicotine and inhalant delivery system possession and use.

Students who use or are in possession of tobacco, nicotine or inhalant delivery systems, as defined in Board policy JFCG/KGC/GBK - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems, on district property during school hours or at any district-sponsored activity are subject to disciplinary action up to and including expulsion. The student may be subject to additional education programs and obligations established by the district.

a. First Offense – discipline may include, but not be limited to:

- (1) Confiscation of tobacco product, or inhalant delivery system;
- (2) Contact made with parent(s) of the student;
- (3) Invoke an appropriate consequence which may include:
  - (a) Special project work;
  - (b) Participation in an approved program that promotes nonuse of tobacco products and inhalant delivery systems through school or community agencies;
  - (c) Discipline up to and including expulsion.
- (4) Notify the appropriate law enforcement agency.

b. Second Offense – discipline may include, but not be limited to:

- (1) Confiscation of tobacco tobacco product, or inhalant delivery system;
- (2) Contact and conference with parent(s);
- (3) Discipline up to and including expulsion;
- (4) Notify parent(s) and student that all or a portion of that suspension may be satisfied, subject to participation of the student in an approved program that promotes the nonuse of tobacco products and inhalant delivery systems. Any costs involved in such a program will be the responsibility of the parent(s);
- (5) Notify the appropriate law enforcement agency;
- (6) Any offense that occurs 12 months or more after the previous offense will be considered by the district as a “first offense.”

c. Third and Subsequent Offenses – discipline may include, but not be limited to:

- (1) Confiscation of tobacco or tobacco product or inhalant delivery system;
- (2) Contact and conference with parent(s);
- (3) Discipline up to and including expulsion;
- (4) Notify the appropriate law enforcement agency.

d. As well as the discipline referred to in a.-c. above, any student who distributes or sells a tobacco product or inhalant delivery system to another person who is under the age of 18 will be reported to a law enforcement agency. A student who distributes or sells a tobacco product or inhalant delivery system to a person under the age of 18 has committed the crime of endangering the welfare of a minor, which is in violation of state law and is punishable by a fine. (ORS 163.575).

#### 4. Alcohol and Other Drug Use

A dangerous drug is defined as “any drug obtainable with or without a prescription that has been or may be used in a manner dangerous to the health of the user.” This includes, but is not limited to marijuana, cocaine, heroin, stimulants, depressants, hallucinogenics and prescription pain killers. Drug paraphernalia is defined as “all equipment, products and materials of any kind which are marketed for the use or designed for the use in manufacturing, compounding, producing, processing, preparing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise inducing a controlled substance or intoxicant into the human body.”

##### **Use or Possession or Intent to Purchase/Solicit Purchase of**

Students who use, possess or are under the influence of alcohol, narcotics or other dangerous drugs, or an imitation substance, or are in possession of objects classified as “drug paraphernalia” on or near district property, including parking lots, or at any school-sponsored activity, are subject to an immediate suspension pending expulsion. An expulsion hearing will be held within 10 school days and the student may be expelled up to one calendar year. The student is also subject to additional education programs and obligations established by the district as a continued enrollment condition.

In the event of a drug and alcohol violation and related district policy, the principal shall adhere to the following guidelines:

##### **First Offense**

1. Confiscate alcohol, narcotics, other dangerous drugs, imitation substances and drug paraphernalia;
2. Provide the student with school due process;
3. Notify the student, parent(s) and schedule a conference within 24 hours or at the beginning of the next school day following the offense, if the incident is during a time when school is not in session;
4. Notify the parent that a certified urinary analysis (UA) for drugs and alcohol, at parent expense, is required within 8 hours of incident and that the results of the UA are to be presented at the scheduled conference;
5. Notify the appropriate law enforcement agency;
6. Suspend the student (for violation of district rules) for 10 school days, with an expulsion recommendation pending, beginning with the first day school is in session following the incident;
7. Require that the student be evaluated, at parent expense, for potential substance abuse or other problems by a qualified and district approved drug and alcohol assessor.
  - a. Prepare expulsion recommendation and appropriate student data and submit to the district office, and the appropriate director.
  - b. The parent(s) may request the expulsion hearing be expedited by contacting the hearings officer (Lincoln County School District, director of either Elementary or Secondary, as appropriate).
  - c. The student and the parent(s) must agree to provide the principal and hearings officer with a certified UA and the recommendations of the drug and alcohol assessor.

8. If the student and/or parent(s) refuse to permit the drug and alcohol assessment, UA for drugs and alcohol or recommended treatment, a recommendation for expulsion for a minimum of three weeks or a maximum of one calendar year may be implemented. The refusal to comply will be reported to appropriate juvenile authorities;
9. The student will be placed on 36 month probation for first violation. A second offense within a 36-month period may result in expulsion up to maximum extent allowed by law or as determined by the hearings officer;
10. A suspended/expelled student will be given an opportunity to maintain course work for credit. Loss of participation credit shall be reflected in performance grade.

### **Second Offense**

1. Confiscate alcohol, narcotics, other dangerous drugs, imitation substances and drug paraphernalia;
2. Upon this or subsequent offenses, the principal will follow the same procedure as set forth for a first offense, except that for a second offense, based on the findings of the hearings officer, expulsion up to the maximum extent of the law will be imposed;
3. The student is to be expelled or transferred to an alternative setting for a time period determined by the Expulsion Hearings Officer. Parent(s) will be required to pay for transportation and any related expenses. An appeal of length of an expulsion may be presented to the building principal of the expelling school at future date to be determined by the Expulsion Hearings Officer;
4. Any offense that occurs 36 months or more after the previous offense will be considered by the district as a "First Offense."

### **Distributing**

Students who share and/or distribute narcotics, alcohol or other dangerous drugs or imitations, or drug paraphernalia to other students or persons on or near district property or at any district-sponsored activity are subject to immediate suspension and/or expulsion to the maximum extent allowed by law.

Students who share and/or distribute narcotics, alcohol or other dangerous drugs or imitations, or drug paraphernalia to other students or persons on or near district property or at any school-sponsored activity may be subject to disciplinary action as defined in Board policy JFCI - Substance/Drug Abuse.

### **Offer of Sale, Purchase or Delivery of Imitation Controlled Substances**

Students who offer to sell, deliver or share an imitation controlled substance, as prohibited by Oregon Revised Statute (ORS) 475.005, on or near district property or at any school-sponsored activity are subject to immediate suspension and/or expulsion.

In the event of a violation of these rules and related district policy, the principal shall adhere to the following guidelines:

## All Offenses

1. Confiscate alcohol, narcotics, other dangerous drugs, imitation substance and drug paraphernalia;
2. Provide the student with school due process;
3. Notify the student, parent(s) and schedule a conference within 24 hours of the offense, or at the beginning of the next school day if the offense occurred at a time when school was not in session;
4. Notify the parent that a certified urinary analysis (UA) for drugs and alcohol is required within 8 hours of incident and that the results of the UA are to be presented at the scheduled conference;
5. Notify the appropriate law enforcement agency;
6. Require that the student be assessed, at parent expense, for potential substance or other problems by an approved third party before the student will be considered for readmission to a district educational program.

Further:

- a. Student submits to a certified UA for drugs and alcohol within 8 hours of incident and results presented at expulsion hearing;
- b. The results of the above assessment and/or treatment will be submitted to the principal and hearings officer for consideration;
- c. The student and the parent(s) must agree to fulfill the recommendations of the assessor and submit necessary progress reports to the principal and hearings officer. If recommendations are not followed, the hearings officer may impose additional consequences, including but not limited to drug counseling, to be paid by the parent;
- d. If recommendations are fulfilled to the hearings officer's satisfaction, the principal may recommend a reduction of the expulsion term;
- e. If the student or parent(s) refuses to provide the appropriate UA or assessment and/or treatment, the student shall be expelled for the full extent the law provides. The hearings officer, at his/her discretion, may expel or transfer the student to another LCSD school or alternative program.

## Co-curricular Activities

Additional consequences for violation of the Code of Ethics will be imposed, as applicable. (Board policy IGDJ - Interscholastic Athletics)

5. Expulsion for Firearm or Dangerous Weapon

The district shall deny admission to a student who is expelled from another school district for an offense that constitutes a violation of the Federal Gun-Free Schools Act of 1994 (under 20 U.S.C. 8921).

6. Use of Physical Force

A teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent that the authorized person reasonably believes it necessary to maintain order in the school or classroom or at the school activity or event, whether or not it is held on school property; i.e., to quell a disturbance threatening physical injury, to obtain possession of

weapons or other dangerous objects upon the person or within the control of the student for the purposes of self-defense and for the protection of persons or property. Physical force shall be the minimum force necessary considering the circumstances. Physical force authorized under this paragraph shall be used only for the purpose of safety and control.

When an authorized person uses physical force upon a student, the authorized person shall report the incident to the principal as soon as possible. The principal shall report the action to the parent or guardian and the superintendent or his/her designee within 24 hours.

A staff member is authorized to employ physical force when, in his/her professional judgment, the physical force is necessary to prevent a student from harming self, others or doing harm to district property.

## 7. Suspension Procedures

Suspension denies the student attendance at school or school activities in any district school. Only the principal shall have the authority to allow the student on campus for specific purposes such as to receive special education (e.g., individualized education program (IEP)) services.

The principal or assistant principal shall have the authority to suspend a student for up to 10 days. In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, drug assessment, completion of expulsion proceedings or incarceration by court action. Such a request for continued suspension by the principal or assistant principal shall be placed in writing, explaining the reasons for the request, to the superintendent or his/her designee.

The principal must limit the use of out-of-school suspension for a student who is in fifth grade or lower, to the following circumstances:

- a. For nonaccidental conduct causing serious physical harm to a student or school employee;
- b. When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
- c. When the suspension is required by law.

When a student is to be suspended, the principal or assistant principal shall:

- a. Inform the student that he/she has the right to request the presence of an available adult advocate to help explain his/her conduct;
- b. Inform the student of the reason and supporting evidence for the proposed suspension and allow the student an opportunity to explain his/her conduct prior to imposing the suspension;
- c. Allow the student to record his/her version of the incident with a copy to the district office;
- d. Notify the parent of the suspension, giving full details. A reasonable effort shall be made to make personal contact informing the parent of the suspension before the student is released from school prior to the end of the school day. Students below the ninth grade will be released only after contact has been made with the parent. The above procedures may be postponed or suspended in emergency situations relating to health and safety. An emergency situation occurs when there is a serious risk that substantial harm will occur if suspension does not take

- place immediately. If the student conduct violates the law, the principal or assistant principal shall refer the student to proper authorities;
- e. Confirm the suspension in writing to the parent by mail at the last known address of the parent. The notice is to be mailed within one school day of the suspension;
  - f. In the written confirmation, a conference with the parent may be requested to enlist cooperation in developing a program to modify the unacceptable behavior of the student. The confirmation shall include the conditions for reinstatement and appeal procedures;
  - g. Notify the district office in writing within one school day of the incident, giving the reason for the suspension;
  - h. The principal or assistant principal shall determine for each case the method and conditions, if any, under which the student's school work may be made up for the time missed because of the suspension. The school will furnish schoolwork within one school day of the suspension. Students will be expected to hand in schoolwork assigned;
  - i. The student or parent may appeal the suspension to the superintendent by filing a request for review with the superintendent's office within three school days of the suspension. Additional statements or evidence may be filed with the request for review;
  - j. The superintendent or his/her designee shall affirm, overrule or modify the suspension, and notice of the decision shall be given to the student and parent in person or by certified mail within three school days after the appeal;
  - k. The Board shall have the right of final review. This review will be of the written records. A separate hearing will not be scheduled.

## 8. Expulsion Procedures

Expulsion denies the student attendance at school and school activities in any district school. Expulsion may be for any length of time up to one calendar year. The district may deny enrollment to a student who has been expelled by another district. The district shall deny enrollment to a student who has been expelled from another district because of firearm or dangerous weapons possession.

The student(s) up for expulsion is expected to attend the expulsion hearing.

Authority to expel is delegated by the Board to a hearings officer, who shall be the superintendent or designee. A student may not be expelled without a hearing unless:

- a. After notice of the place and time set for the hearing, neither parent nor student appears, or the student, if 18 years of age or older, fails to appear; or
- b. The parent or the student, if 18 years of age or older, waives in writing the right to a hearing. The district shall provide notification to students and parents of the availability of appropriate and accessible alternative programs when the district is considering expulsion, or a student is expelled (OAR 581-021-0071(2)).

The principal or assistant principal may request that the superintendent or designee expel a student from the schools of the district for serious misconduct. The principal or assistant principal shall submit to the superintendent or designee the written request for expulsion, which shall include:

- (1) The specific charge or charges being made against the student supported by all available facts and evidence;
- (2) The names of the person(s) so charging the student;



- (3) The recommended length of expulsion.

Upon receipt of a request for expulsion, the superintendent or designee shall:

- a. Establish a date, time and place for a hearing;
- b. Notify the student and the parent in writing by certified mail of the hearing. The period of time from when the notice is mailed or given by personal service until the date of the hearing shall be at least five school days. Parent(s) wishing to expedite the process may request a waiver of the five-day notice. Where notice is given by personal service, the person giving the notice shall file a return of service;
- c. The notice shall contain:
  - (1) The specific charge or charges against the student, and the facts supporting the charges and that it is intended to consider the charges as reason for expulsion;
  - (2) The name of the person making the charge;
  - (3) A statement that the student and the parent have a right to be represented by another person, including legal counsel;
  - (4) The date, time and place of the hearing and a statement that the student or parent may request a change in date, time or place of the hearing by contacting the superintendent at least one school day before the scheduled hearing;
  - (5) The name, school district address and telephone number of the superintendent or designee;
  - (6) A statement to the student and parent that if they fail to attend the hearing and have not requested a change in the date, time or place, the hearing will be held without them, or may be considered a waiver of the hearing;
  - (7) If deemed appropriate by the superintendent or designee, a statement that the student is suspended until the hearing is held and the decision is rendered.

The superintendent or designee shall function as the expulsion hearings officer. Where the student or the student's parents cannot understand the spoken English language, an interpreter is required to be provided by the district. A student may be represented by legal counsel or other persons.

At the hearing the following shall occur:

- a. The hearings officer or the student may make a record of the hearing;
- b. The hearings officer shall not be bound by strict rules of evidence;
- c. The student and parent and their representative shall hear and/or read the charge or charges against the student. The principal or assistant principal or designee shall present the evidence supporting the charges and all other relevant student data, i.e., discipline and attendance history, academic record;
- d. The student and parent and their representative shall hear and/or read the evidence supporting the charges;
- e. The student and parent and their representative may introduce evidence by testimony, writings or other exhibits.

The superintendent or designee shall render a decision based upon the evidence presented in the hearing and any additional investigation by the hearings officer, as necessary. The superintendent or designee shall state the decision in writing in identical form to the student and parent, their

representative (if any), and principal or assistant principal requesting the expulsion, within five business days following the close of the hearing. The statement of recommendation shall include:

- a. That the student and/or parent have the right upon appeal to a Board review of the decision;
- b. The findings as to the facts, whether or not the student is guilty of the conduct alleged, and the decision.

The decision of the superintendent or designee shall be final unless the student and/or parent appeal the superintendent's decision to the Board by filing a written appeal within five business days of the hearings officer's decision. The Board shall thereupon review the expulsion decision at its next regular or special meeting. The Board shall be provided the findings as to the facts and the decision of the hearings officer. The material provided to the Board will include the date, place and time of the meeting when the Board will consider the appeal.

When the Board meets to consider the appeal, the Board shall review the following:

- a. The charges against the student;
- b. The findings of fact and the decision of the hearings officer;
- c. Any additional information the Board may request.

The Board may postpone its decision if it decides to call for additional evidence.

When appealed, the Board will affirm, modify or deny the decision of the superintendent. The Board's review shall be closed in executive session unless otherwise requested by the student or the student's parent. If an executive session is held, the name of the student, the issues involved, including a student's confidential medical record and that student's educational program, the discussion or the Board members' vote on the issue (which may be taken in executive session when considering an expulsion) shall not be made public.

A written statement of the Board's decision shall be sent by certified mail to the student and the parent within five days after the Board's decision. The decision of the Board shall be final.

## 9. Free Expression

All students have the right to free expression under the First and Fourteenth amendments of the United States Constitution and also under the Oregon Constitution. Students, as citizens, have the right to state an opinion provided the statement does not interfere with others' rights.

A student's right of expression is not affected by the fact of student status or presence on school premises, except where:

- a. Particular facts and circumstances make it reasonably likely that the expression will cause substantial and material disruption of or interference with school activities, and the disruption or interference cannot be prevented by reasonably available less restrictive means; or
- b. Where such expression unduly impinges upon the rights of others.

Student expression will not be restricted on the basis of content of the expression except as stated in the standard above and except for student expression that:

- a. Is obscene, libelous; or
- b. Is a violation of another person's rights of privacy by publicly exposing private details of such person's life, the exposure of which would be offensive and objectionable to a reasonable person of ordinary sensibilities; or
- c. Advocates racial, religious or ethnic prejudice or discrimination or seriously disparages particular racial, religious or ethnic groups.

Students may refuse to participate in patriotic exercises as long as the manner of nonparticipation does not deny other students their right to participate, nor disrupt the educational process. Students may wear distinctive insignia as long as they do not violate the rights of others or interfere with the orderly operation of the school.

#### 10. Assembly of Students

Students in the district shall have an opportunity to meet during school hours on school property, provided such meetings do not disrupt the orderly operation of the school or violate the rights of other students or staff. Students shall request permission of the principal or designee for organized and/or scheduled meetings prior to the meeting and if approved, the time, place and supervision shall be designated.

The buildings use Board policy KG - Community Use of District Facilities, which provides for the use of buildings for nonschool functions.

#### 11. Damage and Injury to Staff or Fellow Students

A student shall not willfully damage any district property or threaten or intimidate or bully or willfully injure any fellow student or staff member. Willful damage to property or injury to a staff member or fellow student will result in disciplinary action.

The amount of damage to any school or district property shall be determined by procedures established by the Board and they may be assessed against the student willfully causing injury or damage and against the parent or parents having legal custody of the student.

If assessed damages are not paid as demanded, the Board, in addition to any other remedy provided by law, may bring an action against the student and the parent for the amount of the assessed damages not to exceed \$5,000, plus costs.

#### 12. Attendance

All students have the right to a basic education. Oregon law requires that all children between the ages of 6 and 18 years of age attend regularly a full-time public school if they have not completed the 12th grade or been exempted from compulsory school attendance.

School officials will encourage regular student attendance, but compliance with Oregon laws, district and building policy regarding attendance is the responsibility of the student and his/her parent. The district may establish grading policies that permit teachers to consider a student's attendance in

determining the student's grade, but student attendance may not be the sole criterion (See Board policy IKAD - Grade Reduction/Credit Denial and accompanying administrative regulation).

The school administrator may excuse a student's absence as per Board policy JED - Student Absences and Excuses.

In accordance with ORS 339.030(2), a school may grant exemption from compulsory attendance to the parent or legal guardian of a child who is 16 or 17 years of age or an emancipated minor, provided the child is:

- a. Employed full-time;
- b. Employed part-time and enrolled in school part-time;
- c. Enrolled full-time in a community college or state-registered alternative program.

A request in writing, including documentation of the student's employment or enrollment status by a school must be provided when exemption from compulsory school attendance is requested.

An interview will be held with the parent and student once the documentation is received. Reasons for the request will be considered at this interview along with information regarding credit, grades, test results, handicapping status (if applicable), teacher evaluations, short-range and career goals, immediate plans and administrative and counselor appraisal. A completed copy of the Form GC-02 - Release from Compulsory Education - Parent Request is to be sent to the director of education for final approval for release from compulsory education.

Parents who wish to waive the compulsory education requirement, for the purpose of home schooling, must comply with all aspects of Oregon Revised Statutes, including notification to the Linn-Benton-Lincoln Education Service District superintendent, in writing, and assumption of financial responsibility for academic testing as required by Oregon law.

### 13. Student Vehicles

If the school provides areas for student vehicles (non-motorized or motorized) on school grounds, the student shall comply with the rules and regulations governing the use of student vehicles. In addition to local school rules, which shall be available at the school principal's office, each student operator must comply with the following:

- a. School rules, courteous and defensive driving procedures, and local and state traffic laws must be followed when operating vehicles on school grounds;
- b. Vehicles must not be operated or parked except in designated areas. (Board policy JHFD - Student Vehicle Use)
- c. Vehicles on district property are subject to search. (Board policy JFG - Student Searches)

### 14. Sexual Harassment

The district defines sexual harassment of students, staff or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

- a. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
- b. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff;
- c. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with an employee's ability to perform his/her job; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students or staff.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the principal, compliance officer or superintendent, who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

**Those who believe they are the victims of sexual harassment or know of an incident of sexual harassment shall follow the procedures outlined below:**

- Step 1 Any sexual harassment information (complaints, rumors, etc.) shall be presented to the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.
- Step 2 The district official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The district official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

- Step 3 If a complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

- Step 4 If a complainant is not satisfied with the decision at Step 3, he/she may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.
- Step 5 If the complaint is not satisfactorily settled, an appeal may be made to the Regional Civil Rights Director, U.S. Department of Education, Office of Civil Rights, Region X, 915 2nd Avenue, Room 3310, Seattle, Washington 98174-1099.

## 15. Search and Seizure

District officials may search the student, his/her personal property and property assigned by the district for the student's use at any time on district property when the student is under the jurisdiction of the school. Such searches will be conducted only when there is reasonable suspicion based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses an immediate risk or serious harm to the student, school officials and/or others at the school.

### a. Personal Searches

Searches shall be "reasonable in scope," that is, the measures used are reasonably related to the objectives of the search, the unique features of the official's responsibilities and the area(s) which could contain the item(s) sought and will not be excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction. Strip searches are prohibited by the district.

District officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation or school rule, or which the possession or use of is prohibited by such law, policy regulation or rule.

District may also search when they have reasonable information that emergency/dangerous circumstances exist.

### b. Locker Searches

District-owned storage areas assigned for student use, such as lockers and desks, may be routinely inspected at any time. Students have no expectation of privacy regarding these items/areas. Such inspections may be conducted to ensure maintenance of proper sanitation, to check mechanical conditions and safety and to reclaim overdue library books, texts or other instructional materials, property or equipment belonging to the district. The student will generally be permitted to be present during the inspection.

### c. Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be

inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant. Refusal for consent of vehicle search may result in revocation of on campus parking privileges.

d. Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to the proper legal authorities for ultimate disposition. (Board policy JFG - Student Searches).

16. Intradistrict Transfer and Revocation of Transfer

A student in one district attendance area may apply for a transfer to attend another school within the district. (Board policy JECC - Assignment of Students to Schools) Application is available from the student's resident school and on the LCSD website. Students on a transfer are guests of the host school and may have the transfer revoked for any violation of the attending district's Student Code of Conduct and other provisions.