

# **Banks School District 13**

Code: **JFC-AR**  
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7/10/00, 4/15/02,  
12/10/03; 12/09/13

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## **Student Code of Conduct**

### **Free Expression**

All students have the right to free expression under the First and Fourteenth amendments to the United States Constitution and also under the state Constitution. Students, as citizens, have the right of free expression and must also bear the responsibility for the consequences of such expression.

Students are encouraged to participate in and contribute to school publications (any publication sponsored or in any way funded by the school shall be known as a school publication). Students are encouraged to express personal opinions in these publications but shall follow the written policies of the school. Obscene or profane materials, knowingly or recklessly false, libelous statements or any material which would disrupt classes or other school activities are prohibited from all school publications.

Students may hand out printed material to inform the community of school activities, but care shall be taken to avoid false, libelous or obscene material designed to harm the school or members of the community.

The principal/assistant principal must choose a time and place for the distribution of material and he/she will apply this regulation in a manner which is nondiscriminatory (See Board policy KJA, Materials Distribution).

Students may refuse to participate in patriotic exercises as long as the manner of such 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, interfere with the orderly operation of the school or be in violation of the district's Dress and Grooming regulations (See Student Conduct and Discipline OAR 581-021-0050 through -0075 and Board policy JFCE/JFCEA, Secret Societies/Gang Activity).

### **Willful Disobedience or Open Defiance of Lawful Authority: Profane or Obscene Language**

Students shall comply with the rules and with the laws for governing schools. Students shall pursue the prescribed course of study and shall obey and submit to the authority of the school staff. Refusal may lead to suspension or expulsion. Students shall not bring, possess, conceal or use a weapon on or at district property, activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization approved by the State Board of Education as prohibited by Board policy JFCJ, Weapons in the Schools. Violation will result in an expulsion for a period of not less than one year as provided by law. Additionally, willful damage or injury to school property, assault, menacing, use of threats, intimidation, harassment or coercion against any fellow student or school employee, or the display of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school (ORS 330.250) (See Board policy JFCM, Threats of Violence).

### **Assembly of Students**

Students in the Banks School District shall have an opportunity, with the written permission of the school principal, to meet 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 building administration for meetings in advance, and there shall be a mutual agreement on time, place and supervision. Informal student gatherings shall not disrupt the orderly operation of the educational process or infringe upon the rights of others to pursue their activities. No speakers shall be allowed to advocate breaking the law. Invitations to speakers shall be approved by the principal or designated representative.

### **Nondiscrimination**

Discrimination on the basis of race, color, religion, sex, national origin, disability, marital status or age in all instructional programs and extracurricular activities is prohibited (See Board policies AC, Nondiscrimination, and JB, Equal Educational Opportunities).

The Banks School District has adopted the following informal process to be used by persons who wish to file complaints relating to discrimination. Inquiries concerning discrimination may be directed to the school administration if they pertain to student or instructional matters.

The following steps are appropriate for the appeal process:

1. Any person who has a discrimination complaint is encouraged to discuss the complaint with the individual causing the discrimination or the principal of the school, if the matter pertains to a decision made at the school level;
2. If the complaint cannot be resolved at Step 1, a person may file a complaint with the superintendent. The complaint shall be reduced to writing setting forth the factual basis of the alleged discrimination. Specific details concerning the complaint and the desired remedy should be included on the written form. The form should be taken or mailed to the district office. The superintendent shall investigate the complaint. As part of the investigation, the superintendent may select two other persons (students, staff or other citizens) to serve as a panel of three to hear the facts relating to the complaint and consider possible ways of alleviating the problem;
3. The superintendent will respond in writing to the complainant within 20 days after receiving the complaint. If the complainant is not satisfied with the disposition of the complaint at Step 2, a written appeal may be filed with the superintendent for presentation to the Board.

### **Pagers and Cellular Phones**

Banks High School is committed to academic excellence. Personal pagers and cellular phones, along with other similar devices are allowed, provided they do not cause a disruption.

## **Dress and Grooming**

While student dress is the responsibility of the student and parent/guardian, dress guidelines are necessary in order to protect the health and safety of the school environment, to foster students' success, and to avoid disruptions to the school environment. Students shall follow the guidelines that follow for all school-sponsored activities, including athletic events. Appropriate dress for school dances, graduation activities, and other special events will be communicated to parents and students by the school. Banks School District may prohibit any attire that is disruptive to the educational process.

- Students have the responsibility to keep within health, sanitary, and safety standards.
- Students may not wear clothing with writing, slogans, or images that portray or suggest alcohol, tobacco, other drugs, or weapons.
- Students may not wear clothing with writing, slogans, images, or symbols that depict or suggest obscenities, vulgarity, racism, violence, illegal activities, sex, gang affiliation, or hostility to the ethnicity, gender, culture, or religion of others.
- Students may not wear jewelry or other accessories (e.g. chains and spikes) that present a safety or health hazard.
- Students may not go barefoot.
- Undergarments and bare midriffs should not be seen and covered at all times.
- Students who work as teacher's assistants may be required to meet additional dress and grooming standards.
- Students who represent the school in an activity or athletic event may be required to meet additional dress and grooming standards.
- Students may not wear clothing with the Confederate flag, Nazi, racist or White supremacy symbols.

## **Attendance**

Oregon law requires that all children and young people between the ages of 7 and 18 years of age attend regularly a full-time public school if they have not completed the 12th grade (ORS 339.010). The law further requires persons having control of any such minor to send him or her to school. School districts may establish grading policies that permit teachers to consider a student's attendance in determining the student's grade or deciding whether the student should be granted or denied credit. Policies must provide that, prior to reduction of grade or denial of credit:

- The teacher identifies how the student's attendance and participation in class is related to the instructional goals of the particular subject or course and gives notice to the student and the student's parents or guardian;
- Procedures are in effect to ensure due process when the grade is reduced or credit denied for attendance rather than academic reasons;
- Reasons for nonattendance are considered and the grade is not reduced or credit is not denied based on absences due to religion, disability or an excused absence as determined by district policy.

Efforts will be made by school officials to enforce the compulsory attendance laws for the state. However, compliance with these laws is a mutual responsibility of home and school. Students are expected to be punctual in reporting to classes and to attend regularly. The school principal or designee will notify parents of irregular attendance or habitual tardiness. The superintendent has the right to issue a citation that may result in a court-imposed fine (up to \$150) to any parent/guardian of a student with irregular attendance or who is not enrolled in school as required by law. Irregular attendance is defined as more than eight unexcused one-half day absences or the equivalent in any four-week period in which school is in session. One fundamental reason for insisting on punctual, regular school attendance is to help each student develop habits of responsibility which will help him or her function well in society and succeed in the world of work (See Board policies JEA, Compulsory Attendance, and IKAD, Grade Reduction/Credit Denial).

The school shall make every effort to provide a meaningful experience for the student and to encourage the full individual development of each student. Regular attendance is necessary if the school is to successfully reach this goal.

Students may not attend any school district function or be on the school premises when they have been suspended or expelled for disciplinary reasons.

### **Procedures for Requesting a Compulsory School Attendance Waiver**

Parents who wish to assume the responsibility to instruct their students at home must so request annually of the Northwest Regional Education Service District superintendent (ORS 339.030 through 339.035 and OAR 581-021-0026 through-0029).

### **Motor Vehicles**

Certain school regulations are necessary because of legal demands, parental demands, insufficient parking and dangerous traffic patterns. Parents and students should consider natural resource and energy conservation issues in the decision to use private vehicles for transportation to school.

The school provides areas for student vehicles on school grounds and rules and regulations governing the use of student vehicles shall be reasonable and widely circulated. Permission to drive a vehicle onto the school grounds may be revoked for demonstrated cause.

Any licensed driver attending Banks High School may drive a vehicle onto the school grounds under the following conditions:

1. All such vehicles must be registered with the school administration;
2. Student vehicles must remain on the school grounds during the hours in which school is in session unless permission to leave is obtained from the school administration;
3. School rules, courteous and preventive driving procedures, proper parking, and local and state traffic laws must be followed when operating vehicles on school grounds;

4. Students who have permission to drive and who violate these regulations or drive in an unsafe manner will be subject to disciplinary action and/or lose the privilege of driving, and/or, parking on campus;
5. If there is insufficient parking space available, the administration will develop a process for allocating available passes.

The Banks School District assumes no responsibility or liability for vehicle use on school property.

### **Skateboarding**

In order to assure a safe environment, skateboards and other similar wheeled items, such as scooters, will not be allowed on buses or at the school. Skateboarding will not be allowed on campus.

### **Student Education Records**

Student education records are kept by the schools for the students' benefit and to supply information to interested persons about students as may be required by federal law, state law or school Board policy (See Board policy JO, Education Records, and accompanying administrative regulation). Education records means those records that are directly related to a student and maintained by an educational agency or institution or a party acting for the agency or institution unless otherwise excepted by OAR 581-021-0220.

All records are confidential and may be examined only by appropriate school personnel, parents and others who have written parent permission to examine records (See Family Educational and Privacy Rights Act, sec. 438, 20 U.S.C., sec. 1232 g (1983)).

OAR 581-021-0390 allows school districts to include in directory information (which is released without getting permission from parents) a student's name, address, telephone number, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and the most recent previous educational agency or institution attended. (Annual notice of directory information must be made (See Board policy JOA, Directory Information).)

When a student graduates from school permanent records are maintained for one year. Special education records are retained for five years after the end of the school year in which the original was created, and if a student moves to another school, records are sent to the new school no later than 10 days after receipt of the request.

If a parent asks to review school records, a licensed staff member will be available to explain the contents of the records. If the parent believes that the education record relating to the student contains information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, the parent may ask that the record be amended. If the school refuses the request, the parent has the right to a hearing.

When a student reaches age 18, or is attending an institution of postsecondary education, the permission or consent required of, and the rights given to, the parent shall be required of and granted to the student.

### **Search and Seizure**

All students have the right to be protected from harm by other students. A school official may search the person of a student with reasonable suspicion when certain emergency or dangerous circumstances deem it necessary.

1. A stop and frisk type search for weapons if there is reasonable suspicion to fear for one's safety or the safety of others.
2. If a school authority believes that a student has stolen goods or contraband, the student may be detained and searched within the scope of reasonable suspicion. The search shall be reasonable in scope — the manner and extent of the search is reasonably related to the objectives of the search limited to the particular student or students most likely involved in the infraction and not excessively intrusive in light of the student's age, sex, maturity and nature of the infraction.
3. From time to time without prior notice, trained dogs will be brought out to search district-owned storage areas or student vehicles parked on district property upon reasonable suspicion or a history of contraband being brought on to school property.

Any search of a student's person shall be conducted in the privacy of a school office, by the school administration, except in an emergency where delay might endanger others. Personal searches should be conducted by a member of the same sex with a witness present whenever possible (See Student Conduct and Discipline, OAR 581-021-0050 and Board policy JFG, Student Searches, and accompanying administrative regulation).

### **Nonstudent Visitors**

Banks High School is committed to academic excellence. Visitors from other schools tend to detract from this effort. Consequently, visitors are not allowed at the high school during school hours. On rare occasions the administration may make exceptions (See Board policy KK, Visitors to the Schools).

### **Use of Lockers**

Equipment, such as lockers and desks, belongs to the school district. Students are allowed to use this equipment as a convenience. The school may insist that such equipment be properly cared for and not used for the storage of illegal items. An individual's locker and/or desk may be searched by a building administrator when there is reasonable suspicion to believe that district property contains contraband (See Board policy JFG, Student Searches, and accompanying administrative regulation). At the time of locker and/or desk assignments, students will be informed how the equipment may be used and the following guidelines will be in effect:

1. Illegal items (firearms, weapons, etc.) and other possessions determined by the proper school authorities to be a threat to the safety or security of the student or others may be seized by school officials;
2. Items which may be used to disrupt or interfere with the education process may be temporarily removed from the student;
3. From time to time, a general inspection of school properties, including, but not limited to, lockers or desks may be conducted. Items belonging to the school may be seized;
4. All items seized shall be returned to the proper authority or true owner;
5. Students shall be given the opportunity to be present when a search of personal possessions is conducted, if they are in attendance at school, and if there is no reason to believe that their presence would endanger their health and safety;
6. The Banks School District is not responsible for lost or stolen items left in a locker or classroom;
7. Lockers that appear to be damaged beyond what would occur under normal wear and use, may have a repair charge and/or painting charge assessed to the student assigned to the locker.

Students shall not bring, possess, conceal or use a weapon on or at district property, activities under the jurisdiction of the district or interscholastic activities administered by the State Board of Education or other possessions reasonably determined by the proper school authority to be a threat to the safety or security of themselves or others. Students shall not conceal evidence of an illegal act or school violation.

#### **Possession and Use of Tobacco (Smoking or Smokeless)**

The student has the right to a healthful environment. Students shall not smoke or use or possess any form of tobacco on or about school property or at school-sponsored activities (OAR 581-021-0050 through -0075) (See also Board policy JFCG/KGC/GBK, Smoking and Use of Tobacco Products by Students, Staff and the Public).

## TOBACCO REGULATION

### Discipline Procedures

The Board is committed to a high standard of personal and public health and safety. The district acknowledges that it is illegal for a student under the age of 18 to use or possess tobacco products. As the dangers of the use of tobacco products are well documented it is the desire of the Board to provide a tobacco-free environment for its students.

Tobacco is defined as any tobacco product intended for smoking, chewing or snuffing. Students who use or possess a tobacco product on the school premises or while attending school-sponsored activities are subject to the following disciplinary actions:

First offense: The administrator will:

- Confer with the student regarding the tobacco policy;
- Suspend the student from school for three school days;
- Notify the parents via the telephone and in writing of the student's violation and the consequences of repeated violations;
- Notify the appropriate authorities.

The administrator has the option to recommend that the suspension not be implemented if the student signs a contract verifying the intent to participate in a smoking cessation program which extends over an eight week period. Failure to complete the eight week course will result in the implementation of the three-day suspension.

Second offense: The administrator will:

- Confer with the student regarding the tobacco policy;
- Suspend the student from school for five school days;
- Notify the parents via the telephone and in writing of the student's violation and the consequences of repeated violations;
- Notify the appropriate authorities.

The administrator has the option to recommend that the suspension not be implemented if the student signs a contract verifying the intent to participate in a smoking cessation program which extends over an eight week period. Failure to complete the eight-week course will result in the implementation of the five-day suspension.

Third offense: The administrator will:

- Suspend the student pending an expulsion hearing.

### **Alcohol and Drugs**

Students shall not use, possess, sell or make pretense of selling alcohol, or any controlled substances, or drug paraphernalia on or about the school grounds or at any school sponsored activities (See Board policy JFCI, Chemical Abuse/Awareness, and accompanying administrative regulation).

### **Discipline Procedures**

The district acknowledges that it is illegal for a student under the age of 21 to consume any mind or mood-altering chemical without a doctor's permission, and that it is medically harmful to the healthy development of the young body to be involved in chemical use. Because of the abuse of chemicals by many young people in today's society, the following procedures will be implemented in the schools.

If a student uses, possesses or sells alcohol, or any controlled substances, or drug paraphernalia on or about the school grounds, or at any school-sponsored activities, expulsion from school may result for the first offense. The pretense to do any of the above may result in a 10 school day suspension.

In compliance with ORS 339.250 (5 and 9), which reads as follows:

“339.250 Duty of students to comply with rules; discipline, suspension and expulsion; written information on alternative programs required.”

“(5) Expulsion of a student shall not extend beyond one calendar year and suspension shall not extend beyond 10 school days.”

“(9) Unless a student is under expulsion for an offense that constitutes a violation of a school district policy adopted pursuant to subsection (6) of this section, a school district board shall consider and propose to the student prior to expulsion or leaving school, and document to the parent, legal guardian or person in parental relationship, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

(a) When a student is expelled pursuant to subsection (4) of this section;

(b) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with a student;

(c) When it has been determined that a student's attendance pattern is so erratic that the student is not benefitting from the educational program; or

(d) When a parent or legal guardian applies for a student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (5).”

The administrator has the option to recommend that the expulsion be reduced to a 10-day or less suspension if the student and his/her parents agree to:

1. Have a drug/alcohol assessment. The family must have an appointment prior to returning to school;

2. Sign a release allowing the assessor and the school administration to exchange information regarding student behavior;
3. Work in cooperation with the school to follow through with the recommendations of the assessment;
4. Enroll the student in a six-session educational class on substance use and abuse;
5. Complete the assessment and subsequent follow up or the student will be subject to further disciplinary action.

**A second offense in one school year will result in the student being recommended for expulsion. The administration has the option to recommend expulsion on a first offense. The administration may notify authorities in either offense.**

### **Community Relationships**

Students and other community residents have the right to privacy, private property and freedom from abusive behavior. Students must not loiter, litter, trespass or create nuisance conditions for residents of the community. While schools cannot be held responsible for the acts of students en route to and from school, school personnel will make reasonable efforts to help resolve problems. School personnel have a responsibility to cooperate with law enforcement agencies to which law violations affecting community members are reported. For the purpose of defining “school grounds” this includes the area in front of the school complex including the elementary and junior high buildings.

### **Serious Misconduct**

Students shall comply with the law, the rules for government of schools, pursue the prescribed course of study and shall submit to the lawful authority of teachers and school officials. The types of conduct which shall make a student liable for discipline, suspension or expulsion include the following:

1. **Disruption of School.** Any conduct that substantially disrupts school activity, or is likely to, is forbidden. Willful disobedience, open defiance of a teacher’s authority, the use of profane or obscene language, or racial and sexual harassment or discrimination are sufficient causes for disciplinary action;
2. **Damage or Destruction of School Property.** A student shall not cause or attempt to cause damage to school property or steal or attempt to steal school property at any time;
3. **Threats or Assault on Another Person.** A student shall not intentionally do bodily injury to any person, menace or threaten to harm another person (See Board policy JFCM, Threats of Violence). School boards may suspend or expel any student who assaults or menaces a school employee or another student. The age of a student and the past pattern of the student’s behavior shall be considered prior to the student’s suspension or expulsion. “Menace” is defined as “by word or

conduct the student intentionally attempts to place a school employee or another student in fear of imminent serious physical injury.”;

4. **Coercion.** A student shall not use threats or force to obtain money or other property or force someone to do something against his or her will;
5. **Firearms, Dangerous Weapons, Deadly Weapons and Destructive Devices.** A student shall not knowingly possess, handle or transmit any object that can reasonably be considered a weapon on or about the school grounds or at any school-sponsored activities. Weapons include dangerous weapons, deadly weapons and destructive devices as defined in state law and firearms as defined by federal law (See Board policy, JFCJ, Weapons in the Schools). “Dangerous weapon” means “any weapon, instrument, material or substance which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.” “Deadly weapon” means “any instrument, article or substance specifically designated for and presently capable of causing death or serious physical injury.” “Firearm” means “any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon or any firearm silencer.” “Destructive device” means “any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.”;
6. **Replicas of Weapons, Fireworks and Knives.** Replicas of weapons, fireworks and knives with blades over 2½" are also prohibited by Board policy (See Board policy JFCJ, Weapons in the Schools). Exceptions to the district’s replicas prohibition may be granted only with prior building principal approval for certain curriculum or school-related activities. Prohibited weapons, replicas of weapons, fireworks and knives with blades over 2½" are subject to seizure or forfeiture;
7. **State, Federal and Local Laws.** A student shall not violate state, federal and/or local laws while involved in school activities.

## **Inappropriate Use of Computers**

### Network Policy and Guidelines

It is the general policy that Banks School District network facilities are to be used in a responsible, efficient, ethical and legal manner in accordance with the mission of the Banks School District (See Board policy IIBGA, Electronic Communications Network, and accompanying administrative regulation). Internet and other information services are provided in association with Northwest Regional Education Service District, NSFNET, NorthWestNet, and other agencies. When accessing information services outside the district, users are bound by the statements of purposes and acceptable use policies of the appropriate network(s). The use of the network(s) is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges.

Responsibilities:

1. The use of the network must be in support of education and research and consistent with the educational objectives of Banks School District;
2. Use of other organization's network or computing resources must comply with the rules appropriate for that system;
3. Transmission of any material, information or software in violation of any district policy, local, state or federal regulation is prohibited;
4. Network users may not use another individual's network account without his/her permission;
5. Attempts to log on to the district's network as a licensed, classified or confidential employee will result in cancellation of user privileges and may result in disciplinary action up to and including expulsion;
6. Network users may not write to directories other than their own;
7. Attempts to read, delete, copy or modify the electronic mail of other network users is prohibited;
8. Network users may use real-time conference features such as chat and internet relay only as approved by the student's teacher and the system administrator;
9. Network users will do a virus check on all files downloaded or brought in to the district. Deliberate attempts to degrade or disrupt systems performance will be viewed as a violation of district policy and administrative regulations and may be viewed as criminal activity under applicable state and federal law;
10. Vandalism will result in cancellation of network privileges. Vandalism is defined as any malicious attempt to harm or destroy district equipment or data of another user on the district's system or any of the networks connected to the Internet. This includes, but is not limited to, the uploading or creating of computer viruses;
11. Network users may not upload public domain programs to the network unless they have a network account;
12. The Internet is provided as a service to teachers and students to promote education by providing access to information resources. Use of the Internet must be in support of education and research and consistent with the educational objectives of Banks School District.

Information Content:

1. Network users and parents of network users are advised that use of the district's system may provide access to other electronic communications systems that may contain inaccurate and/or objectionable material. The district does not condone the use of objectionable materials. Such materials are prohibited in the school environment;
2. Students knowingly bringing prohibited materials into the school environment will be subject to suspension and/or revocation of their privileges on the district's network and will be subject to discipline in accordance with the district's policy and administrative regulations.

Disclaimer:

The district does not warrant that the functions, services or information provided on the system will meet the user's requirements or that the network will be uninterrupted or error-free.

**School Disciplinary Procedures**

A student who misbehaves or disobeys the rules shall be informed what he/she has done which has brought about the action, and the student shall be given an opportunity to explain his/her conduct. Students will be disciplined for such conduct which occurs at school and at school-related or supervised functions (including busing to and from school), or if the behavior damages school property.

Controls for unacceptable behavior will always be appropriate to the student's age, physical condition and nature of the misconduct. A school district may require a student to attend school during nonschool hours as an alternative to suspension (See Board policy JGB, Detention of Students). Suspension, or expulsion shall be used only in extreme circumstances and shall be subject to specific guidelines described in this regulation.

School officials may use disciplinary action including suspension for up to a maximum of 10 school days or expulsion for up to one calendar year in cases including, but not limited to: theft, destruction of private or public property on school premises or during a school activity, menacing, assault or threats of harm, unlawful use of drugs, narcotics, alcoholic beverages, tobacco, truancy, vandalism, defiance, possession/use of firearms, dangerous or deadly weapons, insubordination, fighting and persistent failure to comply with rules or the lawful directions of teachers or school officials. Each school will have available consequences for inappropriate behavior (OAR 581-021-0050, 0055, 0060, 0065, 0070).

**District Process for Suspension**

The principal/assistant principal shall have the authority to suspend a student for up to 10 school days. In special circumstances, the superintendent may extend the suspension beyond 10 days until some specified pending action occurs in such cases being investigated pending expulsion, or during the period between the investigation and recommendation, such as a court hearing or parental conference. Such an extension shall be requested in writing, explaining the reasons for the request.

When suspension is used, the principal/assistant principal shall:

1. Place the reason for suspension on the appropriate referral form;
2. 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. However, students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, notice and an opportunity to respond should follow as soon as possible;
3. Allow the student to record his/her version of the incident;
4. Investigate the matter, and determine and record the facts as found on “Suspension Notice”;
5. Notify the parent/guardian of the suspension, giving full details. A reasonable effort shall be made to make a personal contact informing the parent/guardian of the suspension before the student is released from a school prior to the end of the school day. If the parent/guardian cannot be contacted, the decision to release the student from school, to allow the student to stay on school premises or refer the student to the proper authorities will be made by the principal, with consideration of the student’s age, maturity and the nature of the misconduct that caused the suspension. The principal/assistant principal alone shall be responsible for any decision to release a student from school before the end of the school day if the parent/guardian cannot be reached;
6. Confirm the matter with the parent/guardian in writing through mail. The notice is to be mailed within 24 hours of the personal contact with the parent/guardian;
7. In the written confirmation, a conference with the parent/guardian shall be requested to enlist cooperation in developing a program to modify the unacceptable behavior of the student;
8. Notify the superintendent and principal in writing within 24 hours of the incident, giving the reason for the suspension and naming all persons involved;
9. The principal/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 suspension.

### **Process for Expulsion**

The principal, through the superintendent, may request that the Board expel a student from the schools of the district if there is sufficient evidence that a student endangers the health and safety of other students or staff or seriously interferes with the educational process. No student may be expelled without formal action by the Board.

Because the steps associated with due process may require a time period greater than a reasonable suspension extension, every effort should be made to provide educational support services pending the Board action of the superintendent’s recommendation.

In compliance with ORS 339.250 (5) and (9), which reads as follows:

“339.250 Duty of students to comply with rules; suspension and expulsion; written information or alternative programs required.”

“(5) Expulsion of a student shall not extend beyond one calendar year.”

“(9) Unless a student is under expulsion for an offense that constitutes a violation of a school district policy adopted pursuant to subsection (6) of this section, a school district board shall consider and propose to the student prior to expulsion or leaving school, and document to the parent, legal guardian or person in parental relationship, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

- (a) When a student is expelled pursuant to subsection (4) of this section;
- (b) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with a student;
- (c) When it has been determined that a student’s attendance pattern is so erratic that the student is not benefitting from the educational program; or
- (d) When a parent or legal guardian applies for a student’s exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (5).”

When a principal/assistant principal requests an expulsion hearing the principal/assistant principal shall:

1. Notify the student and the parent/guardian in writing by certified mail of the intent to request an expulsion hearing;
2. Submit to the superintendent a written request for an expulsion hearing.

The superintendent shall:

1. Establish date, time and place for hearing;
2. Notify the student and the parent/guardian in writing by certified mail of the impending hearing. From the time the notice is posted until the date of the hearing shall be at least five school days, unless waived in writing by the parent:
  - a. The specific charge or charges against the student;
  - b. A copy of all facts or evidence used to support the charge or charges;
  - c. The name of the person or persons making the charge;
  - d. A statement that the student and parent/guardian have a right to be represented by another person including legal counsel;

- e. The date, time and place of the hearing and a statement that the student or parent/guardian may request a change in the date, time or place of the hearing by contacting the superintendent;
- f. The name, address and telephone number of the superintendent;
- g. A statement informing the student and parent/guardian 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;
- h. A statement that the hearing shall be held in private unless the student and parent/guardian request in writing that the hearing be public;
- i. If appropriate, a statement that the student is suspended until the hearing is held and the decision rendered.

At the hearing, the following shall occur:

1. A recorder shall be appointed by the superintendent to attend the hearing and make an accurate record of the hearing;
2. The superintendent (or designee) shall not be bound by strict rules of evidence, but shall make every effort to determine the facts of the case;
3. The person or persons making or supporting the charges against the student shall be present;
4. The student and parent/guardian and their representative shall hear and/or read the charge or charges against the student;
5. The student and parent/guardian and their representative shall hear and/or read the evidence supporting the charges;
6. The student and parent/guardian and their representative shall have the opportunity to question the person or persons making or supporting the charges against the student;
7. The student and parent/guardian and their representative shall have the right to represent evidence or arguments on the student's behalf. This evidence may include personal testimony, the testimony of witnesses, affidavits and other information.

The superintendent shall render a decision based upon the evidence presented in the hearing. The superintendent shall state the decision in writing in identical form to the student and parent/guardian, their representative and principal/assistant principal requesting the expulsion within three days following the close of the hearing unless waived in writing by the parent/guardian. This written statement of the decision shall include:

1. A statement that the decision will be reviewed by the Board if requested by the student or parent/guardian in writing to the superintendent;
2. A statement that the Board review shall be no less than 5 nor more than 21 days after the close of the hearing;

3. A statement that the student or parent/guardian may request in writing to the superintendent a Board hearing which will be held in an executive session of the Board unless the student or parent/guardian request in writing to the superintendent that it be a public hearing.

The superintendent's decision shall be reviewed by the Board no less than 5 nor more than 21 calendar days after the close of the hearing. The Board shall review the following:

1. The charges against the student and the evidence used to support the charges;
2. The decision of the superintendent and the reason for the decision;
3. Any additional information the Board may request.

During the regular meeting of the Board, the Board shall vote to affirm, modify or deny the decision of the superintendent. The name of the student and the issue, 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/guardian, their representative and the principal/assistant principal by the superintendent. The statement shall be mailed within five days after the Board's decision. The decision of the Board shall be final.

ORS 339.115 (6) allows a school district to deny admission to a resident student who is expelled from another school district. It further requires a school district to deny admission to a student who is expelled from another school district for an offense that constitutes a violation of a school district weapons policy adopted pursuant to ORS 339.250 (6) (See Board policy JFCJ, Weapons in the Schools).

### **Exemptions**

The school district may excuse a student from specific school programs or learning activities, where necessary, to accommodate student's disabilities or religious beliefs (OAR 581-022-1910) (Also, see Board policy IGBHD, Program Exemptions).

## ATTENDANCE REGULATION

All excuses are subject to administrative review.

### **Excused Absences**

School districts may establish grading policies that permit teachers to consider a student's attendance in determining the student's grade or deciding whether the student should be granted or denied credit (See Board policy IKAD, Grade Reduction/Credit Denial). Policies must provide that, prior to reduction of grade or denial of credit:

- The teacher identifies how the student's attendance and participation in class is related to the instructional goals of the particular subject or course and gives notice to the student and the student's parents or guardian;
- Procedures are in effect to ensure due process when the grade is reduced or credit denied for attendance rather than academic reasons;
- Reasons for nonattendance are considered and the grade is not reduced or credit is not denied based on absences due to religion, disability or an excused absence as determined by district policy. The superintendent has the right to issue a citation that may result in a fine (up to \$150) any parent/guardian of a student with irregular attendance or who has failed to enroll his/her student. Irregular attendance is defined as more than eight unexcused one-half day absences or the equivalent in any four-week period in which school is in session.

An excused absence shall be for student illness, an illness of a member of the student's family, an emergency, a doctor or dentist appointment, a pre-excused absence or a school-sponsored activity (ORS 339.065). Examples of absences which are not considered excused are as follows: oversleeping, car trouble, called into work, missing the bus, leaving school without signing out or failure to submit a signed pre-excuse form for a driver's test, hunting trip, family vacation, religious observance, etc. (See Board policy JED, Student Absences and Excuses, and accompanying administrative regulation).

(1) Students shall have two days from the date of return from an unexcused absence to verify the reason(s) for an absence (i.e. if a student is absent on Monday and returns to school on Tuesday, he/she must have an excuse no later than 3:30 p.m. Wednesday afternoon). This is done either by a signed note or a phone call from a parent or guardian. After two days all absences shall be counted as unexcused and the student shall be subject to disciplinary action.

(2) A student who has been absent with a verified excuse shall be given the number of days he/she has been absent to make up any missed work. For example, a student who is absent on Monday, Tuesday and Wednesday would be given three school days to complete all missed assignments. In this case the student would be given Thursday, Friday and the following Monday to fulfill this obligation.

## **Pre-excused Absences**

Pre-excused absences are those that are not unavoidable but are excused if requested in advance by the parent or student. Some examples of typical pre-excused absences are: (1) hunting trips; (2) funerals or marriages; (3) family holidays; (4) religious observances; and (5) driver license examinations.

Appointments for haircuts, tanning, shopping and other noncritical personal business are not excused. In the case of pre-excused absences, the make-up work policy for excused absences applies. Since the absence is pre-arranged, however, it is assumed that the student will do most of the make-up work before the days absent or during the days absent.

The absences are excused provided the student follows the necessary steps stated below.

To pre-excuse an absent the following steps must be taken:

1. The parent must give permission by written note or telephone call at least three days prior to the absence;
2. The student will take a pre-excuse form to each of his/her teachers for a signature. When signing the pre-excuse form, teachers will indicate whether the student is passing or failing the class;
3. Students will turn the completed pre-excuse form into the attendance office at least two full school days prior to the absence(s) for administrative approval. If a student is failing a class, the assistant principal will call home to notify the parents;
4. High school students are subject to pre-excused absence guidelines.

## **Pre-excused Absence Guidelines**

At parent request, the Banks School district may authorize prearranged absences.

Parents and students, however, need to understand that regular and consistent attendance is most conducive to success in class. It is not possible to replicate the quality of the activities in daily class meetings such as discussions, media presentations, oral readings and direct teacher instruction.

The student has the responsibility to ask his or her teachers far enough ahead of time about projected class plans. Teachers may be able to provide a general plan ahead of time, but they are not expected to have detailed materials or information days before class meeting times. Effective instruction takes both planning and an adjustment to the learning needs of students as they emerge in class meetings. Many activities and some materials may not be available to the absent student before the absence. Upon return, the student will need to request meeting time with each teacher for attempting to make up missed assignments.

Students may be able to do some of their work before their absence; however, since some of the assignments may not be available until the student's return, work may be completed afterwards. **The student has one school day of time to make up work, including tests, for each day of pre-excused absence(s).**

Absent students risk falling behind in their classes. Teachers will assist the student to a reasonable extent, but responsibility for academic problems from prearranged absences rests with the student and his or her family.

### **Unexcused Absences**

Unexcused absences shall be those not listed or defined under the section "Excused Absences." Suspensions from school and tardies where the student is more than 10 minutes late to class without a legitimate excuse shall also be considered unexcused absences.

The following rules pertaining to unexcused absences shall be strictly adhered to:

1. Students shall be allowed to make up school work upon their return from an unexcused absence if that work reflects achievement over a greater period of time than the number of class periods which are unexcused. For example, in the case of a suspension, the student shall be allowed to make up final, mid-term and unit examinations without an academic penalty because those tests would be reflective of what had been taught and learned over a period of time longer than the actual suspension;
2. Student daily assignments, lab work and class discussions/presentations that are done on a day-by-day basis cannot be made up for credit when missed due to an unexcused absence; however, students are encouraged to complete these assignments as they may relate to the overall success in the class.

Consequences for unexcused absences shall be as follows:

First Occurrence	Conference to after-school detention;
Second Occurrence	Detention/Saturday School to 1-5 day suspension;
Third Occurrence	1-5 day suspension and parent conference.

Persistent or continuous truancy may result in a 6-10 day suspension or recommendation for expulsion.

### **Tardies**

A student will be considered tardy if:

1. He/She arrives to class after the bell rings and does not have a legitimate excuse (i.e. a note from previous teacher or a slip from the administration or counseling office); or
2. He/She is not in assigned seat after the tardy bell rings.

No student shall have his/her academic grade influenced by his/her tardy record. No points or demerits can be subtracted from a student's total grade due to tardies.

Any student who is 10 minutes or more late to class shall not be considered tardy, but rather absent. The teacher shall refer him/her to the principal/assistant principal for conference. The principal/assistant principal shall determine whether he/she is excused or unexcused and what further action may be taken.

The following tardy policy shall be followed by all faculty:

- |              |   |
|--------------|---|
| First Tardy  | Verbal warning by teacher;  |
| Second Tardy | Verbal warning by teacher and reminder of consequence for next tardy;   |
| Third Tardy  | Teacher assigns detention in classroom after school or during lunch time. Parents are contacted by telephone call or progress report; |
| Fourth Tardy | Refer to principal/assistant principal for detention or Saturday School;  |
| Fifth Tardy  | Refer to principal/assistant principal for a Saturday School or 1-3 day suspension.   |

### **Closed Campus**

Closed campus school hours for Banks High School are from 8:25 a.m. until 3:01 p.m. Students may leave campus during lunch time without consent from the administrative office provided they are back in time for the next afternoon class. Leaving campus at noon is at the student's risk. Car problems of any kind or slow restaurant service will be counted as an unexcused tardy or absence. Any misconduct or inappropriate behavior while off school grounds during lunch time may result in loss of leaving privileges and/or other appropriate disciplinary action.

### **Student Sign In and Sign Out Procedures**

Students arriving to school late or leaving early are expected to sign in/out through the main office. Students leaving campus during lunch time and not coming back that afternoon must sign out as well.

Students who become ill at school or who need to leave for appointments with a dentist or doctor must check out with a secretary or administrator in the main office **before** leaving. Leaving campus and then phoning back is **not** acceptable. A note or phone call from a parent/guardian must be received by the attendance secretary **before** a student signs out for a medical or dental appointment.