

8.17 STUDENT RIGHTS AND RESPONSIBILITIES

8.17.01 Preamble

8.17.01A Students have the responsibility to respect the rights of teachers, other students and all persons involved in the educational process, and must exercise a high degree of self-discipline in observing and adhering to school rules and regulations. Students have the primary responsibility to inform themselves about these rules and regulations, and to adhere to them to avoid causing any substantial disruption that detracts from the educational opportunities of other students.

8.17.01B The following discussion of rights and responsibilities of students shall not be construed to deny or limit any rights retained by students, or responsibilities placed upon students as citizens of this State or of the United States of America. Within this framework, school authorities have broad discretion to enact and enforce student rules and regulations in areas affecting the management of the school in order to insure its proper and efficient operation.

8.17.02 Expression

8.17.02A Right of expression

Expression cannot be prohibited because of disagreement with or dislike for its contents. Expression is, however, subject to reasonable and non-discriminatory regulations of time, place and manner. Expression can be limited if it takes the form of action that materially and substantially interferes with the normal activities of the school or substantially detracts from the rights and educational opportunity of others.

8.17.02B Dress and personal appearance

Students may choose their own dress and personal appearance, as long as such dress or personal appearance does not materially disrupt school operations, present an obscene or vulgar appearance or constitute a danger to health and safety. The School Board may enact and enforce regulations defining modes of dress and appearance.

8.17.02C Buttons, armbands and other modes of symbolic expression

Students may wear buttons, armbands and other items of symbolic expression in school. However, the item of symbolic expression may not be vulgar or obscene, and the wearing of such button or armband, or any other behavior by the student in relation to such wearing, may not cause disorder or infringe upon the rights of others.

8.17.02D Verbal expression

Students may demonstrate dissent verbally in any lawful manner, including the forming of assemblies. However, students do not have the right to protest, whenever, wherever and however they please. The School Board may establish and enforce regulations to prevent demonstrations from materially disrupting classwork, creating substantial disorder or infringing upon the rights of others.

8.17.02E Written expression

- (1) Space on one or more bulletin boards will be provided in each school for students to use to post any literature of a non-commercial nature. Prior approval by the principal or a designated representative is required to ensure that posted literature is not obscene, libelous or of the nature that could cause material disruption of the educational environment. A denial of approval may be appealed as set forth in the due process rights section below.
- (2) Students have the right to distribute newspapers or other printed material of a non-commercial nature on school grounds, if the building principal has been notified that said distribution is to take place. The building principal or designee is authorized to limit the time, place and manner of distribution as it relates to possible substantial interference with educational activities. The name and address of the person or organization distributing the literature must be printed on the literature. The principal, or a designee, shall curtail distribution of material he or she considers obscene, libelous or materially disruptive to the educational environment. The decision of the principal or a designee may be appealed as set forth below.
 - (a) (The term "non-commercial" as used in subparagraphs 8.17.02 (E) (1) and (2) above includes announcements and notices of a commercial nature by or on behalf of local non-profit, charitable or service organizations.
- (3) Any and all student publications shall be produced only by students, not to preclude the right of the principal or other administrator to control the use of school equipment and the use of the school building. Editing shall be done by student editors chosen by the publications staff. The principal or a designated representative shall be accorded the opportunity to review material to be printed prior to printing and may suspend the printing of material he or she considers obscene, libelous or materially disruptive of the educational environment. The decision of the principal or a designee may be appealed as set forth below.
- (4) Students have the right to present to school authorities written petitions, grievances or complaints regarding any rights set forth herein and the right to receive prompt and timely written replies regarding the disposition of their petitions, grievances or complaints. These timely replies will be given within fifteen (15) days.

8.17.03 Right to due process of law

8.17.03A Students shall be afforded the right to due process of law.

8.17.03B Notice of rules and regulations - (Student Handbook)

- (1) At least annually upon entering or enrolling in school, every student shall receive a handbook that includes, with reasonable specificity, a list of school rules, procedural rights and penalties for violations. Students have the responsibility to inform themselves of these rules. Physical force or restraint

may be used by school personnel only to prevent a breach of discipline or to stop a continuing breach of discipline.

8.17.03C Appeal of decisions denying dissemination of written expression or denial of petitions, complaints, or grievances

- (1) The reasons for denial of petition, complaint or grievance shall be furnished in writing. The decision of the principal or a designee may be appealed to the District Administrator. The decision of the District Administrator may be appealed to the School Board.

8.17.03D Right to due process of law in disciplinary procedures

- (1) Suspension: The school district administrator, or a principal or a designee may suspend a pupil for violation of the rules or for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health or safety of others. The required elements of the suspension procedure also are set forth in section 120.12 (b) of the Wisconsin Statutes and Section 8.10 of Oregon School Board policy.
- (2) Expulsion: The School Board may expel a pupil from school whenever it finds him/her guilty of repeated refusal or neglect to obey the rules, or finds that he/she engaged in conduct while at school or while under the supervision of a school authority which endangers the property, health or safety of others, and is satisfied that the interest of the school demands his/her expulsion. The procedural elements of due process including the right to notice of charges, hearing representation, record and appeal are set forth in section 120.13 (c) of the Wisconsin Statutes and Section 8.10 of Oregon School Board policy.

8.17.04 Right of privacy and freedom from unwarranted search or seizure of property

8.17.04A School officials shall investigate any suspicion that conduct or materials dangerous or harmful to the health and welfare of students, school personnel or property are present within the school. If warranted, school officials shall involve and cooperate with law enforcement personnel in any such investigation.

8.17.04B Cooperation with law enforcement agencies

- (1) If law enforcement personnel seek permission from school authorities to search a student or the student's property or locker to obtain evidence related to criminal activities, the school officials shall require the police to obtain a valid search warrant unless: (1) there is uncoerced consent by the person whose interests are involved, (2) there is probable cause and circumstances are such that taking the time to obtain a warrant would frustrate the purpose of the search or, (3) a valid arrest has been made and the search is incident to the arrest.

8.17.04C Search of Students

- (1) In the interest of the welfare of the students and the school community, it may be necessary to search a student or the student's property. The search may be

conducted if the school official or his/her designee has a reasonable suspicion that the student has obtained, or has in his/her possession, items in violation of school regulation, local ordinance, state, or federal law.

- (2) No school official may conduct such search unless he/she suspects from reliable information or personal observation, that a student is in violation of school rule, local ordinance, federal law or state statute.
- (3) In such cases the following procedure will be used:
 - (a) Inform the student of the reason for conducting the search.
 - (b) Request the permission of the student to conduct the search.
 - (1) Procedure if the student consents: The school official or his/her designee who is conducting this search may request the student to empty pockets, purses, backpacks, or other articles used to carry personal effects; to remove hats, shoes, and/or to roll socks down. The school official or his/her designee can also request a student to remove outer garments, such as sweatshirts, sweaters, jackets or vests if worn over blouses, shirts or t-shirts. No school official or school employee has the right to request the removal of any other clothing or to conduct a strip search as defined under Section 8.17.04(C)(3)(b)(2)[c].

If the student cooperates, the school official or his/her designee shall notify the student's parent or guardian of the reason for such search.

- (2) Procedure if the student refuses to cooperate: If the student refuses to cooperate, the school official or his/her designee has the authority to conduct a search as described below:
 - [a] The school official or his/her designee has the right to involve a parent or to turn matter over to law enforcement officials. The student's parent may be requested to encourage the student's cooperation. If the school official turns the matter over to law enforcement officials, the student shall be detained until the law enforcement official arrives. The school official or his/her designee will notify the parent or guardian as soon as possible of the search and the reason for the search by law enforcement officials.
 - [b] Danger to Students and Other Individuals (K-12)

If a school official or his/her designee has reason to suspect that a student is carrying a dangerous or illegal item or substance and if a school official or his/her designee believes that an immediate search is necessary, he or she may search a student's pockets or

belongings and conduct a pat-down search. The student shall be detained until such time as a law enforcement official arrives.

At no time will a strip search be conducted by a school official or his/her designee. A strip search is defined in Wisconsin statutes 948.50.

(3) Involvement of Law Officials

Any school official or his/her designee has the right to contact a law enforcement official to take appropriate action.

8.17.04D Search of lockers

The Board has provided school lockers for the purpose of providing students with a convenient receptacle for clothing, books, and other articles necessary or convenient for a student's use during the school day. The student has no property interest in any locker. Lockers are subject to search by the administration to protect the health and welfare of the school community. A search will be conducted only when there is reason to suspect violation of school rules, regulations, local, state, or federal law or in the presence of the student concerned. Authorization to search a locker will be given only by the school administrator or a designee. The search will be made in the presence of two school officials and, if practical, the student. A record will be kept for one year by the school of all lockers searched, including the reason for the search and the findings. All lockers may be opened and/or inspected for housekeeping and repair purposes.

8.17.04E Search by school authorities

(1) Who may conduct a search

- (a) A school administrator or his/her designee and one additional person may conduct a search. At least one of these two people must be of the same sex as the student being searched.
- (b) On a field trip, during an extra-curricular activity, or on a school bus, any school official or his/her designee, male or female, may conduct a search without an additional person if no other adult is available. Any search must be conducted within the guidelines of the policy covered under C.3.

8.17.04 Documentation

For all searches, the individual doing the search shall maintain a written record of all actions leading up to and including the search. This document will be kept in a secure place in the school where the student attends.

8.17.05 Other rights and responsibilities

8.17.05A Jurisdiction over non-school* activities

School officials may regulate out-of-school behavior if it affects the in-school behavior of the student or the welfare of others in the school. The school administration is specifically authorized to control the drinking of intoxicants, use of controlled substances or smoking while the student is at school, while under the supervision of a school authority or while engaged in a school activity. School officials may remove or cause to be removed individuals whose behavior indicates they may be under the influence of alcohol or controlled substances.

*This is not meant to supersede any additional rules and/or regulations concerning a standard of conduct, in or out of school, to which a student may agree to adhere as a part of a voluntary membership in a school activity and/or organization.

8.17.05B Parental participation

The parent or guardian of a student under the age of 18 years shall have the right to be informed of all matters affecting the education and discipline of the student.

8.17.05C Personal behavior

Personal behavior shall not be used as a method of evaluation of academic performance.

8.17.06 The general standards set forth in this document are not intended to constitute the whole body of rights and responsibilities. The importance of the continued clear verbalization of the rights and responsibilities to the educational process renders necessary and continued review of the document on a regular basis.

Statutory Reference: 118.32
948.50
120.13(1)

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