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DEPARTMENT OF DEFENSE EDUCATION ACTIVITY

Department of Defense Dependents Schools

STUDENT RESPONSIBILITIES AND PRIVILEGES

DISTRIBUTION: X

FOREWORD

This Manual is intended to serve as a guide to students and their parents **concerning** student responsibilities and should be read in concert with the DoDEA Regulation 2051.1. “Disciplinary Rules and Procedures,” August 16, 1996. Rights derive from a multitude of sources, and it would be presumptuous to attempt to list all of them. However, certain rights and responsibilities derive from the special nature of the Department of Defense Dependents Schools (DoDDS) as a unique federally chartered public school system overseas. This Manual reflects some of the principal duties of a good citizen in this school system.

This Manual balances the constitutional guarantees to students to be free from unreasonable searches and seizures and to engage in free expression against the duties of the school to provide a safe and secure environment in which all children have a fair opportunity to learn. It supports the Strategic Plan, Goal 6: Safe Schools, which states that by the year 2000, every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.

Our aim is to model good citizenship as a way of encouraging children to respect the fair exercise of authority. For this reason, this Manual was the subject of consideration, coordination and modification based upon review and deliberation by representatives from school staff, parents, professional associations, military commanders, and students.

We live in a rapidly changing world. This Manual is not an exhaustive document, and it will undoubtedly be changed as necessary. Nevertheless, it is a ready and readable document to assist parents and students in negotiating their way to high student achievement and a strong and healthy learning environment throughout the DoDDS.


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Table of Contents

Education	1
Antidiscrimination	2
Sexual Harassment	2
Freedom of Expression - Oral,Written, Symbolic, and Association.	3
Religion	4-5
Teaching about Religion	
Student Prayer	
Graduation and Baccalaureate Ceremonies	
Religious Discussion and Expression	
School Groups, Clubs, and Extracurricular Activities	
Sporting Activities	
Student Assignments	
Distribution of Religious Literature	
Student Clothing	
Religious Excusals/Release Time	
Personal Appearance	5
Student Government and Involvement	5
Student Activities	6
School Property and Use of Facilities	6
Search and Seizure - Students, Lockers	6-7
General Search	
Targeted Search	
Off-Campus Events	7
School Records	7

School and Community Social Service/Medical/Family Advocacy Resources	8
Nurse and Counsel or Confidentiality	9
Right to Complain	9

STUDENT RESPONSIBILITIES AND PRIVILEGES

1. Education

All command sponsored students whose DoD sponsor elects to enroll them in the DoDDS in kindergarten (K) through grade 12 are entitled to a free public education, the purpose of which is to ensure that children overseas are able to return to stateside public schools without loss of stride. Other students maybe enrolled on a space available basis. The educational enrollment rights and privileges are fully described in DoD Directive 1342.13, "Eligibility Requirements for Minor Dependents in Overseas Areas," dated July 8, 1982, with changes 1 and 2.

Once enrolled, it is the policy of the DoDDS to accord all students, regardless of whether they are **command** sponsored or space available, the same educational opportunities and privileges regardless of their status. DoDDS administrators permit educational enrollment in the DoDDS without regard to race, religion, sex, creed, national origin, disability or intellectual ability, marital status or pregnancy. Students with disabilities who are eligible to enroll and who enroll in the DoDDS have a right to a free appropriate public education from age 3 through 21, in accordance with DoD Instruction 1342.12, "Provision of Early Intervention and Special Education to Eligible DoD Dependents in Overseas Areas," dated March 12, 1996.

Teachers will periodically evaluate each student's performance, will regularly evaluate each student's assignments and return them to the student, and will periodically inform students and their parents of student educational progress. Students, with the advice and consent of their parents, may make decisions when options are available regarding their own course of study.

DoDDS administrators will offer students who have been expelled the opportunity to continue their educational services outside of the school environment. (See DoDEA Regulation 2051.1, "Disciplinary Rules and Procedures," dated August 16, 1996.) Students who have dropped out of school and are still within eligibility y regulations may return to school.

Students, regardless of age, are responsible for conducting themselves in a manner that does not disrupt the educational opportunities of others or disturb the orderly operation of the school. Students are responsible for regular attendance, conscientious effort in classroom work, properly maintaining textbooks and other school equipment, and conformance to school rules and regulations. Students have a responsibility to notify school staff of behavior that may endanger the safety and well-being of others. These responsibilities are more fully explained in DoDEA Regulation 2051.1, "Disciplinary Rules and Procedures," dated August 16, 1996.

2. Antidiscrimination

Students and staff have the responsibility for fostering good human relations within the school by practicing courtesy and tolerance in their dealings with each other and with members of the school, staff, students, parents, and other visitors.

Students enjoy the opportunity to participate fully in classroom instruction and in school activities unabridged and unimpaired because of race, religion, sex, creed, national origin, disability or intellectual ability, or marital status. DoDDS staff will extend to all students equal opportunities to participate in educational and school-sponsored activities.

3. Sexual Harassment

Students shall be free from verbal, physical, visual, and psychological sexual harassment, including uninvited sexual advances, from adults and other students. Sexual harassment may occur when:

- a) Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
- b) Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
- c) The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.

Submission to or rejection of the conduct by an individual is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through the school.

Students must avoid certain specific behaviors that create an environment of sexual harassment. Engaging in the following behaviors may result in disciplinary proceedings against a student, consistent with DoDEA Regulation 2051.1, "Disciplinary Rules and Procedures," dated August 16, 1996:

- Unwelcome leering, sexual flirtations, or propositions.
- Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
- Graphic verbal comments about an individual's body, or overly personal conversation.
- Sexual jokes, stories, drawings, pictures or gestures.
- Spreading sexual rumors,
- Teasing or sexual remarks about students enrolled in a predominantly single-sex class.

- Touching an individual's body or clothes in a sexual way.
- . Cornering or blocking normal movements.
- Displaying sexually suggestive objects.

Students are responsible for comporting themselves in a respectful manner and in accordance with the above guidelines. Any student who feels he/she has been sexually harassed should report the incident to a staff member or the school principal. The staff member or school principal, or designee, shall investigate the matter and institute appropriate disciplinary consequences if warranted.

4. **Freedom of Expression - Oral, Written, Symbolic, and Association**

Student expression that interferes with the orderly conduct of classes or school operations, or that otherwise disrupts the learning environment or host nation environment is not permitted. Materials (electronic, written, or graphics) that are to be displayed or distributed on school grounds must be approved by the principal. The principal may edit the content or prevent dissemination of student publications on the school campus, including student newspapers, flyers, and yearbooks, if the principal determines:

- . Dissemination of such material would reasonably lead to substantial disruption of or material interference with school activities or would endanger the health or safety of students.
- . The material is libelous or slanderous (statements that are inaccurate or false that injure the person by damaging his or her reputation), or that cause personal humiliation, mental anguish, and suffering or cause other injuries.
- . The material advocates the commission of a criminal act or is in itself a criminal act.
- The material is lewd, offensive, or obscene.

Students may recite the Pledge of Allegiance and salute the American flag, but may decline to do so as long as they respect the rights of others who wish to do so. Students are responsible for showing proper respect for those who wish to participate in flag salutes or patriotic ceremonies and to respect the customs and flags of all nations.

Students are responsible for the content of their expression and for ensuring that such expression does not interfere with the freedom of others to express themselves. Students also have a responsibility to avoid libel, slander, obscenity, profanity, and known falsehood.

Distribution of literature, announcements, posters, bulletins, and communications by individuals not directly connected with the schools, including students not currently enrolled, shall not be permitted without the express approval of the principal or his or her designee.

The principal may also restrict student speech, or the formation of school sponsored groups and clubs, when necessary to ensure that they do not disrupt or interfere with school activities.

5. **Religion**

DoDDS maintains a strict policy of neutrality about religion. It neither proposes to advance nor to retard religious exercise.

Teaching about Religion: DoDDS may teach students about religion as part of some secular curricular program (e.g., in classes about the history of religion, comparative religion, the Bible or other scripture as literature, and the role of religion in the history of the United States and other countries.) However, instruction on how to practice or not practice any particular religion, indoctrination in or against particular religious beliefs, and advocacy for or against any particular religious practice or set of beliefs are not part of the school program.

Although schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe religious holidays and religious events or promote such observance by students.

Student Prayer: Students may engage in private prayer at any time in the same manner in which they are able to engage in other speech--in a nondisruptive manner. Schools will not encourage or discourage prayer, nor offer time for or organize prayer as part of daily school activities. Students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent that they may engage in comparable nondisruptive activities.

Graduation and Baccalaureate Ceremonies: School officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may, in some instances, be obliged to disclaim official endorsement of such ceremonies.

Religious Discussion and Expression: Student expression of religious ideas is subject to the same rules applicable generally to any other speech. Students enjoy the privilege of engaging, on their own, in any discussions of religious ideas, views or beliefs. The freedom to engage in religious expression in school does not include the right to a “captive audience” or to compel other students to participate. Students may also engage in religious practices that do not disrupt the educational environment. For example, students may read their Holy Scriptures, engage in private or group prayer, and organize student clubs or activities (not sponsored by the school) that promote religion. Students will respect the choices of other students to engage in nondisruptive religious activities.

School Groups, Clubs, and Extracurricular Activities: Principals must ensure that the school does not sponsor, endorse, promote or discourage student groups, clubs, or activities that are religious in nature. However, the principal may allow such groups to meet on school property so long as the school does not endorse the activity, discourage or encourage participation, or allow students to be coerced into participating.

Sporting Activities: The rules of behavior described in this section are not altered by the fact that the school sponsored activity is a sporting event.

Student Assignments: Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments, free from discrimination by school faculty or other students based on the religious content of their submissions. Teachers will judge such home and classroom work by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

Distribution of Religious Literature: Students may distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities.

Student Clothing: Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Students may wear particular attire, such as yarmulkes and head scarves, during the school day or at school activities, as part of the student's religious practice. School personnel will prohibit the wearing of such items if the conduct threatens to be disruptive or if the apparel consists of traditional garb (i.e., graduation caps and gowns).

Religious Excusals/Release Time: Schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the student's parents on religious grounds. Teachers may prescribe suitable make-up work for a child as a substitute for missed activity, or may require a student to remain in the class and proceed with the study when the teacher can demonstrate a compelling reason why the child should not be excused. School officials may neither encourage or discourage students from availing themselves of an excusal option.

6. **Personal Appearance**

Students and parents are responsible for ensuring that student dress and appearance is clean and appropriate. Neither student dress nor appearance may create a health, sanitation, or safety hazard, violate any reasonable requirement for a specific course or activity, or cause disruption to the educational process.

Students may participate with school officials and parents in the development and dissemination of school policies concerning student dress and appearance.

7. **Student Government and Involvement**

Students may question, examine, and discuss any issue relating to the school environment or to the policies, practices, proposals, or authority of the school. School personnel will carry out their responsibilities as necessary and provide responsible student inquiry with a timely, direct, and reasonable response. Students wishing to make responsible inquiries have the responsibility to pursue their inquiry and participate in disseminating information concerning issues they raise.

Students may establish and participate in student government that provides all students a voice in school affairs through a representative system. Student government should

represent the interests of the students in a cooperative effort with the school faculty and administration. Student government may undertake to represent the student body to school faculty and administration concerning any school related issue of concern to the students.

8. Student Activities

Students who comply with all rules and regulations may participate in all school activities. Students may also participate in the planning of school activities. The selection of activities should be the result of mutual agreement between student organizations and school officials. Approved activities can function as long as they proceed in accordance with the conditions agreed to by student representatives and school officials.

9. School Property and Use of Facilities

Students may use school facilities, equipment, and services for student planned activities scheduled through the school activity program.

Students have the responsibility for respecting school property and adhering to reasonable regulations governing the conditions for such use.

Students and their families may be held financially liable for acts of vandalism that causes damage to school property, including school busses.

Desks, lockers, and storage spaces provided by the school are school property and as such may be searched by school officials.

10. Search and Seizure - Students, Lockers

Students are responsible for cooperating with law enforcement agencies in accordance with local laws and customs and under the provisions of all DoD and DoDEA regulations. Local regulations and host nation laws regarding search and seizure will be used by school principals and installation police authorities in determining the propriety of particular searches and seizures. Military and foreign government police may search student lockers and student persons under laws generally applicable to search and seizure in the investigation of the violation of a host nation or U.S. criminal law. Military police may conduct health and safety inspections of the school with the cooperation of the school principal.

School officials, generally the principal or designee, may conduct two types of searches: general and targeted.

General Search: The principal or designee may conduct unannounced general inspections of school property, including desks, lockers, and storage spaces provided to students by the school, when there is a general notice that such searches may be undertaken. This Manual hereby provides notice to all parents and students that principals may undertake unannounced inspections of school spaces. Unannounced searches may be undertaken with

the cooperation of the host installation military police. Dogs trained to sniff out contraband and weapons may be used in these inspections.

Targeted Search: When there are reasonable grounds to believe that an individual is storing, or is allowing another to store, illegal drugs, contraband, weapons, stolen property, or other similarly prohibited items, school officials may conduct targeted searches of individual lockers and/or students. Reasonable efforts to locate the student and to have him/her present shall be made prior to the search. The student shall be given a reasonable amount of time to arrive at the location of the search. If the student is present, the school official shall advise him or her of the circumstances justifying the search and seizure. Searches of a student's person while on school facilities or on school time may only be made by an authorized individual of the same sex as the person being searched and in the presence of a school official.

During inspections, or incidental to a reasonable suspicion search, the principal will open student desks, lockers, or storage spaces in the presence of a witness and examine the contents, including personal belongings of students.

The school official conducting the search may seize any stolen items and items that are specifically prohibited by law, school policy, applicable regulation, or local law. The student shall be given a receipt for any items impounded by school authorities and parents shall be notified of any items impounded. School officials or the pertinent police authority will keep seized items in a safe place until their utility, as evidence, has been exhausted.

11. Off-Campus Events

Students who comply with school rules and regulations may attend and participate in school sponsored off-campus events and participate with school officials in determining the conditions under which those events take place.

Students have the responsibility for acting in accordance with school rules, installation regulations, and host nation laws at all off-campus events.

12. School Records

The Privacy Act affords each student the right to expect the school to maintain accurate official student records for each student enrolled. These records contain official data pertinent to understanding the student's educational history (e.g., name, birth date, academic work completed, and grades received, disciplinary actions, medical histories, special education requirements, etc.).

All students or their sponsors have access to their school records. In the case of students under 18 years of age, student access to their records maybe restricted by their parents. Students who have reached 18 years of age have access to and jurisdiction over their school records. A professional staff member will be available to assist a student or parent to interpret the contents of any student record.

Privacy of the student's records is the responsibility of the school administration and those people authorized access to the records. Access to a student's record is restricted to the student, the parents or sponsor, and persons with a "need to know" as more particularly described in the DoDDS Privacy Act Systems Notice. Generally, student record information may be released within the DoD on a need to know basis under the terms of the Systems Notice. The student records will be released within the school when the release is directly associated with the education of the student (e.g., to a teacher, counselor, or school nurse). Persons other than authorized school officials, or who are not recipients under the Systems Notice, will not have access to student records without permission of the parent and/or student. Student records may be released without a formal release by the student or parent when formally requested by an authorized investigative agency. Student records also will be made available to recruiters and properly identified agents of Department of Defense investigative agencies upon presentation to the school principal of a written request, signed by the senior investigative official supervising the investigation, outlining the scope and purposes of the investigation. An accurate accounting will be kept of all disclosures. However, neither parents nor students shall be advised of disclosures to law enforcement activities without prior authorization of the law enforcement agency concerned.

The parent and/or student has the right to challenge any information contained in the student's record which is considered of questionable validity and to enter into the official record a statement of their reasons for the challenge. This process is known as correcting a record.

Students and parents have the responsibility for periodically reviewing the student's record in order to determine the accuracy, completeness, timeliness and relevancy of the contents and to request corrections.

Parents have a right of access to their student's records. In the case of a child whose parents are divorced, both parents may access their child's records unless a court order explicitly restricts such access or denies custody to one or both of the parents.

13. School and Community Social Services/Medical/Family Advocacy Resources

Students have the responsibility for seeking information regarding available community resources and for seeking proper assistance regarding medical problems. Students and parents have the responsibility for informing the school of specific medical problems affecting the students. School officials have an independent responsibility to identify students who may be in need of social services, family, or medical interventions and to report their observations and conclusions of need to the responsible authorities.

School officials will refer students to social services/family/medical resources available in the community. School officials will protect the confidence of students who request information to the extent compatible with legal duties to report certain types of behavior (i.e., suspected child abuse).

School officials will report information to military installation personnel when required by law (as in suspected instances of child abuse) or when a child's medical condition presents a threat to the health or safety of other students or the larger military community.

14. Nurse and Counselor Confidentiality

Students are encouraged to discuss their personal concerns with school nurses and counselors. These professionals have a responsibility to assist students in resolving their problems. Ordinarily, communications between a counselor or nurse and a student will be afforded the protection associated with sensitive, personal information. However, both nurses and counselors have legal duties to disclose certain information to proper military authorities. Generally, such disclosures are limited to reports of child abuse. However, revelation of conductor behavior that may tend to threaten the health or safety of other persons may also be grounds for disclosure.

15. Right to Complain

Students who believe that conditions of the school or decisions made by staff members are not in their best interests may present complaints to teachers or school administrators. Teachers and school administrators shall make themselves available or schedule appointments to hear these complaints. If a student is not satisfied that a complaint previously presented to a member of the school staff has been resolved satisfactorily, the student or his/her parent may request a meeting of the student, parent, and principal. The principal may require that the parent attend and shall, following the meeting, promptly inform the parent of his/her decision.

The student or his/her parent may appeal a principal's decision on a complaint to the district superintendent. The appeal must be submitted to the superintendent in writing within 3 days of the receipt of the principal's decision. The student/parent written complaint shall state precisely the reasons for dissatisfaction with the principal's decision and shall be limited to the matter under review. Upon receipt of a complaint from a parent, the superintendent, or his/her designee, shall promptly review the complaint and inform the parent in writing of his/her decision within 3 days. The superintendent or designee may at his/her discretion include a meeting with the principal, parent, and student as part of his/her review of the complaint. The decision of the superintendent or designee shall be final. The above time lines may be waived by the superintendent. The superintendent will notify both parties of any such waiver.

These procedures are more fully described in DoDEA Regulation 2500.11, "Department of Defense Dependents Schools Complaint Management System," dated September 7, 1983.