

Student Discipline

Definitions

- **“Behavioral violation”** means a student’s behavior that violates the District’s discipline policies.
- **“Classroom exclusion”** means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements of WAC 392-400-330 and 392-400-335. Classroom exclusion does not include action that results in missed instruction for a brief duration when:
 - (a) A teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
 - (b) The student remains under the supervision of the teacher or other school personnel during such brief duration.
- **“Corrective action”** means discipline, classroom exclusion, suspension, emergency expulsion, or expulsion.
- **“Culturally responsive”** has the same meaning as “cultural competency” in RCW 28A.410.270.
- **“Discipline”** means any action taken by a school district in response to behavioral violations.
- **“Disruption of the educational process”** means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.
- **“Emergency expulsion”** means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.
- **“Expulsion”** means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.
- **“Length of an academic term”** means the total number of school days in a single trimester or semester, as defined by the board of directors.
- **“Other forms of discipline”** means actions used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- **“Parent”** has the same meaning as defined in WAC 392-172A-01125, and means a biological, adoptive, or foster parent, or a guardian generally authorized to act as parent or specifically authorized to make education decisions, an individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the student lives or an individual who is legally responsible for the student’s welfare, or a legally appointed surrogate parent. The definition of parent does not include the state, if the student is a ward of the state. When more than one party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless they do not have legal authority to make educational decisions for the student or if a judicial decree or order identifies a specific person or persons.
- **“School board”** means the governing board of directors of a local school district.
- **“School business day”** means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the District’s office of the superintendent is open to the public for business. A school business day concludes or terminates upon the closure of the superintendent’s office for the calendar day.
- **“School day”** means any day or partial day that students are in attendance at school for instructional purposes.
- **“Suspension”** means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the District.

- **In-school suspension** means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
- **Short-term suspension** means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
- **Long-term suspension** means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

Purpose

The District will administer student discipline to maintain a safe and supportive school environment that is conducive to student learning. The methods employed in administering the rules of student conduct involve professional judgment. Such judgment should:

- Provide due process to students and parents;
- Implement the District's policy and procedure in a culturally responsive manner;
- Ensure fairness and equity in the administration of discipline;
- Respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible;
- Facilitate collaboration between school personnel, students, and families to ensure successful reentry into the classroom following a suspension or expulsion; and
- Provide a safe and supportive learning environment for all students.

No form of discipline will be administered in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements. Appeal procedures have been established in order to provide for an opportunity for every corrective action to be reviewed by someone in authority and to instill confidence among students and parents as to the essential fairness of staff.

Fundamental rights

When administering discipline under this chapter, the District must not unlawfully:

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

Rights and responsibilities of staff

Superintendent authority

The superintendent will have the authority to impose corrective action against, discipline, suspend, or expel students. The superintendent will:

- Identify the conditions under which a teacher may exclude a student from their class; and
- Designate which staff members have the authority to initiate or to impose discipline, suspensions, or expulsions.

No student will be expelled, suspended, or disciplined in any manner for the performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

Certificated staff will have the right to:

- Expect students to comply with school rules;
- Participate in the development and review of building rules relating to student conduct and behavioral expectations at least once each year. Building rules will be consistent with District rules relating to student conduct;
- Receive any complaint or grievance regarding corrective action of students. Certificated staff will be given the opportunity to present their version of the incident and to meet with the complaining party, in the event that a conference is arranged;
- Use such reasonable action as is necessary to protect themselves, a student, or others from physical abuse or injury;
- Detention will be assigned in collaboration with parent and student.

Teachers have the right to exclude any student from their classroom, instructional area, or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements of WAC 392-400-335 and the **Classroom Exclusions** section below.

Behavior interventionist have the right to exclude a student from a classroom with the consent of the Teacher and in the absence of the building principal.

Certificated staff will have the responsibility to:

- Observe the rights of students;
- Supervise student behavior and enforce the rules of student conduct fairly, consistently, and without discrimination. Any infractions will be reported orally and in writing to the principal as soon as possible, regardless of any corrective actions taken by the teacher;
- Maintain good order in the classroom, in the hallways, on the playgrounds, or other common areas of the school, and on school buses (i.e., during field trips);
- Maintain accurate attendance records and report all cases of truancy;
- Set an appropriate example of personal conduct and avoid statements that may be demeaning or personally offensive to any student or group of students; and
- Meet with a parent(s) within five (5) school days upon request to hear a complaint regarding the use of classroom materials or teaching strategies that are used in the classroom.

Principals (includes Assistant Principals and Deans of Students) will have the responsibility to:

- Impose discipline, suspensions, or expulsions when appropriate;
- Notify parents related to disciplinary and corrective action, as defined in this procedure; and
- Confer with certificated staff at least once per year to develop and review rules of conduct to be employed in the school, and corrective actions that may be used in the event of rule infractions.

District staff members are responsible for supervising students immediately before and after the school day; during the school day; during school activities (whether on or off campus); on school grounds before or after school hours when a school group or school activity is using school grounds; off school grounds, if the actions of the student materially or substantially affect or interferes with the educational process; and on the school bus.

Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The Superintendent has general authority to administer discipline, including all

exclusionary discipline. The Superintendent designates disciplinary authority to impose short-term suspension to school principals, assistant principals and deans of students. Long term suspensions may be imposed by school principals, assistant principals and assistant superintendents. Expulsions may be imposed by school principals, assistant, principals and assistant superintendent. Emergency expulsions may be imposed by principals, assistant principals and assistant superintendents.

Notification of suspensions of students eligible for special education services

The principal will notify special education staff of any suspensions to be imposed on a student who is currently eligible for special education services or any student who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days in a school year, the principal will notify relevant special education staff so that the District can ensure compliance with special education discipline procedures.

Notification of procedures relating to student behavior

Principals in each school will annually publish and make available to students, parents or guardians, staff, and the community the rules, policies, and procedures of the District that establish misconduct and the written procedures for administering corrective action. The publication will also define student rights and responsibilities relating to student behavior.

Pursuant to the Drug-Free Schools and Communities Act (Amendments of 1989), students and parents will be given annual notice of the standard of conduct the District requires regarding controlled substance and alcohol use, and a statement of the disciplinary sanctions for violations of that standard.

The District will also, in consultation with staff, students, student's families, and the community, periodically review and update the District's rules, policies, and procedures related to student discipline.

Educational Services during suspension, expulsion, or emergency expulsion:

The District will not suspend the provision of educational services as a disciplinary action, nor will schools suspend the provision of educational services to a student in response to behavioral violations. As soon as reasonably possible after administering a suspension or expulsion, the District must provide written notice to the student and parents about the educational services the District will provide. The District must provide the written notice in person, by mail, or by email. The notice must include: (a) A description of the educational services that will be provided; and (b) The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section. The District will offer Alternative Learning Experiences, online course work, one-on-one tutoring, or continuation with work assigned by the regular teacher with support and a plan for pick up and return of work. These options will be based on a variety of factors, including student needs, staff availability, and allocations of resources.

Schools will provide the student the opportunity to receive educational services during a suspension, expulsion, or emergency expulsion. The educational services must enable the student to:

- Continue to participate in the general education curriculum;
- Meet the educational standards established within the District; and
- Complete subject, grade-level, and graduation requirements.

Such services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline. Examples of an alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

When providing a student the opportunity to receive educational services under this section, the school must consider:

- Meaningful input from the student, parents, and the student's teachers;
- Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and
- Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

Exclusions for up to five days. For students subject to suspension or emergency expulsion up to five (5) days, a school must provide at least the following:

- Course work, including any assigned homework, from all of the student's regular subjects or classes;
- Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

Exclusions for six to ten days. For students subject to suspension or emergency expulsion for six (6) to ten (10) consecutive school days, a school must provide at least the following:

- Course work, including any assigned homework, from all of the student's regular subjects or classes;
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and
- Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three (3) school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:
 - Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and
 - Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

Long-term suspensions and expulsions. For students subject to expulsion or suspension for more than ten (10) consecutive school days, a school will make provisions for educational services in accordance with WAC 392-121-107.

Unexcused absences and tardiness

Students will not be suspended or expelled from school for absences or tardiness.

Denial or Delay of a Nutritionally-Adequate Meal Prohibited

Students will not be subjected to corrective action in a manner that would result in the denial or delay of a nutritionally-adequate meal to a student.

Language assistance

The District must ensure that the conferences, proceedings, and hearings described in this procedure are held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The District must also ensure that any notices and agreements are provided in a language the student and parents understand.

Corporal Punishment

District staff may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

- The use of reasonable physical force by a school administrator, teacher, school personnel, or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;
- Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or
- Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational educational projects.

Restraint and Isolation

District staff may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

Other Forms of Discipline

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

The types of behaviors for which the staff members may use other forms of discipline include any violation of the rules of conduct, as developed annually by the Superintendent. In connection with the rules of conduct, school principals and certificated building staff will confer at least annually to develop precise definitions and build consensus on what constitutes manifestation of problem behaviors. *See* Policy 3220 – Rights and Responsibilities. The purpose of developing definitions and consensus on manifestation of a problem behavior is to address the differences in perception of subjective behaviors and reduce the effect of implicit or unconscious bias.

These other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior available online at the OSPI website. The district has identified the following that may be used as other forms of discipline:

- Teaching or re-teaching behavioral expectations
- Parent conferences
- Loss of privileges
- Lunch or school detention
- Behavior contracts
- Counseling or support services
- Community service
- Behavior monitoring, mentoring, peer mediation, social skills instruction, de-escalation, and restorative justice practices may also be considered as well as other interventions.

These interventions are not limiting and other alternatives may be implemented with parental consent which follow the new regulations.

Staff members are not restricted to the above list and may use any other form of discipline compliant with WAC 392-400-025(9).

Staff may assign students detention after school hours for not more than 60 minutes on a given day as another form of discipline. Minutes assigned to detention may be split across multiple days at the staff member's discretion, after considering factors such as the student's transportation

needs and extra-curricular activities. Preceding the assignment of detention, the staff member will inform the student of the nature of the offense charged and of the specific conduct that allegedly constitutes the violation. The student will be afforded an opportunity to explain or justify their actions to the staff member.

Detention will not begin until the parent/guardian has been notified (except in the case of an adult student) for the purpose of informing them of the basis and reason for the detention and to permit them to make arrangements for the transportation of the student, as necessary. Students assigned detention for corrective action will be under the direct supervision of the staff member or another member of the professional staff.

Classroom Exclusions

A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision. The District may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the District's discipline policy. The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom, instructional area, or activity area. When a student is excluded from the student's classroom, instructional area, or activity area for longer than the balance of the school day, the District will provide the student and the student's family notice and due process for a suspension, expulsion, or emergency expulsion, as appropriate. A student may not be removed from school during a classroom exclusion unless the District provides notice and due process for a suspension, expulsion, or emergency expulsion.

The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion. A classroom exclusion cannot result in the denial or delay of the student's nutritionally adequate meal.

Classroom Exclusion: Notice

Following the classroom exclusion of a student, the teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or their designee as soon as reasonably possible.

The teacher, principal, or the principal's designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible.

When the teacher or other authorized school personnel administers a classroom exclusion on the grounds that the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

- (a) The teacher or other school personnel must immediately notify the principal or the principal's designee; and
- (b) The principal or the principal's designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

Grievance process for other forms of discipline and classroom exclusion

The District will address student and parent grievances regarding classroom exclusions and other forms of discipline as follows:

- Any parent/guardian or student who is aggrieved by the imposition of a classroom exclusion

or other form of discipline has the right to an informal conference with the principal to resolve the grievance. If the complaint relates to the actions of an employee, the District will provide the employee notice as soon as reasonably possible.

- At the conference, the student and parent/guardian will have the opportunity to voice concerns related to the grievance and ask questions of the staff members involved. Staff members will have the opportunity to respond. The principal may address issues and

questions related to the grievance, and may ask questions of the parent/guardian, student, and staff.

- If this grievance is not resolved, the parent/guardian and student may, upon at least two (2) school business days prior notice, present a written or oral grievance to the Superintendent or their designee. A student's or parents' grievance must be received by the Superintendent or their designee within five (5) school business days from the date of the informal conference. The Superintendent or designee will provide the parent and student with a written copy of its response to the grievance within ten (10) school business days.
- Use of the grievance process will not impede or postpone the disciplinary action, unless the principal or Superintendent elects to postpone the disciplinary action.
- Discipline that may be grieved under this section includes other forms of discipline, including after-school detention; classroom exclusion; removal or suspension from athletic activity or participation; and removal or suspension from school-provided transportation.

Suspensions and Expulsions

General conditions and limitations

- **Parent involvement.** The District must provide for early involvement of parents in efforts to support students in meeting behavioral expectations, and make every reasonable effort to involve the student and parents in the resolution of behavioral violations.
- **Considerations.** Before administering any suspension or expulsion, the District must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.
- **Academics.** The District may not suspend the provision of educational services to a student in response to behavioral violations or administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements. The District must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.
- **Reporting.** The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.
- **Reentry.** After suspending or expelling a student, the District must:
 - Make reasonable efforts to return the student to the student's regular educational setting as soon as possible; and
 - Allow the student to petition for readmission at any time.
- **Access to District property.** When administering a suspension or expulsion, the District may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the District.
- **End date.**

- An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.
- If the District enrolls a student in another program or course of study during a suspension or expulsion, the District may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:
 - The superintendent or their designee grants a petition to extend a student's expulsion under WAC 392-400-480;
 - The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or
 - The student is otherwise precluded under law from returning to the student's regular educational setting.
- **Discipline appeal council.** A school board may designate a discipline appeal council to hear and decide appeals or to review and reconsider the District's appeal decisions. A discipline appeal council must consist of at least three (3) persons appointed by the school board for fixed terms. All members of the discipline appeal council must be knowledgeable about the Washington regulations related to student discipline and the District's discipline policies and procedures.

In-school suspension

Other forms of discipline. Before administering an in-school suspension, staff must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

Initial notice. Before administering any suspension or expulsion, the District must attempt to notify the student's parents or guardians, as soon as reasonably possible, regarding the behavioral violation.

Initial hearing. Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:

- a. Notice of the student's violation of the school district's discipline policy;
- b. An explanation of the evidence regarding the behavioral violation;
- c. An explanation of the discipline that may be administered; and
- d. An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

Parent participation. At an initial hearing in which the principal or designee is considering administering an in-school suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.

Administrative decision. Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

Written notice. No later than one school business day following the initial hearing with the student, the District must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- a. A description of the student's behavior and how the behavior violated the school district's policy;
- b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

- c. The other forms of discipline that the District considered or attempted, and an explanation of the District's decision to administer the suspension or expulsion;
- d. The opportunity to receive educational services during the suspension or expulsion;
- e. The student's and parents' right to an informal conference with the principal or designee; and

- f. The student's and parents' right to appeal the suspension or expulsion, including where and to whom the appeal must be requested.

Length of exclusion. The District may not administer an in-school suspension beyond the school year in which the behavioral violation occurred.

Grade-level limitations.

- Staff may not administer an in-school suspension for a student in kindergarten through fourth grade for more than ten cumulative school days during any academic term;
- Staff may not administer an in-school suspension for a student in grades five through twelve: (i) for more than fifteen cumulative school days during any single semester; or (ii) for more than ten cumulative school days during any single trimester.

School Personnel. When administering an in-school suspension, school personnel must ensure that they: (a) Are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension; and (b) Are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes as required under WAC 392-400-610.

Guidelines. Suggested guidelines for in-school suspension are as follows:

- A student who is assigned to in-school suspension will agree to the conditions specified by the school principal.
- In-school suspension is designed to encourage learning. Students will be expected to work on their classroom assignments at all times.
- A student in in-school suspension will attend a single subject or class or any full schedule of subjects or classes in a separate location on school property from their regular subject or class or schedule or classmates.
- The student will be denied the opportunity to participate in any school activities while in in-school suspension.
- While in-school suspended, the student and staff may develop a behavior agreement as discussed below.
- Any behavioral violation may result in imposition of other corrective action.
- After a student is placed back into the regular classroom(s), the principal or designee or school counselor will monitor the student's progress on a daily basis. The student will be encouraged to maintain a relationship with the school counselor as a means of dealing with any problems that arise.
- Specific rules and building procedures will be developed by the building principal.

Appeals

- A. **Optional conference with principal.** If the student or parents disagree with the District's decision to suspend the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
 - Timing. The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

- Conference. During the informal conference, the principal or designee must provide the student and parents the opportunity to:
 - a. Share the student's perspective and explanation regarding the behavioral violation;
 - b. Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
 - c. Discuss other forms of discipline that may be administered.
- Right to appeal. An informal conference does not limit a student's or parents' right to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.

B. Appeal

- Requesting an appeal. A student or the parents may appeal a suspension to the District superintendent or designee orally or in writing.
- Time limit. A student's or parents' appeal of a suspension must be received by the District within five (5) school business days from the date the District provides written notice of the disciplinary decision following the initial hearing.
- Process.
 - a. The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.
 - b. The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:
 - i. The decision to affirm, reverse, or modify the suspension;
 - ii. The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
 - iii. The educational services the District will offer to the student during the suspension; and
 - iv. Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request.
- Pending appeal. If the student or parents request an appeal under this section, the District may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:
 - a. The District may temporarily continue to administer the suspension or expulsion for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
 - b. Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;
 - c. If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the District must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

C. Review and reconsideration

The student or parents may request that the school board or discipline appeal council review and reconsider the appeal decision. The student or parents may request the review orally or in writing.

- Time limit. A student's or parents' request to review and reconsider an appeal

decision must be received by the District within ten (10) school business days from the date the District provides the written appeal decision to the students and parents.

- Review procedure.
 - a. In reviewing the District's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal, relevant state law, and the District's discipline policy.
 - b. The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - c. The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the review and reconsideration decision must be made by the school board.
- Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:
 - a. Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;
 - b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and
 - c. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

Short-term suspension

Other forms of discipline. Before administering a short-term suspension, staff must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

Initial notice. Before administering any suspension or expulsion, the District must attempt to notify the student's parents or guardians, as soon as reasonably possible, regarding the behavioral violation.

Initial hearing. Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:

- e. Notice of the student's violation of the school district's discipline policy;
- f. An explanation of the evidence regarding the behavioral violation;
- g. An explanation of the discipline that may be administered; and
- h. An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

Parent participation. At an initial hearing in which the principal or designee is considering administering a short-term suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.

Administrative decision. Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

Written notice. No later than one school business day following the initial hearing with the student, the District must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- a. A description of the student's behavior and how the behavior violated the school district's policy;
- b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- c. The other forms of discipline that the District considered or attempted, and an explanation of the District's decision to administer the suspension or expulsion;
- d. The opportunity to receive educational services during the suspension or expulsion;
- e. The student's and parents' right to an informal conference with the principal or designee; and
- f. The student's and parents' right to appeal the suspension or expulsion, including where and to whom the appeal must be requested.

Length of exclusion. The District may not administer a short-term suspension beyond the school year in which the behavioral violation occurred.

Grade-level limitations.

- Staff may not administer a short-term suspension for a student in kindergarten through fourth grade for more than ten cumulative school days during any academic term;
- Staff may not administer a short-term suspension for a student in grades five through twelve: (i) for more than fifteen cumulative school days during any single semester; or (ii) for more than ten cumulative school days during any single trimester.

Appeals

- A. **Optional conference with principal.** If the student or parents disagree with the District's decision to suspend the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
 - Timing. The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
 - Conference. During the informal conference, the principal or designee must provide the student and parents the opportunity to:
 - d. Share the student's perspective and explanation regarding the behavioral violation;
 - e. Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
 - f. Discuss other forms of discipline that may be administered.
 - Right to appeal. An informal conference does not limit a student's or parents' right to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.
- B. **Appeal**
 - Requesting an appeal. A student or the parents may appeal a suspension to the District superintendent or designee orally or in writing.
 - Time limit. A student's or parents' appeal of a suspension must be received by the District within five (5) school business days from the date the District provides written notice of the disciplinary decision following the initial hearing.

- Process.
 - a. The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.
 - b. The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:
 - v. The decision to affirm, reverse, or modify the suspension;
 - vi. The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
 - vii. The educational services the District will offer to the student during the suspension; and
 - viii. Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request.
- Pending appeal. If the student or parents request an appeal under this section, the District may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:
 - d. The District may temporarily continue to administer the suspension or expulsion for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
 - e. Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;
 - f. If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the District must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.
- C. **Review and reconsideration.** The student or parents may request that the school board or discipline appeal council review and reconsider the appeal decision. The student or parents may request the review orally or in writing.
 - Time limit. A student's or parents' request to review and reconsider an appeal decision must be received by the District within ten (10) school business days from the date the District provides the written appeal decision to the students and parents.
 - Review procedure.
 - a. In reviewing the District's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal, relevant state law, and the District's discipline policy.
 - b. The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - c. The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the review and reconsideration decision must be made by the school board.

- **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:
 - d. Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;
 - e. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and
 - f. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

Readmission

The District will allow any student who has been short-term suspended to make application for readmission at any time in accordance with District policy and procedure. (See also Readmission Application Process and Reengagement, below)

Reporting

Principals will report all short-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the short-term suspension.

Long-term suspension

Other forms of discipline. Before administering a long-term suspension, a school district must consider other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

Initial notice. Before administering any suspension or expulsion, the District must attempt to notify the student's parents or guardians, as soon as reasonably possible, regarding the behavioral violation.

Initial hearing. Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:

- a. Notice of the student's violation of the school district's discipline policy;
- b. An explanation of the evidence regarding the behavioral violation;
- c. An explanation of the discipline that may be administered; and
- d. An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

Parent participation. At an initial hearing in which the principal or designee is considering administering a long-term suspension, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.

Administrative decision. Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

Written notice. No later than one school business day following the initial hearing with the student, the District must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- a. A description of the student's behavior and how the behavior violated the school district's policy;

- b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- c. The other forms of discipline that the District considered or attempted, and an explanation of the District's decision to administer the suspension or expulsion;
- d. The opportunity to receive educational services during the suspension or expulsion;
- e. The student's and parents' right to an informal conference with the principal or designee;
- f. The student's and parents' right to appeal the suspension or expulsion, including where and to whom the appeal must be requested; and
- g. For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting.

Limitations on long-term suspensions. The District may only administer a long-term suspension:

- For behavioral violations under RCW 28A.600.015(6)(a) through (d); and
- After the District has determined that, if the student returned to school before completing a long-term suspension: (i) the student would pose an imminent danger to students or school personnel; or (ii) the student would pose an imminent threat of material and substantial disruption of the educational process.

Behavioral violations. A long-term suspension may be imposed, subject to the limitations in this procedure, for the following behavioral violations:

- A. Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
- B. Any of the following offenses listed in RCW 13.04.155, including:
 1. Any violent offense as defined in RCW 9.94A.030, including:
 - a. Any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
 - b. Manslaughter;
 - c. Indecent liberties committed by forcible compulsion;
 - d. Kidnapping;
 - e. Arson;
 - f. Assault in the second degree;
 - g. Assault of a child in the second degree;
 - h. Robbery;
 - i. Drive-by shooting; and
 - j. Vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner;
 2. Any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to registered as a sex offender in violation of 9A.44.132), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
 3. Inhaling toxic fumes in violation of chapter 9.47A RCW;
 4. Any controlled substance violation of chapter 69.50 RCW;
 5. Any liquor violation of RCW 66.44.270;
 6. Any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;

7. Any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon assistance for an injured victim of a crime in need of assistance;
 8. Any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
 9. Any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation; and
 10. Any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti;
- C. Two or more violations of the following within a three-year period:
1. Criminal gang intimidation in violation of RCW 9A.46.120;
 2. Gang activity on school grounds in violation of RCW 28A.600.455;
 3. Willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
 4. Defacing or injuring school property in violation of RCW 28A.635.060; and
- D. Any student behavior that adversely impacts the health or safety of other students or educational staff.

Unless otherwise required by law, school administrators are not required to impose a long-term suspension or expulsion for the misconduct listed above, and whenever reasonable, school administrators should first consider alternative forms of corrective action.

Length of exclusion. A long-term suspension may not exceed the length of an academic term, and the District may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

Grade-level limitations. Except for behavioral violations related to firearms (WAC 392-400-820), the District may not administer a long-term suspension for any student in kindergarten through fourth grade.

Appeals

- A. **Optional conference with principal.** If the student or parents disagree with the District's decision to long-term suspend the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- **Timing.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
 - **Conference.** During the informal conference, the principal or designee must provide the student and parents the opportunity to:
 - a. Share the student's perspective and explanation regarding the behavioral violation;
 - b. Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
 - c. Discuss other forms of discipline that may be administered.
 - **Right to appeal.** An informal conference does not limit a student's or parents' right to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.

B. Appeal

- Requesting an appeal. A student or the parents may appeal a long-term suspension to the District superintendent or designee orally or in writing.
- Time limit. A student's or parents' appeal of a long-term suspension must be received by the District within five (5) school business days from the date the District provides written notice of the disciplinary decision following the initial hearing.
- Process.
 - Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
 - i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and parents' rights to inspect the student's education records;
 - iv. The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
 - v. The student's and parents' rights under this subsection; and
 - vi. Whether the District will offer to hold a reengagement meeting before the appeal hearing.
 - Reengagement. Before the appeal hearing, the student, parents, and District may agree to hold a reengagement meeting and develop a reengagement plan. The student, parents, and District may mutually agree to postpone the appeal hearing while participating in the reengagement process.
 - Appeal hearing. The District must hold an appeal hearing within three (3) school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.
 - Presiding officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the Washington regulations related to discipline and the District's discipline policies and procedures.
 - Evidence and witnesses.
 - i. Upon request, the student, parents, and District may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The District, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - ii. Upon request, the student and parents may review the student's education records. The District must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

- C. **Review and reconsideration.** The student or parents may request that the school board or discipline appeal council review and reconsider the appeal decision. The student or parents may request the review orally or in writing.
- Time limit. A student's or parents' request to review and reconsider an appeal decision must be received by the District within ten (10) school business days from the date the District provides the written appeal decision to the students and parents.
 - Review procedure.
 - a. In reviewing the District's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal, relevant state law, and the District's discipline policy.
 - b. The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - c. The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the review and reconsideration decision must be made by the school board.
 - Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:
 - g. Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;
 - h. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and
 - i. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

The principal will notify special education staff of any long-term suspension to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days, the principal will notify relevant special education staff so that the District can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

Readmission

Any student who has been long-term suspended will be allowed to make application for readmission at any time in accordance with District policy and procedure. (See also Readmission Application Process and Reengagement, below)

Reporting

Principals will report all long-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the expulsion.

Emergency expulsion

The District may immediately remove a student from the student's current school placement, subject to the following requirements:

1. **Sufficient cause.** The District must have sufficient cause to believe that the student's presence poses:
 - a. An immediate and continuing danger to other students or school personnel; or
 - b. An immediate and continuing threat of material and substantial disruption of the educational process.
2. **Determination of immediate and continuing threat of disruption.** For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:
 - a. The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
 - b. School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.
3. **Time limit.** An emergency expulsion may not exceed ten (10) consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten (10) school days from the start of the emergency expulsion.
4. **Conversion.** If the District converts an emergency expulsion to a suspension or expulsion, the District must:
 - a. Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
 - b. Provide the student and parents notice and due process under as required by the applicable level of discipline.
5. **Reporting.** All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

General limitation. An emergency expulsion may not be imposed solely for the purposes of investigating student conduct.

Initial notice. After an emergency expulsion, the District must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the District believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

Written notice. Within twenty-four hours after an emergency expulsion, the District must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- a. The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
- b. The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;
- c. The opportunity to receive educational services during the emergency expulsion;
- d. The student's and parents' right to an informal conference with the principal or designee; and
- e. The student's and parents' right to appeal the emergency expulsion, including where and to whom the appeal must be requested.

Optional conference with principal

1. **Requesting a conference.** If a student or the parents disagree with the District's decision to administer an emergency expulsion, the student or parents may request an informal

conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

2. **Time limit.** The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parents.
3. **Conference.** During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.
4. **Right to appeal.** An informal conference must not limit a student's or parents' right to appeal the emergency expulsion.

Appeal

1. **Requesting an appeal.** A student or the parents may appeal an emergency expulsion to the District superintendent or designee orally or in writing.
2. **Time limit.** A student's or parents' request to appeal an emergency expulsion must be received by the District within three (3) school business days from the date the District provides the written notice of the emergency expulsion.
3. **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
 - a. The time, date, and location of the appeal hearing;
 - b. The name(s) of the official(s) presiding over the appeal;
 - c. The student's and parents' rights to inspect the student's education records;
 - d. The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing; and
 - e. The student's and parents' rights provided in this section.
4. **Appeal hearing.** The District must hold an appeal hearing as soon as reasonably possible, but no later than two (2) school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.
5. **Presiding official(s).** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.
6. **Evidence and witnesses.**
 - a. Upon request, the student, parents, and District may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The District, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - b. Upon request, the student and parents may review the student's education records. The District must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - c. If a witness for the District cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that: (i) The District made a reasonable effort to produce the witness; and (ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
7. **Student and parent rights.** The student and parents have the right to:
 - a. Be represented by legal counsel;

- b. Question witnesses;
 - c. Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and
 - d. Introduce relevant documentary, physical, or testimonial evidence.
8. **Recording of hearing.** The appeal hearing must be recorded by manual, electronic, or other type of recording device. The District must provide the recording to the student or parents upon request.
9. **Appeal decision.** The District must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:
- a. The findings of fact;
 - b. A determination whether the student's presence continues to pose:
 - i. An immediate and continuing danger to students or school personnel; or
 - ii. An immediate and continuing threat of material and substantial disruption of the educational process.
 - c. Whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the District must provide the student and parents notice and due process under the applicable form of discipline to which the emergency expulsion was converted; and
 - d. Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request.

Review and reconsideration

1. **Requesting review.** The student or parents may request that the school board or discipline appeal council, if established, review and reconsider the District's appeal decision. The student or parents may request the review orally or in writing.
2. **Time limit.** A student's or parents' request to review and reconsider the appeal decision must be received by the District within five (5) school business days from the date the District provides the written appeal decision to the student and parent.
3. **Review procedure.**
 - a. In reviewing the District's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal, relevant state law, and the District's discipline policy.
 - b. The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - c. The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the decision must be made by the school board.
4. **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration. The written decision must identify:
 - a. Whether the school board or discipline appeal council affirms or reverses the District's decision that the student's presence posed:

- i. An immediate and continuing danger to students or school personnel; or
 - ii. An immediate and continuing threat of material and substantial disruption of the educational process.
- b. If the emergency expulsion has not yet ended or been converted, whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the District must provide the student and parents notice and due process under the applicable form of discipline to which the emergency expulsion was converted.

Expulsion

Other forms of discipline. Before administering an expulsion, the District must consider other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

Initial notice. Before administering any suspension or expulsion, the District must attempt to notify the student's parents or guardians, as soon as reasonably possible, regarding the behavioral violation.

Initial hearing. Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:

- a. Notice of the student's violation of the school district's discipline policy;
- b. An explanation of the evidence regarding the behavioral violation;
- c. An explanation of the discipline that may be administered; and
- d. An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

Parent participation. At an initial hearing in which the principal or designee is considering administering an expulsion, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.

Administrative decision. Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

Written notice. No later than one school business day following the initial hearing with the student, the District must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- a. A description of the student's behavior and how the behavior violated the school district's policy;
- b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- c. The other forms of discipline that the District considered or attempted, and an explanation of the District's decision to administer the suspension or expulsion;
- d. The opportunity to receive educational services during the suspension or expulsion;
- e. The student's and parents' right to an informal conference with the principal or designee;
- f. The student's and parents' right to appeal the suspension or expulsion, including where and to whom the appeal must be requested; and

- g. For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting.

Limitations on expulsions. The District may only administer an expulsion:

- For behavioral violations under RCW 28A.600.015(6)(a) through (d); and
- After the District has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.

Length of exclusion. An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the District superintendent for extension of an expulsion under WAC 392-400-480, and the petition is granted.

Grade-level limitations. Except for behavioral violations related to firearms (WAC 392-400-820), the District may not administer an expulsion for any student in kindergarten through fourth grade.

Appeals

- A. **Optional conference with principal.** If the student or parents disagree with the District's decision to expel the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- **Timing.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
 - **Conference.** During the informal conference, the principal or designee must provide the student and parents the opportunity to:
 - d. Share the student's perspective and explanation regarding the behavioral violation;
 - e. Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
 - f. Discuss other forms of discipline that may be administered.
 - **Right to appeal.** An informal conference does not limit a student's or parents' right to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.

B. Appeal

- **Requesting an appeal.** A student or the parents may appeal an expulsion to the school district superintendent or designee orally or in writing.
- **Time limit.** A student's or parents' appeal of an expulsion must be received by the District within five school business days from the date the District provides written notice of the disciplinary decision following the initial hearing.
- **Appeal.**
 - Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
 - i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and parents' rights to inspect the student's education records;
 - iv. The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
 - v. The student's and parents' rights under this subsection; and

- vi. Whether the District will offer to hold a reengagement meeting before the appeal hearing.
- o Reengagement. Before the appeal hearing, the student, parents, and District may agree to hold a reengagement meeting and develop a reengagement plan. The student, parents, and District may mutually agree to postpone the appeal hearing while participating in the reengagement process.
- o Appeal hearing. The District must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.
- o Presiding officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the Washington regulations related to discipline and the District's discipline policies and procedures.
- o Evidence and witnesses.
 - i. Upon request, the student, parents, and District may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The District, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - ii. Upon request, the student and parents may review the student's education records. The District must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - iii. If a witness for the District cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the District establishes that: (A) The District made a reasonable effort to produce the witness; and (B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- o Student and parent rights. During the appeal hearing, the student and parents have the right to:
 - v. Be represented by legal counsel;
 - vi. Question witnesses;
 - vii. Share the student's perspective and provide explanation regarding the behavioral violation; and
 - viii. Introduce relevant documentary, physical, or testimonial evidence.
- o Recording of Hearing. The appeal hearing must be recorded by manual, electronic, or other type of recording device. The District must provide the recording to the student or parents upon request.
- o Appeal decision. The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:
 - i. The findings of fact;
 - ii. A determination whether:

- a. The student's behavior violated the school district's discipline policy;
 - b. The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and
 - c. The suspension or expulsion is affirmed, reversed, or modified;
 - iii. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
 - iv. Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request; and
 - v. Notice of the opportunity to participate in a reengagement meeting and the contact information for the person who will coordinate scheduling of the reengagement meeting.
 - Pending appeal. If the student or parents request an appeal under this section, the District may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:
 - j. The District may temporarily continue to administer the suspension or expulsion for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
 - k. Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;
 - l. If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the District must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.
- C. **Review and reconsideration.** The student or parents may request that the school board or discipline appeal council review and reconsider the appeal decision. The student or parents may request the review orally or in writing.
- Time limit. A student's or parents' request to review and reconsider an appeal decision must be received by the District within ten (10) school business days from the date the District provides the written appeal decision to the students and parents.
 - Review procedure.
 - a. In reviewing the District's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal, relevant state law, and the District's discipline policy.
 - b. The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - c. The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the review and reconsideration decision must be made by the school board.
 - Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten (10)

school business days after receiving the request for review and reconsideration. The written decision must identify:

- j. Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;
- k. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and
- l. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

Petition to extend expulsion.

1. **Petition.** When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the District superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the superintendent or designee of:
 - a. The behavioral violation that resulted in the expulsion and the public health or safety concerns;
 - b. The student's academic, attendance, and discipline history;
 - c. Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
 - d. The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
 - e. The proposed extended length of the expulsion; and
 - f. The student's reengagement plan.
2. **Time limit.** The principal or designee may petition to extend an expulsion only after the development of a reengagement plan and before the end of the expulsion. For violations related to firearms (WAC 392-400-820), the principal or designee may petition to extend an expulsion at any time.
3. **Notice.** The District must provide written notice of the petition to the student and parents in person, by mail, or by email within one school business day from the date the superintendent or designee received the petition. The written notice must include:
 - a. A copy of the petition;
 - b. The student's and parents' right to an informal conference with the District superintendent or designee to be held within five (5) school business days from the date the District provided written notice to the student and parents; and
 - c. The student's and parents' right to respond to the petition orally or in writing to the District superintendent or designee within five (5) school business days from the date the district provided written notice.
4. **Written Decision.** The District superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The District superintendent or designee must deliver a written decision to the principal, the student, and the student's parents in person, by mail, or by email within ten (10) school business days after receiving the petition.
 - a. If the petition is granted, the written decision must include:
 - i. The date on which the extended expulsion will end;
 - ii. The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
 - iii. Notice of the student's or parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request.
 - b. If the petition is not granted, the written decision must identify the date on which

the expulsion will end.

5. Review and reconsideration

- a. Requesting review. The students or parents may request that the school board or discipline appeal council, if established, review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing.
 - b. Time limit. A District may establish a time limit for parents and students to request a review under this subsection. The time limit must be no less than ten (10) school business days from the date the District superintendent or designee provides the written decision related to the petition to extend the expulsion.
 - c. Review procedure.
 - i. The school board or discipline appeal council may request to meet with the student or parents or the principal to hear further arguments and gather additional information.
 - ii. The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision.
 - d. Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:
 - i. Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
 - ii. The date on which the extended expulsion will end.
 - e. Duration. Any extension of an expulsion may not exceed the length of an academic term.
- 6. Annual reporting.** The District must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

Once a student is expelled in compliance with District policy, the expulsion will be brought to the attention of appropriate local and state authorities, including, but not limited to, juvenile authorities acting pursuant to the Basic Juvenile Court Act, so that such authorities may address the student's educational needs.

Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, will be expelled from school for not less than one calendar year pursuant to RCW 28A.600.420 with notification to parents/guardians and law enforcement. The superintendent may modify the expulsion of a student on a case-by-case basis.

Firearm Exception

In accordance with RCW 28A.600.420, the District must expel a student for no less than one year if the District has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The superintendent may modify the expulsion on a case-by-case basis.

The District may also suspend or expel a student for up to one year if the student acts with malice (as defined under RCW 9A.04.110) and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.

These provisions do not apply to:

- Any student while engaged in military education authorized by the District in which rifles are used;
- Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the District; or
- Any student while participating in a rifle competition authorized by the District.

Readmission

Any student who has been expelled will be allowed to make application for readmission at any time in accordance with District policy and procedure. (See also Readmission Application Process and Reengagement, below)

Reporting

Principals will report all long-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the expulsion.

Board option to delegate authority to hear appeals

The board may delegate its authority to hear and decide long-term suspension and expulsion appeals to a District discipline appeal council established by the board. Members of such councils will be appointed by the board for fixed terms and shall consist of no less than three persons. If such a council is established, the student and/or their parents/guardians have the right to appeal the hearing officer decision to the board or the discipline appeal council.

Appeals to Superior Court (RCW 28A.645.010)

Any parent or student aggrieved by the school board or discipline appeal council's final decision, within thirty days after the rendition of such decision or order or of the failure to act upon the same when properly presented, may appeal the same to the superior court of the county in which the District or part thereof is situated, by filing with the secretary of the school board if the appeal is from board action or failure to act, otherwise with the proper school official, and filing with the clerk of the superior court, a notice of appeal which shall set forth in a clear and concise manner the errors complained of.

Readmission Application Process

Any student who has been suspended or expelled will be allowed to make application for readmission at any time. If a student desires to be readmitted to the school from which they have been suspended/ expelled, the student will submit a written application to the principal, who will recommend admission or non-admission. If a student wishes admission to another school, they will submit the written application to the superintendent. The application will include:

- Reasons the student wants to return and why the request should be considered;
- Evidence which supports the request; and
- A supporting statement from the parent or others who may have assisted the student.

The superintendent will advise the student and parent/guardian of the decision within seven (7) school days of the receipt of such application

Reengagement Meeting and Plan

For any student who has been subjected to a long-term suspension or expulsion, the District will convene a reengagement meeting with the student and their parent(s)/guardian(s) to discuss a plan to reengage the student. The reengagement meeting does not replace an appeal hearing to challenge the suspension or expulsion, nor does it replace a petition for readmission. Before convening a reengagement meeting, the District will communicate with the student and parents to schedule the meeting time and location.

The reengagement meeting must occur:

- Within twenty (20) calendar days of the start of the student's long-term suspension or

- expulsion, but no later than five (5) calendar days before the student's return to school; or
- As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

The District will collaborate with the student and parents to develop a culturally-sensitive and culturally-responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school.

In developing a reengagement plan the District must consider:

- The nature and circumstances of the incident that led to the student's suspension or expulsion;
- As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
- Shortening the length of time that the student is suspended or expelled;
- Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
- Supporting the student parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

The District must document the reengagement plan and provide a copy of the plan to the student and parents.

Behavior Agreements

The District authorizes staff to enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance.

A behavior agreement does not waive a student's opportunity to participate in a reengagement meeting under WAC 392-400-710, or waive the opportunity to receive educational services as provided under WAC 392-400-610. The duration of a behavior agreement must not exceed the length of an academic term. The District is not precluded from administering discipline for behavioral violations that occur after the District enters into an agreement with the student and parents.

Exceptions for protecting victims

The District may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion to protect victims of certain offenses as follows:

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

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