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## STUDENTS

### Student Discipline

#### Definitions

For purposes of all disciplinary policies and procedures, the following definitions will apply:

- **“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 [WAC 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.
- **“Culturally responsive”** has the same meaning as “cultural competency” in [RCW 28A.410.270](#), which states “cultural competency” includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures, knowledge and skills in accessing community resources and community and parent outreach, and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.
- **“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 statements or behavior pose 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 [WAC 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 [WAC 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](#).

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- **“Parent”** has the same meaning as in [WAC 392-172A-01125](#), and means (a) a biological or adoptive parent of a child; (b) a foster parent; (c) a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state; (d) 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 surrogate parent who has been appointed in accordance with [WAC 392-172A.05130](#). If the biological or adoptive parent is attempting to act as the parent and more than one (1) 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. If a judicial decree or order identifies a specific person or persons to act as the “parent” of a child or to make educational decisions on behalf of a child, then that person or persons shall be determined to be the parent for purposes of [Policy 3300](#) and this procedure.
- **“School board”** means the governing board of directors of the local school district.
- **“School business day”** means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the 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 (10) consecutive school days, subject to the requirements in [WAC 392-400-430](#) through [WAC 392-400-475](#).
  - **“Short-term suspension”** means a suspension in which a student is excluded from school for up to ten (10) consecutive school days, subject to the requirements in [WAC 392-400-430](#) through [WAC 392-400-475](#).
  - **“Long-term suspension”** means a suspension in which a student is excluded from school for more than ten (10) consecutive school days, subject to the requirements in [WAC 392-400-430](#) through [WAC 392-400-475](#).

## **Engaging with Families and Language Assistance**

The district will provide for early involvement of parents/guardians in efforts to support students in meeting behavioral expectations. Additionally, the district will make every reasonable attempt to involve the student and parent/guardian in the resolution of behavioral violations. Unless an emergency circumstance exists, providing opportunity for engagement of the parent/guardian is required before administering a suspension or expulsion.

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The district will take all reasonable steps to ensure that it provides all discipline related communications (oral and written) required in connection with [Policy 3300](#) and this procedure in a language the student and parents/guardians understand. These discipline-related communications include notices, hearings, conferences, meetings, plans, proceedings, agreements, petitions, and decisions. This effort may require language assistance for students and parents/guardians with limited-English proficiency under Title VI of the Civil Rights Act of 1964. For parents/guardians who are unable to read any language, the district will provide written material orally.

## **Other Forms of Discipline and Classroom Exclusions**

### **Supporting Students with Other Forms of Discipline**

Unless a student's ongoing behavior poses an immediate and continuing danger to others, or a student's ongoing behavior poses an immediate and continuing threat to the educational process, staff members must first attempt one (1) or more forms of other forms of discipline to support students in meeting behavioral expectations before imposing classroom exclusion, suspension, or expulsion.

The types of behaviors for which the staff members may use other forms of discipline include any violation of the rules of conduct, as set forth in [Policy 3240](#). In connection with the rules of conduct in [Policy 3240](#), 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. 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: <http://www.k12.wa.us/SSEO/pubdocs/BehaviorMenu.pdf>. The following are identified for use as other forms of discipline, including but not limited to:

- Behavior monitoring;
- Mentoring;
- Peer mediation;
- Restorative justice practices;
- Social skills instruction/redirection;
- De-escalation techniques; and
- Trauma-informed approaches.

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

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## After-School Detention

Additionally, staff may use after-school detention as another form of discipline. Before assigning after-school detention, the staff member will inform the student of the specific behavior prompting the detention and provide the student with an opportunity to explain or justify the behavior. At least one (1) professional staff member will directly supervise students in after-school detention.

Administering other forms of discipline cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirement.

Students and parents/guardians may challenge the administration of other forms of discipline, including the imposition of after-school detention using the grievance process below.

## Staff Authority and Exclusionary Discipline

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 district provided transportation.

Staff members will seek early involvement of parents/guardians 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 suspensions, long-term suspensions, expulsions, and emergency expulsions to principals and assistant principals.

## Classroom Exclusions

After attempting at least one (1) other form of discipline, as set forth above, teachers may impose classroom exclusion. Classroom exclusion means the exclusion of a student from the classroom or instructional activity area based on a behavioral violation that disrupts the educational process. As stated above, the superintendent or designee, principals, assistant principals, and certificated staff will work together to develop definitions and consensus on what constitutes behavior that disrupts the educational process to reduce the effect of implicit or unconscious bias.

Classroom exclusion may be for all or any portion of the balance of the school day. Classroom exclusion does not encompass removing a student from school, including sending a student home early or telling a parent/guardian to keep a student at home, based on a behavioral violation. Removing a student from school constitutes a suspension, expulsion, or emergency expulsion and must include the notification and due process as stated in the section below.

Classroom exclusion cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirement.

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The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion.

Following the classroom exclusion of a student, the teacher (or other school personnel as identified) must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible. The principal or designee must report all classroom exclusions, including the behavioral violation that led to it to the superintendent or designee. Reporting of the behavioral violation that led to the classroom exclusion as “other” is insufficient.

The teacher, principal or designee must notify the student’s parents/guardians regarding the classroom exclusion as soon as reasonably possible. As noted above, the district will take all reasonable steps to ensure that this notification is in a language and form (i.e. oral or written) the parents/guardians understand.

When the teacher or other authorized school personnel administers a classroom exclusion because the student’s statements or behavior pose 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 designee; and
- B. The principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

The district will address student and parent grievances regarding classroom exclusion through the grievance procedures below.

## Grievance Process for Other Forms of Discipline and Classroom Exclusion

Any parent/guardian or student who is aggrieved by the imposition of other forms of discipline and/or classroom exclusion has the right to an informal conference with the principal or designee for resolving the grievance. If the grievance pertains to the action of an employee, the district will notify that employee of the grievance in accordance with the applicable collective bargaining agreement.

At such conference, the student and parent/guardian will have the opportunity to voice issues and concerns related to the grievance and ask questions of staff members involved in the grievance matter. Staff members will have opportunity to respond to the issues and questions related to the grievance matter. Additionally, the principal or designee will have opportunity to address issues and questions raised and to ask questions of the parent/guardian, student, and staff members.

If after exhausting this remedy the grievance is not yet resolved, the parent/guardian and student will have the right, upon two (2) school days prior notice, to present a written and/or oral grievance to the superintendent or designee. The superintendent or designee will provide the parent/guardian and student with a written copy of its response to the grievance within ten (10) school days. Use of the grievance process will not impede or postpone the disciplinary action, unless the principal or superintendent or designee elects to postpone the disciplinary action.

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Discipline that may be grieved under this section includes all 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**

The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the district, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning. The district will not expel, suspend, or discipline in any manner for a student's 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 preserving the educational process. The district will not administer any form of discipline in a manner that would prevent a student from accomplishing a specific academic grade, subject, or graduation requirement.

As stated above, the district will provide the parents/guardians an opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion. Additionally, the principal or assistant principal will consider the student's individual circumstances and the nature of the violation before administering a short-term or in-school suspension.

The principal or assistant principal at each school must report all suspensions and expulsions, including the behavioral violation that led to the suspension or expulsion, to the superintendent or designee within twenty-four (24) hours after the administration of such suspension or expulsion. Reporting the behavioral violation that led to the suspension or expulsion as "other" is insufficient.

An expulsion or suspension of a student may not be for an indefinite period and must have an end date. After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, the district will allow the student to petition for readmission at any time.

When administering a suspension or expulsion, the district may deny a student admission to, or entry upon, real and personal property that the district owns, leases, rents, or controls. The district will provide an opportunity for students to receive educational services during a suspension or expulsion (see below). The district will not suspend or expel a student from school for absences or tardiness.

If during a suspension or expulsion the district enrolls a student in another program or course of study, the district will not preclude the student from returning to the student's regular educational setting following the end of the suspension or expulsion, unless one (1) of the following applies:

- The superintendent or designee grants a petition to extend a student's expulsion under [WAC 392-400-480](#);
- The change of setting is to protect victims under [WAC 392-400-810](#); or
- Other law precludes the student from returning to the students regular educational setting.

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In accordance with [RCW 28A.600.420](#), the district must expel a student for no less than one (1) 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 or designee may modify the expulsion on a case-by-case basis.

The district may also suspend or expel a student for up to one (1) 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 students while engaged in a district authorized military education, a district authorized firearms convention or safety course, or district authorized rifle competition.

## In-school Suspension and Short-Term Suspension

The superintendent designates the school principal and assistant principal with the authority to impose in-school and short-term suspensions. Before administering an in-school or short-term suspension, staff members must have first attempted one (1) or more other forms of discipline to support the student in meeting behavioral expectations and considered the student's individual circumstances. The district will not administer in-school suspension that would result in the denial or delay of the student's nutritionally adequate meal.

Circumstances that may result in an in-school or short-term suspension include those listed below and in [Policy 3240](#), Student Conduct Expectations and Sanctions:

- Being intoxicated or under the influence of controlled substance, alcohol or marijuana at school or while present at school activities;
- Bomb scares or false fire alarms that cause a disruption to the school program;
- Cheating or disclosure of exams;
- Commission of any crime on school grounds or during school activities;
- Dress code violations that the student refuses to correct ([Policy 3224](#) and [Procedure 3224P](#) Student Dress);
- Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where physical blows are exchanged, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, choking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;
- Gang-related activity;
- Harassment, intimidation, and bullying (HIB);
- Intentional deprivation of student and staff use of school facilities;
- Intentional endangerment to self, other students, or staff, including endangering on district provided transportation;

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- Intentional injury to another;
- Intentionally defacing or destroying the property of another;
- Intentionally obstructing the entrance or exit of any school building or room in order to deprive others of passing through;
- Possession, use, sale, or delivery of illegal or controlled chemical substances;
- Preventing students from attending class or school activities;
- Refusal to cease prohibited behavior;
- Refusal to leave an area when repeatedly instructed to do so by school personnel;
- Sexual misconduct that could constitute sexual assault or harassment on school grounds, at school activities, or on school provided transportation;
- Substantially and intentionally interfering with any class or activity;
- Threats of violence to other students or staff; and
- Use or possession of weapons prohibited by state law and [Policy 3240](#).

## Initial hearing

Before administering any in-school or short-term suspension, the district will attempt to notify the student's parents/guardians as soon as reasonably possible regarding the behavioral violation. Additionally, the principal or designee will conduct an informal initial hearing with the student to hear the student's perspective. The principal or designee will provide the student an opportunity to contact the student's parents/guardians regarding the initial hearing. The district will hold the initial hearing in a language that the parent/guardian and student understand. At the initial hearing, the principal or designee will provide the student:

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

## Notice

Following the initial hearing, the principal or designee will inform the student of the disciplinary decision regarding the behavioral violation, including the date when any in-school or short-term suspension will begin and end.

No later than one (1) school business day following the initial hearing with the student, the district will provide written notice of the in-school or short-term suspension to the student and parents/guardians in person, by mail, or by email in a language and form the student and parents/guardians will understand. The written notice will include:



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- A. A description of the student's behavior and how the behavior violated [Policy 3300](#);
- B. The duration and conditions of the in-school or short-term suspension, including the dates on which the in-school or short-term suspension 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 in-school or short-term suspension;
- D. The opportunity to receive educational services during the in-school or short-term suspension;
- E. The right of the student and parents/guardians to an informal conference with the principal or designee; and
- F. The right of the student and parents/guardians to appeal the in-school or short-term suspension.

For students in kindergarten through fourth grade, the district will not administer an in-school or short-term suspension for more than ten (10) cumulative school days during any academic term.

For students in grades five through twelve, the district will not administer an in-school or short-term suspension for more than fifteen (15) cumulative school days during any single semester, or more than ten (10) cumulative school days during any single trimester. Additionally, the district will not administer an in-school or short-term suspension for students in any grade beyond the school year in which the behavioral violation occurred.

The district will not administer in-school or short-term suspensions in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

When administering an in-school suspension, school personnel must ensure they are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension. Additionally, school personnel must ensure they 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.

## Long-Term Suspensions and Expulsions

Before administering a long-term suspension or an expulsion, district personnel must consider other forms of discipline to support the student in meeting behavioral expectations. The district must also consider the other general conditions and limitations listed above.

Unless otherwise required by law, the district may, but is not required to, impose long-term suspensions or expulsions only for student behaviors listed in [RCW 28A.600.015](#) (6)(a) through (d), which include:

- 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 any violent offense as defined in [RCW 9.94A.030](#), any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony, which includes:

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- manslaughter, indecent liberties committed by forcible compulsion, kidnapping, arson, assault in the second degree, assault of a child in the second degree, robbery, drive-by shooting, 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;
  - any sex offense as defined in [RCW 9.94A.030](#), which includes any felony violation of [Chapter 9A.44 RCW](#) (other than failure to register as a sex offender in violation of [RCW 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;
  - inhaling toxic fumes in violation of [Chapter 9.47A RCW](#);
  - any controlled substance in violation of [Chapter 69.50 RCW](#);
  - any liquor violation of [RCW 66.44.270](#);
  - any weapons violation of [Chapter 9.41 RCW](#), including having a dangerous weapon at school in violation of [RCW 9.41.280](#);
  - 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;
  - any violation of [Chapter 9A.40 RCW](#), including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
  - any violation of [Chapter 9A.46 RCW](#), including harassment, stalking, and criminal gang intimidation; and
  - any violation of [Chapter 9A.48 RCW](#), including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti.
- C. Two (2) or more violations of the following within a three (3)-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 affects the health or safety of other students or educational staff.

In addition to being a behavior specified in [RCW 28A.600.015](#), before imposing long-term suspension or expulsion, district personnel must also determine that if the student returned to school before completing a long-term suspension or expulsion the student would pose an imminent danger to students, school personnel, or pose an imminent threat of material and substantial disruption to the educational process.

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## Behavior Agreements

Staff may enter into behavior agreements with students and parents/guardians in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance. Behavior agreements will also describe district actions planned to support behavior changes by the students. The district will provide any behavior agreement in a language and form the student and parents/guardians understand.

A behavior agreement does not waive a student's opportunity to participate in a reengagement meeting or to receive educational services. The duration of a behavior agreement must not exceed the length of an academic term. A behavior agreement does not preclude the district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents/guardians.

## Initial Hearing

Before administering any long-term suspension or expulsion, the district will attempt to notify the student's parents/guardians as soon as reasonably possible regarding the behavioral violation. Additionally, the principal or designee will conduct an informal initial hearing with the student to hear the student's perspective. The principal or designee will make a reasonable attempt to contact the student's parents/guardians and provide an opportunity for the parents/guardians to participate in the initial hearing in person or by telephone. The district will hold the initial hearing in a language the parent/guardian and student understand. At the initial hearing, the principal or designee will provide the student:

- Notice of the student's violation of [Policy 3300](#);
- An explanation of the evidence regarding the behavioral violation;
- An explanation of the discipline that may be administered; and
- An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.

Following the initial hearing, the principal or designee will inform the student of the disciplinary decision regarding the behavioral violation, including the date when any long-term suspension or expulsion will begin and end.

## Notice

No later than one (1) school business day following the initial hearing with the student, the district will provide written notice of the long-term suspension or expulsion to the student and parents/guardians in person, by mail, or by email in a language that the parent/guardian and student can understand. If the parents/guardians cannot read any language, the district will provide language assistance. The written notice will include:

- A. A description of the student's behavior and how the behavior violated [Policy 3300](#);
- B. The duration and conditions of the long-term suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

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- C. The other forms of discipline that the district considered or attempted, and an explanation of the district's decision to administer the long-term suspension or expulsion;
- D. The opportunity to receive educational services during the long-term suspension or expulsion;
- E. The right of the student and parents/guardians to an informal conference with the principal or designee;
- F. The right of the student and parents/guardians to appeal the long-term suspension or expulsion; and
- G. The opportunity for the student and parents/guardians to participate in a reengagement meeting.

Other than for the firearm exception under [WAC 392-400-820](#), the district will not impose a long-term suspension or an expulsion for any student in kindergarten through fourth grade.

If a long-term suspension or expulsion may exceed ten (10) days, the district will consider whether the student is currently eligible or might be deemed eligible for special education services. If so, the principal or designee will notify relevant special education staff of the long-term suspension or expulsion so that the district can ensure it follows its special education discipline procedures, as well as its general education discipline procedures.

## Divergence Between Long-Term Suspension and Expulsion

A long-term suspension may not exceed the length of an academic term. The district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

An expulsion may not exceed the length of an academic term, unless the superintendent grants a petition to extend the expulsion under [WAC 392-400-480](#). The district is not prohibited from administering an expulsion beyond the school year in which the behavioral violation occurred.

## Emergency Expulsions

The district may immediately remove a student from the student's current school placement, subject to the following requirements. The district must have sufficient cause to believe that the student's statements or observable behaviors pose:

- 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.

The district may not impose an emergency expulsion solely for investigating student conduct.

For purposes of determining sufficient cause for an emergency expulsion, the phrase "immediate and continuing threat of material and substantial disruption of the educational process" means:

- 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

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- School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

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 its start.

After an emergency expulsion, the district must attempt to notify the student's parents/guardians, as soon as reasonably possible, regarding the reason the district believes the student's statements or behaviors pose an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the education process.

## Notice

Within twenty-four (24) hours after an emergency expulsion, the district will provide written notice to the student and parents/guardians in person, by mail, or by email in a language that the parent/guardian and student can understand. The written notice must include:

- The reason the student's statements or behaviors pose 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;
- The duration and conditions of the emergency expulsion, including the date on which the emergency expulsion will begin and end;
- The opportunity to receive educational services during the emergency expulsion;
- The right of the student and parents/guardians to an informal conference with the principal or designee; and
- The right of the student and parents/guardians to appeal the emergency expulsion, including where and to whom the appeal must be requested.

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/guardians with notice and due process rights under [WAC 392-400-455](#) through [WAC 392-400-480](#) appropriate to the new disciplinary action.

All emergency expulsions, including the reason the student's statements or behaviors pose an immediate and continuing danger to other students or school personnel, must be reported to the superintendent or designee within twenty-four (24) hours after the start of the emergency expulsion.

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## **Appeal, Reconsideration, and Petition**

### **Optional Informal Conference with the Principal**

If a student or the parents/guardians disagree with the school's decision to suspend, expel, or emergency expel the student, the student or parents/guardians may request an informal conference with the principal or designee to resolve the disagreement. The parent/guardian or student may request an informal conference orally or in writing.

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/guardians.

During the informal conference, the student and parents/guardians will have the opportunity to share the student's perspective and explanation regarding the events that led to the behavioral violation. The student and parent/guardian will also have the opportunity to confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion. Further, the student and parent/guardian will have the opportunity to discuss other forms of discipline that the district could administer.

An informal conference will not limit the right of the student or parents/guardians to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.

## **Appeals**

### **Requesting an Appeal**

The appeal provisions for long-term suspension and expulsion differ from those for in-school and short-term suspension. The appeal provisions for long-term suspension or expulsion and emergency expulsion have similarities but the timelines differ.

A student or parents/guardians may appeal a suspension, expulsion, or emergency expulsion to the superintendent or designee orally or in writing. For suspension or expulsion, the request to appeal must be within five (5) school business days from when the district provided the student and parent/guardian with written notice. For emergency expulsion, the request to appeal must be within three (3) school business days from when the district provided the student and parent/guardian with written notice.

When an appeal for long-term suspension or expulsion is pending, the district may continue to administer the long-term suspension or expulsion during the appeal process, subject to the following requirements:

- The suspension or expulsion is for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
- The district will apply any days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and
- If the student returns to school before the appeal is decided, the district will provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

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## In-school and Short-term Suspension Appeal

For in-school and short-term suspensions, the superintendent or designee will provide the student and parents/guardians the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

The superintendent or designee must deliver a written appeal decision to the student and parents/guardians in person, by mail, or by email within two (2) school business days after receiving the appeal. The written decision will include:

- The decision to affirm, reverse, or modify the suspension;
- The duration and conditions of the suspension, including the beginning and ending dates;
- The educational services the district will offer to the student during the suspension; and
- Notice of the student and parents'/guardians' right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

Per [Policy 3320](#), the board of directors delegates its authority to hear and decide discipline and short-term suspension grievance appeals to a disciplinary appeal council.

## Long-term Suspension or Expulsion and Emergency Expulsion Appeal

For long-term suspension or expulsion and emergency expulsions, the superintendent or designee will provide the student and parents/guardians written notice in person, by mail, or by email, within one (1) school business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:

- The time, date, and location of the appeal hearing;
- The name(s) of the official(s) presiding over the appeal;
- The right of the student and parents/guardians to inspect the student's education records;
- The right of the student and parents/guardians to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
- The rights of the student and parents/guardians to be represented by legal counsel, question witnesses, share the student's perspective and explanation, and introduce relevant documentary, physical, or testimonial evidence; and
- Whether the district will offer a reengagement meeting before the appeal hearing.

For long-term suspension or expulsion, the student, parents/guardians and district may agree to hold a reengagement meeting and develop a reengagement plan before the appeal hearing. The student, parents/guardians, and district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

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## Hearings

A hearing to appeal a long-term suspension or expulsion or emergency expulsion is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of students and others involved, the district will hold a hearing without public notice and without public access unless the student and/or the parents/guardians or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the district will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.

When multiple students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

- A single hearing will not likely result in confusion; and
- No student will have their interest substantially prejudiced by a group hearing.

If the official presiding over the hearing finds that a student's interests will be substantially prejudiced by a group hearing, the presiding official may order a separate hearing for that student. The parent/guardian and student have the right to petition for an individual hearing.

For long-term suspension or expulsion, the district will hold an appeal hearing within three (3) school business days after the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents/guardians.

For emergency expulsion, the district will hold an appeal hearing within two (2) school business days after the superintendent or designee received the appeal request, unless the student and parents/guardians agree to another time.

A hearing officer will be designated to hear and decide long-term suspension or expulsion, or emergency expulsion appeals. The presiding official may not have been involved in the student's behavioral violation or the decision to suspend or expel the student.

Upon request, the student and parents/guardians or their legal representative may inspect any documentary or physical evidence and list of any witnesses that the district will introduce at the appeal hearing. The district 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. The district may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parents/guardians intend to introduce at the appeal hearing. The student and parents/guardians must make this information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

Upon request, the student and parents/guardians may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.



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If a witness for the district cannot or does not appear at the appeal hearing, the presiding official may excuse the witness' nonappearance if the district establishes that:

- The district made a reasonable effort to produce the witness; and
- The witness' failure to appear is excused by fear of reprisal or another compelling reason.

The district will record the appeal hearing by manual, electronic, or other type of recording device and upon request of the student or parents/guardians provide them a copy of the recording.

For long-term suspension or expulsion, the presiding official must base the decision solely on the evidence presented at the hearing. The presiding official will provide a written decision to the student and parents/guardians in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision must include:

- The findings of fact;
- A determination whether (i) the student's behavior violated [Policy 3300](#), (ii) the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion, and (iii) the long-term suspension or expulsion is affirmed, reversed, or modified;
- The duration and conditions of long-term suspension or expulsion, including the beginning and ending dates;
- Notice of the right of the student and parents/guardians to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and
- Notice of the opportunity for a reengagement meeting and contact information for the person who will schedule it.

For emergency expulsion, the district will provide a written decision to the student and parents/guardians in person, by mail, or by email within one (1) school business day after the appeal hearing. The written decision must include:

- The findings of fact;
- A determination whether the student's statements or behaviors continue 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;
- 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 will provide the student and parents/guardians notice and due process consistent with the disciplinary action to which the emergency expulsion was converted; and
- Notice of the right of the student and parents/guardians to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

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## Reconsideration of Appeal

The student or parents/guardians may request the board or disciplinary appeal council review and reconsider the district's appeal decision for long-term suspensions or expulsions and emergency expulsions. This request may be either oral or in writing.

For long-term suspension or expulsion, the student or parents/guardians may request a review within ten (10) school business days from when the district provided the student and parents/guardians with the written appeal decision.

For emergency expulsion, the student or parents/guardians may request a review within five (5) school business days from when the district provided the student and parents/guardians with the written appeal decision.

- In reviewing the district's decision, the board or disciplinary appeal council must consider (i) all documentary and physical evidence from the appeal hearing related to the behavioral violation, (ii) any records from the appeal hearing, (iii) relevant state law, and (iv) [Policy 3300](#).
- The board or disciplinary appeal council may request to meet with the student and parents/guardians, the principal or designee, witnesses, and/or school personnel to hear further arguments and gather additional information.
- The decision of the board or disciplinary appeal council will be made only by board or disciplinary appeal council members who were not involved in (i) the behavioral violation, (ii) the decision to suspend or expel the student, or (iii) the appeal decision. If the disciplinary appeal council presided over the appeal hearing, the board will conduct the review and reconsideration.

For long-term suspension or expulsion, the board or disciplinary appeal council will provide a written decision to the student and parents/guardians 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:

- Whether the board or disciplinary appeal council affirms, reverses, or modifies the suspension or expulsion;
- The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
- For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

For emergency expulsion, the board or disciplinary appeal council will provide a written decision to the student and parents/guardians 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:

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- Whether the board or disciplinary appeal council affirms or reverses the district's decision that the student's statements or behaviors 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.
- 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 will provide the student and parents/guardians notice and due process under [WAC 392-400-455](#) through [WAC 392-400-480](#) consistent with the disciplinary action to which the emergency expulsion was converted.

## **Petition to Extend an Expulsion**

When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the superintendent or designee of:

- The behavioral violation that resulted in the expulsion and the public health or safety concerns;
- The student's academic, attendance, and discipline history;
- Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
- The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
- The proposed extended length of the expulsion; and
- The student's reengagement plan.

The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under [WAC 392-400-710](#) and before the end of the expulsion. For violations of [WAC 392-400-820](#) involving a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools, the principal or designee may petition to extend an expulsion at any time.

## **Notice**

The district will provide written notice of a petition to the student and parents/guardians in person, by mail, or by email within one (1) school business day from the date the superintendent or designee received the petition. The written notice must include:

- A copy of the petition;
- The right of the student and parents/guardians to an informal conference with the 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/guardians; and
- The right of the student and parents/guardians to respond to the petition orally or in writing to the superintendent or designee within five (5) school business days from the date the district provided the written notice.

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The 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 superintendent or designee must deliver a written decision to the principal or designee, the student, and the student's parents/guardians in person, by mail, or by email within ten (10) school business days after receiving the petition.

If the superintendent or designee does not grant the petition, the written decision must identify the date when the expulsion will end.

If the superintendent or designee grants the petition, the written decision must include:

- The date on which the extended expulsion will end;
- 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
- Notice of the right of the student and parents/guardians to request a review and reconsideration. The notice will include where and to whom to make such a request;

## Review and Reconsideration of Extension of Expulsion

The student or parents/guardians may request that the board or disciplinary appeal council review and reconsider the decision to extend the student's expulsion. The student or parents/guardians may request the review orally or in writing within ten (10) school business days from the date the superintendent or designee provides the written decision.

The board or disciplinary appeal council may request to meet with the student or parents/guardians or the principal to hear further arguments and gather additional information.

The decision of the board or disciplinary appeal council may be made only board or disciplinary appeal council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision.

The board or disciplinary appeal council will provide a written decision to the student and parents/guardians 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:

- Whether the board or disciplinary appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
- The date when the extended expulsion will end.

Any extension of an expulsion may not exceed the length of an academic term.

The district will annually report the number of petitions approved and denied to the Office of Superintendent of Public Instruction.

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## Educational Services

The district will offer educational services to enable a student who is suspended or expelled 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.

When providing a student the opportunity to receive educational services during exclusionary discipline, the school must consider:

- Meaningful input from the student, parents/guardians, 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.

After considering the factors and input described above, the district will determine a student's educational services on a case-by-case basis. The types of educational services the district will consider include alternative schools, one-on-one tutoring (when available), and online learning. Any educational services in an alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline.

As soon as reasonably possible after administering a suspension or expulsion, the district will provide written notice to the student and parents/guardians about the educational services the district will provide. The notice will include a description of the educational services and the name and contact information of the school personnel who can offer support to keep the student current with assignments and course work.

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.

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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/guardians 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 teachers 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/guardians, and the student's teachers about the student's academic progress.

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 the "Course of Study" provisions of [WAC 392-121-107](#).

## **Readmission**

### **Readmission Application Process**

The readmission process is different from and does not replace the appeal process. Students who have been suspended or expelled may make a written request for readmission to the district at any time. If a student desires to be readmitted at the school from which the student was suspended/expelled, the student will submit a written application to the principal or designee, who will recommend admission or non-admission. If a student wishes admission to another school, the student will submit the written application to the superintendent or designee. The application will include:

- The reasons the student wants to return and why the request should be considered;
- Any evidence that supports the request; and
- A supporting statement from the parent/guardian or others who may have assisted the student.

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

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## **Reengagement**

### **Reengagement Meeting**

The reengagement process is distinct from a written request for readmission. The reengagement meeting is also distinct from the appeal process, including an appeal hearing, and does not replace an appeal hearing. The district must convene a reengagement meeting for students with a long-term suspension or expulsion.

Before convening a reengagement meeting, the district will communicate with the student and parents/guardians to schedule the meeting time and location. The purpose of the reengagement meeting is to discuss with the student and the student's parents/guardians a plan to reengage the student. 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/guardians request a prompt reengagement meeting.

### **Reengagement Plan**

The district will collaborate with the student and parents/guardians 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/guardian 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/guardians, 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/guardians. The district must take reasonable steps to ensure that both the reengagement meeting and the reengagement plan are in a language the student and parents/guardians understand.

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## **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:

- 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;
- 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.

Cross reference:

[Board Policy 3300](#)

~~Corrective Actions~~ **Student Discipline**

**Proposed: April 2019**