

Students

Student Discipline – Procedures

The purpose of this student discipline procedure is to implement the district’s student discipline policy as adopted by the Board. These procedures are consistent with the student discipline policy, as well as applicable federal and state laws.

I. Definitions

For purposes of the student discipline policy and procedures, the following definitions apply:

- A. **Behavioral violation** means a student’s behavior that violates the district’s discipline policies and procedures.
- B. **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) 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.
- C. **Culturally responsive** has the same meaning as “cultural competency” in RCW 28A.410.270.
- D. **Discipline** means any action taken by a school district in response to behavioral violations.
- E. **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.
- F. **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.
- G. **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.
- H. **Length of an academic term** means the total number of school days in a semester, as defined by the School Board.

- I. **Other forms of discipline** mean 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.
- J. **Parent** has the same meaning as in WAC 392-172A-01125.
- K. **School Board** means the governing board of directors of the local school district.
- L. **School business day** means any calendar day, except Saturdays, Sundays, or any federal, state or school holiday, 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.
- M. **School day** means any day or partial day that students are in attendance at school for instructional purposes.
- N. **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.
 - (a) **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.
 - (b) **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.
 - (c) **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.

II. **Engaging with Families & Language Assistance**

The district will provide for early involvement of parents in efforts to support students in meeting behavioral expectations. Additionally, school personnel will make every reasonable attempt to involve the student and parent in the resolution of behavioral violations.

The district will ensure that it provides all discipline related communication (oral and written) in a language the student and parent(s) understand. This may require language assistance for students and parents with limited English proficiency under Title VI of the Civil Rights Act of 1964 and accommodations for parents and students with communication disabilities. For parents who are unable to read any language, the district

will provide written material orally.

III. Supporting Student with Other Forms of Discipline

The administration of other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior available online at: <https://www.k12.wa.us/student-success/support-programs/learning-assistance-program-lap/menus-best-practices-strategies/behavior-menu-best-practices-strategies>.

In accordance with WAC 392-400-110(1)(e), the district has identified the following other forms of discipline that school personnel should administer before or instead of exclusionary discipline to support students in meeting behavioral expectations:

- Parent/guardian notification of behavioral violations;
- Conference with student and/or parent/guardian;
- Changes to schedule/classes/seating in an effort to improve the student's behavior;
- Social skills instruction;
- Use of de-escalation strategies;
- Detention before school, during recess and/or after school. Detention will not extend beyond the time of departure of the bus upon which the student rides unless the student's parent/guardian has received prior notification;
- Special assignments;
- Restriction of school-related activities;
- Behavior contracts or agreements;
- Counseling in behavior expectations and potential consequences for behavior violations;
- Requiring restitution and/or an apology;
- Mentoring of student to assist in meeting behavior expectations;
- Mediation;
- Restorative justice practices; or
- Confiscation of inappropriate items.

All school personnel are authorized to implement other forms of discipline identified above. At least annually, school personnel at each district school will review the identified best practices and strategies for other forms of discipline.

IV. 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 school transportation. Staff have the responsibility to provide a safe and supportive

learning environment for all students during school-related activities. In accordance with the student discipline policy, district staff will administer discipline in ways that 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.

Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The Superintendent or designee has general authority to administer discipline, including all exclusionary discipline. The Superintendent designates disciplinary authority to impose in-school suspension, short-term suspension, long-term suspension, expulsion and emergency expulsion to school principals and their administrative designees and district administrators who have direct control over student programs.

Exclusions from transportation or extra-curricular activities and detention

The Superintendent authorizes principals and their administrative designees to administer other forms of discipline that exclude a student from transportation services or extracurricular activities or impose detention. For students who meet the definition of homeless, the district will provide transportation according to 3115 –Students Experiencing Homelessness.

The district will not administer other forms of discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements. The district will not exclude a student from transportation services without providing access to alternative transportation the student needs to participate fully in regular educational services or educational services provided during suspension or expulsion.

Students and parents may challenge the administration of other forms of discipline, including exclusions from transportation or extra-curricular activities and detentions using the district's grievance procedures.

Classroom exclusions

In accordance with this procedure, teachers have authority to 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. In accordance with this policy and procedure and building discipline standards. Additionally, the district authorizes principals and their administrative designees, and district administrators to administer classroom exclusion with the same authority and limits of authority as classroom teachers.

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, the teacher or other school personnel

must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. A classroom exclusion may be administered for all or any portion of the balance of the school day. If the student is excluded for longer than the balance of the school day or the student is removed from school, the district will provide notice and due process for a suspension, expulsion, or emergency expulsion, as appropriate.

The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion. The district will not administer other forms of discipline or classroom exclusions, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

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 the principal's 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. As noted above, the district must ensure that this notification is in a language and form (i.e. oral or written) the parents understand.

When the teacher or other authorized school personnel administers a classroom exclusion 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:

1. The teacher or other school personnel must immediately notify the principal or the principal's designee; and
2. The principal or the principal's 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 district's following grievance procedures set forth below.

V. Grievance Process for Other Forms of Discipline and Classroom Exclusion

Any student or parent/guardian who is aggrieved by the administration of classroom exclusion and/or other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activities and detention, has the right to an informal conference with the principal or designee to attempt resolve the grievance. Such request must be made within ten (10) school business days of the imposition of the other form of discipline or classroom exclusion. If the grievance pertains to the

actions of an employee, the employee will be notified of the initiation of a grievance as soon as reasonably possible.

During the conference, the student and parent/guardian will have the opportunity to share the student's perspective and explanation regarding the behavioral violation. Staff members will have the opportunity to respond to the issues and questions related to the grievance matter. Additionally, the principal or designee will have the 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 resolved, the parent and student will have the right, upon (2) school business days; prior notice, to present a written and/or oral grievance to the Superintendent or designee. 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 this grievance process will not impede or postpone the disciplinary action unless the principal or Superintendent elects to postpone such action.

VI. Suspension and Expulsion - General Conditions

- A. The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the school 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.
- B. The district will not administer discipline, including suspension and expulsion, in any manner related to 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.
- C. The district will not administer any discipline including suspension or expulsion, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirement.
- D. The district will provide the parent(s)/guardian(s) opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion. Additionally, the Superintendent or designees identified in this procedure must consider the student's individual circumstance and the nature of the violation before administering any suspension or expulsion to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

- E. The principal or designee 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 the discipline.
- F. 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 must allow the student to petition for readmission at any time. The district will not administer any discipline in a manner that prevents a student from completing subject, grade-level, or graduation requirements.
- G. 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 must provide an opportunity for students to receive educational services during a suspension or expulsion in accordance with WAC [392-400-610](#). The district will not suspend or expel a student from school for absences or tardiness.
- H. If during a suspension or expulsion the district enrolls a student in another program or course of study, the district may not preclude the student from returning to the student's regular educational setting following the end of the suspension or expulsion, unless one of the following applies:
 - 1. The Superintendent or designee grants a petition to extend a student's expulsion under WAC [392-400-480](#);
 - 2. The change of setting is to protect victims under WAC [392-400-810](#); or
 - 3. Other law precludes the student from returning to their regular educational setting.

VII. Short-Term and In-School Suspensions – Conditions and Limitations

Before considering administering an in-school or short-term suspension, designated staff members must have first attempted one or more other forms of discipline to support the student in meeting behavioral expectations.

For students in kindergarten through fourth grade, the district will not administer 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 in-school or short-term suspension for more than fifteen (15) cumulative school days during any single semester. Additionally, the district will not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

When administering an in-school suspension, school personnel will 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 will 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.

In accordance with the other provisions in this procedure, the types of behavioral violations for which the district may administer a short-term or in-school suspension include the following categories of behaviors, among other behavioral violations, including those set forth in RCW 28A.600.015(6)(a)-(d):

- Arson;
- Assault;
- Being under the influence of drugs, alcohol and mind-altering substances or other violations related to such substances, including possession, sale or delivery;
- Bomb threats or false alarms that cause a disruption to the school process;
- Cheating or disclosure of exams;
- Conduct which knowingly creates a disturbance, including but not limited to: occupying a school building or school grounds in order to deprive others of its use; blocking the entrance or exit of any school building or room in order to deprive others of passing through; preventing students from attending a class or school activity; blocking normal pedestrian or vehicular traffic on a school campus; interfering seriously with the conduct of any class or activity;
- Criminal activity;
- Defaming another person;
- Destruction of property;
- Disruptive dress and appearance;
- Endangering self, other students or staff;
- Engaging in extortion, blackmail or coercion;
- Fighting including instigating, promoting, or escalating a fight, and failure to disperse from a fight, regardless of who initiated the fight;
- Gang-related activity;
- Harassment, intimidation or bullying;
- Lewd conduct;
- Lying;
- Making false statements or accusations that undermine the health, safety and security of the community;
- Refusing to cease prohibited behavior or follow the lawful instructions of school personnel;
- Sexual misconduct that could constitute sexual assault or harassment;
- Theft;
- Threats of violence or to kill another person;
- Trespassing or refusing to leave when ordered to do so;
- Verbal abuse;

- Use, possession, sale or delivery of tobacco substances including, but not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices and vapor products, non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances and any other smoking equipment, device, material or innovation;
- Use of motor vehicles on school property in a way that jeopardizes safety;
- Use or possession of weapons or explosives; and
- Violation of terms of suspension.

This list does not reflect all types of behavioral violations for which the district may administer discipline. The district is not required to administer a short-term or in-school suspension for the above behavioral violations and may administer appropriate discipline as allowed in this procedure after consideration of the individual circumstances involved.

VIII. Long-Term Suspensions and Expulsions – Conditions and Limitations

A. Imposition of Long-Term Suspensions and Expulsions:

Before administering a long-term suspension or 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.

The district may determine that long-term suspension or expulsion is appropriate only for behavioral violations that meet the definitions provided under RCW 28A.600.015(6)(a)-(d) set forth below:

1. Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
2. Any of the following offenses listed in RCW 13.04.155, including:
 - a. Any violent offense as defined in RCW 9.94A.030
 - b. Any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a Class A felony;
 - c. Manslaughter;
 - d. Indecent liberties committed by forcible compulsion;
 - e. Kidnapping;
 - f. Arson;
 - g. Assault in the second degree;
 - h. Assault of a child in the second degree;
 - i. Robbery;

- j. Drive-by shooting; and
 - k. 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;
3. 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 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;
 4. Unlawful possession or delivery , or both , of a controlled substance violation of chapter 69.50 RCW;
 5. Any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
 6. Two or more violations of the following within a three-year period:
 - (a) Criminal gang intimidation in violation of RCW 9A.46.120, (b) Gang activity on school grounds in violation of RCW 28A.600.455; (c) Willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and (d) Defacing or injuring school property in violation of RCW 28A.635.060.
 7. Any student behavior that adversely impacts the health or safety of other students or educational staff. As used in this policy, the district defines the phrase “student behavior that adversely impacts the health or safety of other students or educational staff” as including, but not limited to, the following examples:
 - a. Criminal acts; inconsistent with medical directives;
 - b. The commission or conspiracy to commit physical or verbal intimidation;
 - c. Behavior that constitutes harassment, intimidation and bullying under Policy 3207 where such acts adversely impact health and safety as determined by district administration;
 - d. An act (or acts) of theft where such acts adversely impact health and safety as determined by district administration; and
 - e. Student behavior that constitutes a substantial and ongoing disruption to the educational process or environment and adversely impacts the health and safety of other students and educational staff.

The district may only administer long-term suspension or expulsion after determining that the student would pose an imminent danger to others or, in the case of long-term suspension, an imminent threat of material and substantial disruption of the educational process should they return to school before an imposed length of exclusion.

B. Duration of Long-Term Suspensions and Expulsions:

A long-term suspension will not exceed the length of an academic term, as defined by the School Board. A long-term suspension may not be administered 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 per the procedure set forth in the section below titled **Petition for Extension of Expulsion**. An expulsion may be administered beyond the school year in which the behavioral violation occurs.

In accordance with RCW [28A.600.420](#), a school 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.

A school 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 students while engaged in a district authorized military education; a district authorized firearms convention or safety course; or district authorized rifle competition.

Except for a firearm violation 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 will notify relevant special education staff of the suspension or expulsion so that the district can ensure it follows policy and procedure 2161 – Special Education and Related Services for Eligible Students as well as this student discipline policy and procedure.

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.

C. Suspensions and Expulsions – Notice

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

- a. A description of the student's behavior and how the behavior violated this 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 right of the student and parent(s)/guardian(s) to an informal conference with the principal or designee;

- f. The right of the student and parent(s)/guardian(s) to appeal the suspension or expulsion; and
- g. For any long-term suspension or expulsion, the opportunity for the student and parent(s)/guardian(s) to participate in a reengagement meeting.

IX. Emergency Expulsions -Conditions and Limitations

A. Imposition of an Emergency Expulsion:

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 presence poses:

1. An immediate and continuing danger to other students or school personnel; or
2. 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:

1. 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
2. School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

B. Duration of an Emergency Expulsion:

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.

If the district converts an emergency expulsion to a suspension or expulsion, the district must:

- a. Apply any days the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
- b. Provide the student and parent/guardian with notice and due process rights under WAC 392-400-430 through 392-400-480 appropriate to the new disciplinary action.

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 Superintendent or designee within twenty-four (24) hours after the start of the emergency expulsion.

C. Notice Requirements for Emergency Expulsions:

After an emergency expulsion, the district must attempt to notify the student's parent/guardian, 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.

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

1. 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;
2. The duration and conditions of the emergency expulsion, including the date on which the emergency expulsion will begin and end;
3. The opportunity to receive educational services during the emergency expulsion;
4. The right of the student and parent/guardian to an informal conference with the principal or designee; and
5. The right of the student and parent/guardian to appeal the emergency expulsion, including where and to whom the appeal must be requested.

X. Appeal and Reconsideration of Suspensions and Expulsions

The following procedures apply to the appeal and review and reconsideration of short-term suspensions, long-term suspensions, expulsions and emergency expulsions.

A. Optional Informal Conference with Principal for all Suspensions and Expulsions

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

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 parent/guardian.

During the informal conference, the student and parent/guardian will have the opportunity to share the student's perspective and explanation regarding the behavioral violation and the events that led to the exclusion. 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 and discuss other forms of discipline that may be administered.

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

B. Appeals of all Suspensions and Expulsions

A student or parent/guardian may appeal a suspension, expulsion or emergency expulsion to the Superintendent or designee orally or in writing.

Timing: For suspensions or expulsions, the request for appeal must be made within five (5) school business days from when the district provided the student and parent/guardian with written notice.

For emergency expulsions, the request for appeal must be made within three (3) school business days from when the district provided the student and parent/guardian with written notice.

C. Appeal of In-School and Short-term Suspensions:

Process: The Superintendent or designee will provide the student and parent/guardian the opportunity to share the student's perspective and explanation regarding the behavioral violation giving rise to the short-term suspension orally or in writing.

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

1. The decision to affirm, reverse, or modify the suspension;
2. The duration and conditions of the suspension, including the beginning and ending dates;
3. The educational services the district will offer during the suspension; and
4. 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.

D. Appeal of Long-Term Suspensions, Expulsions or Emergency Expulsions

Notice: For long-term suspensions, expulsions or emergency expulsions, the Superintendent or designee will provide the student and parent/guardian 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:

1. The time, date, and location of the appeal hearing;
2. The name(s) of the official(s) presiding over the appeal;
3. The right of the student and parent/guardian to inspect the student's education records;
4. The right of the student and parent/guardian to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
5. The rights of the student and parent/guardian to be represented by legal counsel at the student and parents'/guardians' own expense; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
6. For long-term suspensions and expulsions, whether the district will offer a reengagement meeting before the appeal hearing. The student, parent/guardian and district may agree to hold such meeting and develop a reengagement plan before the appeal hearing. The student, parent/guardian, and district may mutually agree to postpone the appeal

hearing while participating in the reengagement process.

Timing: For long-term suspensions or expulsions, 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 parent/guardian.

For emergency expulsions, the district will hold an appeal hearing within two (2) school business days after the Superintendent or designee received the appeal request, unless otherwise agreed to by the student and parent/guardian.

Hearing Procedures: The appeal hearing will be conducted by a hearing officer designated by the Superintendent to hear and decide appeals pursuant to this procedure. The hearing officer will not have been involved in the student's behavioral violation or decision to suspend or expel the student and will be knowledgeable about the discipline rules and the district's discipline policies and procedures.

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 student(s) and others involved, the district will hold hearing without public notice and without public access unless the student(s) and/or the parent(s)/guardian(s) 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 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 and student have the right to petition for an individual hearing.

Upon request, the student, parent/guardian or their legal representative and district may inspect any documentary or physical evidence and list of any witnesses that will be introduced at the appeal hearing. This information will be

made 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 parent/guardian 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.

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:

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

At the hearing, the student and parent/guardian have the right to be represented by legal counsel at the student and parents'/guardians' own expense; question witnesses; share the student's perspective and provide explanation regarding the behavioral violation; and introduce relevant documentary, physical or testimonial evidence.

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

Decision: For appeals of long-term suspensions or expulsions, the presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and parent/guardian in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision must include:

1. The findings of fact;
2. A determination whether (a) the student's behavior violated district 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;
3. The duration and conditions of suspension or expulsion, including the beginning and ending dates;
4. Notice of the right of the student and parent/guardian to request a review and reconsideration of the appeal decision. The notice will include where

and to whom to make such a request; and

5. Notice of the opportunity for a reengagement meeting and contact information for the person who will schedule the meeting.

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

1. The findings of fact;
2. A determination whether the student's statements or behaviors continue to pose (a) an immediate and continuing danger to students or school personnel; or (b) an immediate and continuing threat of material and substantial disruption of the educational process;
3. 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 parent/guardian notice and due process consistent with the disciplinary action to which the emergency expulsion was converted; and
4. Notice of the right of the student and parent/guardian to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

Discipline Pending Appeal: 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:

1. The suspension or expulsion is administered for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
2. 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
3. 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.

E. **Reconsideration of Appeal for all Suspensions, Expulsions or Emergency Expulsion**

The student or parent/guardian may request the School Board review and reconsider the district's appeal decision for all suspensions and expulsions and emergency expulsions. This request may be either orally or in writing.

Timing: For suspensions or expulsions, the student or parent/guardian must request review within ten (10) school business days from when the district provided the student and parent/guardian with the written appeal decision.

For emergency expulsions, the student or parent/guardian must request a review within five (5) school business days from when the district provided the student and parent/guardian with the written appeal decision.

Process: In reviewing the district's decision, the School Board must consider all documentary and physical evidence from the appeal hearing related to the behavioral violation; any records from the appeal hearing; relevant state law; and the district's discipline policies and procedures. Any meeting of the Board to review the district's decision is quasi-judicial in nature and not subject to the Open Public Meetings Act.

The School Board may request to meet with the student and parent/guardian, the principal, witnesses, and/or school personnel to hear further arguments and gather additional information.

The decision of the School Board will be made only by Board members who were not involved in (a) the behavioral violation; (b) the decision to suspend or expel the student; or (c) the appeal decision.

Decision: For review of suspensions or expulsions, the School Board will provide a written decision to the student and parent/guardian 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:

1. Whether the School Board affirms, reverses, or modifies the suspension or expulsion;
2. The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
3. For long-term suspensions and expulsions, notice of the opportunity to participate in a reengagement meeting.

For review of emergency expulsions, the School Board will provide a written decision to the student and parent/guardian 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:

1. Whether the School Board affirms or reverses the district's decision that the student's statements or behaviors posed (a) an immediate and continuing danger to students or school personnel; or (b) an immediate and continuing threat of material and substantial disruption of the educational process.
2. 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 392-400-430 through 392-400-480 consistent with the disciplinary action to which the emergency expulsion was converted.

XI. Petition to Extend an Expulsion

- A. 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.

- B. Notice

The district will provide written notice of a petition to the student and parent(s) 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 parent(s) 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 parent(s); and
- The right of the student and parent(s) 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.

- C. 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, the student, and the student's parent(s)/guardian(s) 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 parent(s) to request a review and reconsideration. The notice will include where and to whom to make such a request;

- D. Review and Reconsideration of extension of expulsion
The student or parent(s)/guardian(s) may request that the School Board review and reconsider the decision to extend the student's expulsion. The student or parent(s)/guardian(s) 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 School Board may request to meet with the student or parent(s)/guardian(s) or the principal to hear further arguments and gather additional information.

The decision of the School Board may be made only Board members who were not involved in the behavioral violation, the decision to expel the student, or the

appeal decision.

The School Board will provide a written decision to the student and parent(s)/guardian(s) 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 School Board 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 (OSPI).

XII. Educational Services During Suspension, Expulsion or Emergency Expulsion

The district will offer educational services to enable a student who is suspended, expelled or emergency expelled that allow the student to:

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

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

1. Meaningful input from the student, parent/guardian, and the student's teachers;
2. 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
3. Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

The district may provide educational services in an alternative setting or modify the suspension or expulsion on a case-by-case basis. 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 parent/guardian 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, the district will provide:

1. Course work, including any assigned homework, from all of the student's regular subjects or classes;
2. 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
3. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

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:

1. Course work, including any assigned homework, from all of the student's regular subjects or classes;
2. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and
3. 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 parent/guardian 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:
 - a. 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
 - b. Communicate with the student, parent/guardian, and the student's teacher(s) about the student's academic progress.

For students' subject to expulsion or suspension for more than ten (10) consecutive school days, the district will provide educational services in accordance with WAC 392-121-107.

XIII. Readmission

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 has 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, 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 or others who may have assisted the student.

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

XIV. Reengagement Plan

After imposing a long-term suspension or expulsion, the district will collaborate with the student and parent(s)/guardian(s) 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 parent(s)/guardian(s), or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

A reengagement meeting must be held:

- a. 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 returns to school; or
- b. As soon as reasonably possible, if the student or parent(s)/guardian(s) request a prompt reengagement meeting.

The district must document the reengagement plan and provide a copy of the plan to the student and parents. The district must ensure that both the reengagement meeting and the reengagement plan are in a language the student and parents understand.

XV. Behavior Agreements

The district authorizes administrators, principals and vice-principals to enter into behavior agreements with students and a parent/guardian 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 students in meeting behavioral expectations. Behavior agreements may be supplemental to but will not replace best practices and strategies implemented at the classroom level to support students in meeting behavioral expectations. Behavioral agreements entered into with student's and parent(s)/guardian(s) under this section may not replace or negate provisions within a student's Individual Education Plan (IEP), 504 Plan, or Behavioral Intervention Plan (BIP). The district will provide any behavior agreement in a language and form the student and parent(s)/guardian(s) understand, which may require language assistance for student and parents with limited English proficiency under Title VI of the Civil Rights Act of 1964.

Any behavior agreement entered with a student does not waive that student's opportunity to participate in a reengagement meeting or to receive educational services during the period of suspension or expulsion. Behavior agreements will not exceed the length of an academic term and will not preclude the district from administering discipline for behavioral violations that occur after the district enters into a behavior agreement with the student and parent(s)/guardian(s).

Among other behavioral violations, the district may, but is not required to, enter behavior agreements with students and parents/guardians related to tobacco, drug and alcohol offenses.

XVI. Exceptions for the Purpose of 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:

1. A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward a teacher, will 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;
2. 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.

Revision Dates: July 29, 1992
July 2, 1996
November 12, 1997
May 27, 1998
July 26, 2006
January 14, 2009
August 24, 2016
July 11, 2018
August 28, 2019
August 24, 2022