

## 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 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 school staff 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 for up to ten (10) consecutive school days 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.
- **“Expulsion”** means a denial of admission to the student’s current school placement in response to a behavioral violation for no longer than the length of one academic term.
- **“Length of an academic term”** means the total number of school days in a semester.
- **“Other forms of discipline”** means actions used in response to problem behaviors and behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion.
- **“Parent/Guardian”** means any natural, adoptive or custodial parent or guardian.

- **“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 will be concluded 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.
  - **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.
  - **Short-term suspension** means a suspension in which a student is excluded from school for up to ten (10) consecutive school days.
  - **Long-term suspension** means a suspension in which a student is excluded from school for more than ten (10) consecutive school days.

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

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

The District must ensure that it provides all discipline related communications required in connection with this policy and procedure in a language the student and parent/guardian 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 parent/guardian with limited-English proficiency under Title VI of the Civil Rights Act of 1964. For a parent/guardian who is unable to read any language, the District will provide written material orally.

### **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 or more forms of other forms of discipline to support students in meeting behavioral expectations before imposing classroom exclusion, short-term suspension, or in-

school suspension. Before imposing a long-term suspension or expulsion, the District must first consider other forms of discipline.

The types of behaviors for which the staff members may use other forms of discipline include any violation of the rules of conduct, as developed annually by the Superintendent or designee. In connection with the rules of conduct, school principals and certificated building staff will confer at least annually to develop precise definitions and build consensus on what constitutes manifestation of problem behaviors. 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.

The district has identified the following as examples of other forms of discipline: ***behavior monitoring, mentoring, peer mediation, social skills instruction, counseling, de-escalation, behavior plans, check in-check out, restorative justice practices, detention, and community service.*** Staff members are not restricted to the above list and may use other forms of discipline compliant with WAC 392-400-025(9).

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 requirements.

### **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 the school bus.

### ***Classroom exclusions***

After attempting at least one other form of discipline, teachers have statutory authority to 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, school 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.

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 any form of discipline, including classroom exclusions, in a manner that would result in prevention of 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 as identified) must report the classroom exclusion, (including the specific behavioral violation that led to the classroom exclusion) to the principal or the principal's 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 the principal's designee must notify the student's parent/guardian 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 the parent/guardian understands.

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:

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/guardian grievances regarding

classroom exclusion through the grievance procedures.

***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 for resolving the grievance. If the grievance pertains to the action of an employee, the District will notify that employee of the grievance as soon as reasonably possible.

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 the opportunity to respond to the issues and questions related to the grievance matter. Additionally, the principal 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 yet resolved, the parent/guardian and student will have the right, upon two (2) school business days prior notice, to present a written and/or oral grievance to the Executive Director of Elementary or Secondary Schools. The Executive Director of Elementary or Secondary Schools will provide the parent/guardian and student with a written copy of its response to the grievance within ten (10) school business days. Use of the grievance process will not impede or postpone the disciplinary action, unless the principal or the Executive Director of Elementary or Secondary Schools elects to postpone the disciplinary action.

Discipline that may be grieved under this section includes other forms of discipline, including after-school detention; classroom exclusion; removal or suspension from athletic activity or participation; and removal or suspension from school-provided transportation.

***Suspension and expulsion – 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 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. 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 requirements.

As stated above, the District must have provided the parent/guardian opportunity for involvement to support the student and resolve behavioral violations before administering a suspension or expulsion. Additionally, the Principal or designee must consider the student's individual circumstances and the nature of the violation before administering a short-term or in-school suspension.

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 Executive Director of Elementary or Secondary Schools within twenty-four (24) hours after the administration. Reporting the behavioral violation that led to the suspension or expulsion as "other" is insufficient.

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.

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:

- The Superintendent or designee grants a petition to extend a student's expulsion.
- The change of setting is to protect victims, or
- Other law precludes the student from returning to the regular educational setting.

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 or designee 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 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.

The District strives to keep students in school, learning in a safe and appropriate environment. However, there are circumstances when the district may determine that in-school, short-term or long term suspension may be appropriate. In accordance with the other parameters of this policy, these circumstances may include the following types of student behaviors:

- Being intoxicated or under the influence of a 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;
- Fighting: 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;
- Presenting indicators of a violent or criminal group as determined by guidance of law enforcement
- Harassment/intimidation/bullying;
- Intentional deprivation of student and staff use of school facilities;
- Intentional endangerment to self, other students, or staff, including endangering on a school bus;
- 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;

- Use or possession of weapons prohibited by state law.

### ***Emergency Expulsion***

A principal or designee 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.

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.

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 parent/guardian, 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 parent/guardian in person, by certified 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.

If the district converts an emergency expulsion to a suspension or expulsion, the district must apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion and provide the student and parent/guardian with notice and due process rights.

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 Executive Director of Elementary or Secondary Schools within twenty-four (24) hours after the start of the emergency expulsion.

***In-school suspension and short-term suspension  
Restorative center may be used in place of in-school  
suspension***

The Superintendent or designee designates school principals, assistant principals, deans, and principal designees with the authority to impose in-school and short-term suspension. Before administering an in-school, or short-term suspension, staff members must have first attempted one or more other forms of discipline to support the student in meeting behavioral expectations and considered the student's individual circumstances.

Initial conference

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

At the initial conference, the principal or designee will provide the student:

1. Notice of the student's violation of this policy;
2. An explanation of the evidence regarding the behavioral violation;

3. An explanation of the discipline that may be administered; and
4. An opportunity for the student to share his or her perspective and provide an explanation regarding the behavioral violation.

### Notice

No later than one (1) school business day following the initial conference with the student, the District will provide written notice of the suspension to the student and parent/guardian in person, by certified mail, or by email in a language and form the student and parent/guardian will understand. The written notice must include:

1. A description of the student's behavior and how the behavior violated this policy;
2. The duration and conditions of the suspension, including the dates on which the discipline will begin and end;
3. The other forms of discipline that the District considered or attempted, and an explanation of the District's decision to administer the suspension;
4. The opportunity to receive educational services during the suspension;
5. The right of the student and parent/guardian to an informal conference with the principal or designee; and
6. The right of the student and parent/guardian to appeal the in-school or short-term suspension;

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 semester. 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 semester. Additionally, the District will not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

### ***Long-term suspensions and expulsions***

Difference 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.

Before administering a long-term suspension or expulsion, District personnel must consider other forms of discipline to support the student in meeting behavioral expectations.

In general, the District strives to keep students in school, learning in a safe and appropriate environment. However, in accordance with the other parameters of this policy there are circumstances when the district may determine that long-term suspension or expulsion is appropriate for student behaviors listed in RCW 28A.600.015 which include:

- Any student behavior that adversely affects the health or safety of other students or educational staff.
- Two or more behavior violations of the following within a three-year period
  - Violent or criminal intimidation in violation of RCW 9A.46.120;
  - Violent or criminal activity on school grounds in violation of RCW 28A.600.455;
  - Willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
  - Defacing or injuring school property in violation of RCW 28A.635.060; and
- Having a firearm on school property or school transportation;
- 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;
- Inhaling toxic fumes in violation of chapter 9.47A RCW;
- Any controlled substance 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

- violent or criminal intimidation; and
- Any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and violent or criminal tagging and graffiti.

In addition to being a behavior specified in RCW 28A.600.015, before imposing a 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.

### Behavior agreements

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

A behavior agreement does not waive a student's opportunity to participate in a re-engagement 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 parent/guardian.

### Initial interview

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

1. Notice of the student's violation of this policy;
2. An explanation of the evidence regarding the behavioral violation;

3. An explanation of the discipline that may be administered; and
4. An opportunity for the student to share his or her perspective and provide an explanation regarding the behavioral violation.

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

### Notice

No later than one (1) school business day following the initial interview with the student, the district will provide written notice of the suspension or expulsion to the student and parent/guardian in person, by certified mail, or by email. If the parent/guardian cannot read any language, the district will provide language assistance. The written notice must include:

1. A description of the student's behavior and how the behavior violated this policy;
2. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
3. 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;
4. The opportunity to receive educational services during the suspension or expulsion;
5. The right of the student and parent/guardian to an informal conference with the principal or designee;
6. The right of the student and parent/guardian to appeal the suspension or expulsion; and
7. For any long-term suspension or expulsion, the opportunity for the student and parent/guardian to participate in a re-engagement meeting.

Other than for the firearm exception under WAC 392-400-820, the District will not impose a long-term suspension or expulsion for any student in kindergarten through fourth grade.

If a long-term suspension or expulsion exceeds ten (10) days, principals or designees 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 suspension or expulsion so that the district can ensure it follows its special education discipline procedures as well as its general education discipline procedures.

## **Appeal, Reconsideration, and Petition Optional conference with principal**

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 with the principal or designee to resolve the disagreement. The student or parent/guardian 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 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 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 parent/guardian to appeal the suspension or expulsion, participate in a re-engagement meeting, or petition for readmission.

## ***Appeals***

### Requesting an appeal

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

A student or the parent/guardian may appeal a suspension, expulsion, or emergency expulsion to the Executive Director of Elementary or Secondary Schools 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 conference 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.

#### In-school and short-term suspension appeal

For short-term and in-school suspensions, the Executive Director of Elementary or Secondary Schools will provide the student and parent/guardian the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

The Executive Director of Elementary or Secondary Schools must deliver a written appeal decision to the student and parent/guardian in person, by certified 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 to the student during the suspension; and
4. Notice of the student and parent/guardian's right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

#### Long-term suspension or expulsion and emergency expulsion appeal

For long-term suspension or expulsion and emergency expulsions, the Executive Director of Elementary or Secondary Schools will provide the student and parent/guardian written notice in person, by certified 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 of the official presiding over the appeal hearing;
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 who will be introduced at the hearing;
  5. The rights of the student and parent/guardian to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
  6. Whether the District will offer a re-engagement meeting before the appeal hearing.

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

### Hearings

For a long-term suspension or expulsion, the District will hold an appeal hearing within three (3) school business days after the Executive Director of Elementary or Secondary Schools receives the appeal request, unless otherwise agreed to by the student and parent/guardian. For an emergency expulsion, the District will hold an appeal hearing within two (2) school business days after the Executive Director of Elementary or Secondary Schools receives the appeal request, unless the student and parent/guardian agree to another time.

Upon request, the student and parent/guardian 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 parent/guardian intend to introduce at the appeal hearing. The student and parent/guardian 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 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 their non-appearance if the District establishes that:

- The district made a reasonable effort to produce the witness; and/or
- 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 parent/guardian provide them a copy of the recording.

For emergency expulsion, the District will provide a written decision to the student and parent/guardian in person, by certified 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.

For long-term suspension or expulsion, 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 certified mail, or by email within three (3) school business days after the appeal hearing. The written decision must include:

The findings of fact;

1. A determination whether
  - a. the student's behavior violated this policy,
  - b. the behavioral violation reasonably warrants the suspension or

- c. the suspension or expulsion is affirmed, reversed, or modified.
2. The duration and conditions of suspension or expulsion, including the beginning and ending dates;
3. 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
4. Notice of the opportunity for a re-engagement meeting and contact information for the person who will schedule it.

### ***Reconsideration of appeal***

The student or parent/guardian may request that the school board review and reconsider the District's appeal decision for emergency expulsion, long-term suspensions or expulsions. This request may be either oral or in writing.

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

- In reviewing the District's decision, the school board must consider
  1. all documents and evidence from the appeal hearing related to the behavioral violation;
  2. any records from the appeal hearing;
  3. relevant state law; and
  4. district policy.
- 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 the behavioral violation, the decision to suspend or expel the student; or the appeal decision.

For emergency expulsion, the school board will provide a written decision to the student and parent/guardian in person, by certified 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 an immediate and continuing danger to students or school personnel; or 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 parent/guardian notice and due process consistent with

the disciplinary action to which the emergency expulsion was converted.

For long-term suspension or expulsion, the student or parent/guardian may request a review within ten (10) school business days from when the District provided the student and parent/guardian with the written appeal decision. The school board will provide a written decision to the student and parent/guardian in person, by certified 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 or expulsions, notice of the opportunity to participate in a re-engagement meeting.

### ***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 for authorization to exceed the academic term limitation on an expulsion. The petition must inform the Superintendent of:

1. The behavioral violation that resulted in the expulsion and the public health or safety concerns;
2. The student's academic, attendance, and discipline history;
3. Any non-academic supports and behavioral services the student was offered or received during the expulsion;
4. The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
5. The proposed extended length of the expulsion; and
6. The student's re-engagement plan.

The principal or designee may petition to extend an expulsion only after the development of a re-engagement plan 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 parent/guardian in person, by certified mail, or by email within one (1) school business day from the date the Superintendent receives the petition. The written

notice must include:

1. A copy of the petition;
2. The right of the student and parent/guardian 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/guardian; and
3. The right of the student and parent/guardian 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.

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

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

If the Superintendent grants the petition, the written decision must include:

1. The date on which the extended expulsion will end;
2. 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
3. Notice of the right of the student and parent/guardian 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 parent/guardian may request that the school board review and reconsider the decision to extend the student's expulsion. The student or parent/guardian 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/guardian or the principal to hear further arguments and gather additional information.

The decision of the school board may be made only by 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/guardian in person, by certified 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 decision to extend the student's expulsion; and
2. 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.

### **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 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, parent/guardian 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.

For students subject to suspension or emergency expulsion up to ten (10) 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 coursework 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.

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 he/she has been suspended/expelled, the student will submit a written request to the principal, who will recommend admission or non-admission. If a student wishes admission to another school, he/she will submit the written application to the Executive Director of Elementary or Secondary Schools. The application will include:

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

The principal or the Executive Director of Elementary or Secondary Schools will advise the student and parent/guardian of the decision within seven (7) school days of the receipt of such application.

## **Re-engagement**

### ***Re-engagement Meeting***

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

Before convening a re-engagement meeting, the District will communicate with the student and parent/guardian to schedule the meeting time and location. The purpose of the reengagement meeting is to discuss with the student and parent/guardian a plan to re-engage the student.

The re-engagement meeting must occur:

- Within twenty (20) calendar days of the start of the student’s long-term suspension or expulsion, but no later than five (5) calendar days before the student’s return to school; or

- As soon as reasonably possible, if the student or parents request a prompt re-engagement meeting.

### ***Re-engagement plan***

The District will collaborate with the student and parent/guardian to develop a culturally-sensitive and culturally-responsive re-engagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a re-engagement plan, the district must consider:

1. The nature and circumstances of the incident that led to the student's suspension or expulsion;
2. As appropriate, student's cultural histories and contexts, family cultural norms and values, community resources, and community and parent/guardian outreach;
3. Shortening the length of time that the student is suspended or expelled;
4. Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
5. Supporting the student, parent/guardian, 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 re-engagement plan and provide a copy of the plan to the student and parent/guardian. The District must ensure that both the re-engagement meeting and the re-engagement plan are in a language the student and parent/guardian understand.

### ***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.

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