Procedure - Student Discipline

Introduction

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 board's student discipline policy, as well as all applicable federal and state laws.

Definitions

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

- **"Behavioral violation"** means a student's behavior that violates the district's discipline policy and this procedure.
- **"Classroom exclusion"** means the exclusion of a student from a classroom and instructional or activity area for a discretionary behavioral violation that creates a disruption of the educational process.
- **"Corrective action"** means disciplinary and non-disciplinary actions taken by a certificated educator. Non-disciplinary actions include evidence-based interventions and support outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations.
- **"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.
- **"Discretionary discipline"** means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by the board under RCW 28A.600.015(6). Discretionary discipline does not include evidence-based interventions and support outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations. Disciplinary action may include, but is not limited to, oral or written reprimands or written notification to parents of disruptive behavior, a copy of which must be provided to the principal.
- **"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 removal"** means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.
- **"Expulsion"** means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.
- **"Length of an academic term"** means the total number of school days in a single trimester or semester, as defined by the board of directors.
- **"Nondiscretionary discipline"** means (a) violations of RCW 28A.600.420; (b) an offense listed in RCW 13.04.155; (c) two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020. or 28A.635.060 within a three-year period; or (d) behavior that adversely impacts the health or safety of other students or educational staff.
- **"Parent" has the same meaning as in** WAC 392-172A-01125, and means (a) a biological or adoptive parent of a child; (b) a foster parent; (c) a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state; (d) an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare; or a surrogate parent who has been appointed in accordance with WAC 392-172A-05130. If the biological or adoptive parent is attempting to act as the parent and more than one party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific

person or persons to act as the "parent" of a child or to make educational decision on behalf of a child, then that person or persons shall be determined to be the parent for purposes of this policy and procedure.

- **"School board"** means the governing board of directors of the local school district.
- **"School business day"** means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the office of the Superintendent is open to the public for business. A school business day concludes or terminates upon the closure of the Superintendent's office for the calendar day.
- **"School day"** means any day or partial day that students are in attendance at school for instructional purposes.
- **"Suspension"** means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including expulsions, or emergency removals. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.
    - **In-school suspension** means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
    - **Short-term suspension** means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
    - **Long-term suspension** means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

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 communications (oral and written) required in connection with this policy and procedure in a language the student and parent(s) understand. These discipline-related communications include notices, hearings, conferences, meetings, plans, proceedings, agreements, petitions, and decisions. This effort may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. This effort may require accommodations for parents and students with communication disabilities. For parents who are unable to read any language, the district will provide written material orally.

School Meals, Graduation Requirements, and Recess

The district will not discipline a student in a manner that would result in the denial or delay of a nutritionally adequate meal.

The district will not discipline a student in a manner that would prevent the student from completing subject, grade-level, or graduation requirements.

Recess should not be withheld as discipline.

Behavioral Violations

Having sought the participation of school personnel, students, parents, families, and the community, the district has developed definitions for the following behavioral violations, which clearly state the types of behaviors for which discipline—including classroom exclusion, suspension, and expulsion—may be administered:

Insert a list of behavioral violations, organized by levels of severity and indicating the range of potential discipline that may be administered. Districts should seek to identify observable, quantifiable behaviors, and avoid subjective categories. Districts may use the supplemental document **3141F1** - District Discipline Matrix and **3141F2** - District Continuum of Discipline Responses as an examples of behavioral violation definitions that are consistent with federal and state laws. However, WAC 392-400-110 requires

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development and review of definitions for behavioral violations with the participation of school personnel, students, parents, families, and the community.

The district will continue to further develop and/or revise the definitions of behavioral violations to reduce the effect of implicit or unconscious bias.

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. Staff have the responsibility to provide a safe and supportive learning environment for all students during school-related activities. In accordance with the board's 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 has general authority to administer discipline, including all exclusionary discipline. If the district wants other staff members to have exclusionary discipline authority, the procedure must identify them by title. The Superintendent designates disciplinary authority to impose in-school suspension and short-term suspension to i.e. school principals, to impose long-term suspension to i.e. school principals, Assistant Superintendents, to impose expulsion to i.e. school principals, Assistant Superintendents, and to impose emergency removal to i.e. school principals, Assistant Superintendents.

Exclusions from transportation or extra-curricular activities and detention

The Superintendent authorizes *insert district staff by title (i.e. school principals)* to 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 – Enrollment Rights and Services.

Authorized staff may administer lunch or after-school detention for not more than *insert# minutes* on any given day. Before assigning detention, the staff member will inform the student of the specific behavioral violation prompting their decision to administer detention and provide the student with an opportunity to share their perspective and explanation regarding the behavioral violation. At least one school personnel will directly supervise students during the duration of any detention.

Classroom exclusions

A teacher may exclude a student from the teacher's individual classroom and instructional or activity area while the student is under the teacher's immediate supervision. Except in emergency circumstances, a teacher must first attempt one or more alternative forms of corrective action before excluding a student.

A classroom exclusion may be administered for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. A classroom exclusion that exceeds this time period, and if such students have repeatedly disrupted the learning of other students, may be considered a suspension in accordance with this procedure and must provide for early involvement of parents in attempts to improve the student's behavior.

A classroom exclusion does not include actions that result in missed instruction when the following apply:

1. A teacher or other school personnel uses evidence-based classroom management practices outlined in RCW 28A.405.100, RCW 28A.410.260, and RCW 28A.410.270 to support the student in meeting behavioral expectations.
2. The student remains under the supervision of the teacher or other school personnel.

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

Following the classroom exclusion of a student, the teacher must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or the principal's designee as

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soon as reasonably possible. The principal or designee must report all classroom exclusions, including the behavioral violation that led to it to the Superintendent. Classroom exclusion under the behavioral violation category of "other" is insufficient.

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

The teacher, principal, or the principal's designee must communicate and collaborate with students, families, and all educational stakeholders in an ethical and professional manner to promote student learning.

Informal grievance procedure

Any parent/guardian or student who is aggrieved by the administration of discretionary or nondiscretionary discipline other than suspensions, expulsions, and emergency removals, including discipline that excludes a student from transportation or extracurricular activities, has the right to an informal conference with the principal to resolve the grievance. At the informal conference, the student will be given an opportunity to share their perspective and explanation regarding the behavioral violation.

Students who are suspended, expelled, or emergency removed may appeal those actions as described in this procedure.

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 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.

The district will provide the parent(s) with an opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion. Additionally, the Superintendent or designee must consider the student's individual circumstances 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.

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. Suspension or expulsion under the behavioral violation category of "other" is insufficient.

An expulsion or suspension of a student may not be for an indefinite period and must have an end date.

After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, the district must allow the student to petition for readmission at any time.

When administering a suspension or expulsion, the district may deny a student admission to, or entry upon, real and personal property that the district owns, leases, rents, or controls. The district 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.

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.

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In-school suspension and short-term suspension – conditions and limitations

The Superintendent designates select as suitable or delete: school principals and vice-principals with the authority to administer in-school and short-term suspension. Before administering in-school or short-term suspension, the district will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension and the length of the suspension is warranted.

The district is not required to impose in-school or short-term suspensions and instead, 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 or short-term suspension is appropriate. As stated in this policy and procedure, the district will work to develop definitions and consensus on what constitutes behavioral violations to reduce the effect of implicit or unconscious bias.

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, or more than ten (10) cumulative school days during any single trimester. 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 the student's regular subjects or classes.

Long-term suspensions and expulsions – conditions and limitations

Before administering a long-term suspension or an expulsion, the district must also consider the general conditions and limitations for suspensions and expulsions listed above.

Unless otherwise required by law, the district is not required to impose long-term suspension or expulsion and may only administer long-term suspension or expulsion for specific severe behavioral violations. 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 procedure, there are circumstances when the district may determine that long-term suspension or expulsion is appropriate for behavioral violations that meet the definitions provided under RCW 28A.600.015 (6)(a) through (d), which include:

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:
   - any violent offense as defined in RCW 9.94A.030, including:
     - any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
     - manslaughter;
     - indecent liberties committed by forcible compulsion;
     - kidnapping;
     - arson;
     - assault in the second degree;
     - assault of a child in the second degree;
     - robbery;
     - drive-by shooting; and
     - vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner.
   - any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to register as a sex offender in violation of 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;

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- any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280; or
- unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW.

3. Two or more violations of the following within a three-year period
   - criminal gang intimidation in violation of RCW 9A.46.120;
   - gang 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

4. Any student behavior that adversely affects the health or safety of other students or educational staff.

The district may only administer long-term suspension or expulsion for behavioral violations that meet the definitions provided under RCW 28A.600.015(6)(a) through (d) as outlined above, and 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. Consistent with this policy and procedure, the district will work to develop definitions and consensus on what constitutes an imminent danger or imminent threat to reduce the effect of implicit or unconscious bias.

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.

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.

When a student is long-term suspended or expelled, 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.

Suspensions and expulsions – initial hearing

Before administering any suspension or expulsion, the district will attempt to notify the student's parent(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), or, in the case of long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact their parent(s) to provide an opportunity for the parents to participate in the initial hearing in person or by telephone. The district must hold the initial hearing in a language the student and parents understand.

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

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1. Notice of the student's violation of this policy and procedure;
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 their perspective and provide an explanation regarding the behavioral violation.

Suspensions and expulsions – notice

Following the initial hearing, the principal or designee will inform the student of the disciplinary decision regarding the behavioral violation, including the date when any 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 parents in person, by mail, or by email in a language and form the student and parents will understand. The written notice must include:

1. A description of the student's behavior and how the behavior violated this policy and procedure;
2. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
3. 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(s) to an informal conference with the principal or designee; and
6. The right of the student and parent(s) to appeal the suspension or expulsion; and
7. For any long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting.

Emergency removals – conditions and limitations

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 removal solely for investigating student conduct.

For purposes of determining sufficient cause for an emergency removal, the phrase "immediate and continuing threat of material and substantial disruption of the educational process" means the student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day.

An emergency removal may not exceed ten consecutive school days. An emergency removal must end or be converted to another form of discipline within ten (10) school days from its start.

If the district converts an emergency removal to a suspension or expulsion, the district must (a) apply any days that the student was emergency removed before the conversion to the total length of the suspension or expulsion; and (b) provide the student and parents with notice and due process rights under WAC 392-400-430 through 392-400-480 appropriate to the new disciplinary action.

All emergency removals, 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 removal.

Emergency removals – notice

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

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

1. The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
2. The duration and conditions of the emergency removal, including the date on which the emergency removal will begin and end;
3. The opportunity to receive educational services during the emergency removal;
4. The right of the student and parent(s) to an informal conference with the principal or designee; and
5. The right of the student and parent(s) to appeal the emergency removal, including where and to whom the appeal must be requested.

Optional conference with principal

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

The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent(s).

During the informal conference, the student and parent(s) 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 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.

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

Appeals

Requesting 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 removal have similarities but the timelines differ.

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

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

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

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The Superintendent or designee must deliver a written appeal decision to the student and parent(s) 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 to the student during the suspension; and
4. Notice of the student and parent(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 removal appeal

For long-term suspension or expulsion and emergency removals, the Superintendent or designee will provide the student and parent(s) 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(s) to inspect the student's education records;
4. The right of the student and parent(s) 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(s) 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 reengagement meeting before the appeal hearing.

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

Hearings

A hearing to appeal a long-term suspension or expulsion or emergency removal is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of students and others involved, the district will hold the hearing without public notice and without public access unless the students and/or the parents 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 the 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:

1. A single hearing will not likely result in confusion; and
2. No student will have his/her 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.

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

For emergency removal, the district will hold an appeal hearing within two (2) school business days after the Superintendent or designee received the appeal request, unless the student and parent(s) agree to another time.

The school board may designate a discipline appeal council to hear and decide any appeals in this policy and procedure or to review and reconsider a district's appeal decisions. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of a discipline appeal council must be knowledgeable about the rules in Chapter 392-400 WAC and this policy and procedure. The

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school board may also designate the Superintendent or a hearing officer to hear and decide appeals. The presiding official(s) may not have been involved in the student's behavioral violation or the decision to suspend or expel the student.

Upon request, the student and parent(s) or their legal representative may inspect any documentary or physical evidence and a 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 a list of any witnesses that the student and parent(s) intend to introduce at the appeal hearing. The student and parent(s) 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(s) 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(s) 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.

The district will record the appeal hearing using a manual, electronic, or other recording device. Upon the student or parent(s)' request, the district will provide them with a copy of the recording.

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(s) 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 (i) the student's behavior violated this policy and procedure; (ii) the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and (iii) 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(s) 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 it.

For emergency removal, the district will provide a written decision to the student and parent(s) 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 presence continues to pose (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process;
3. Whether the district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the district converts the emergency removal to a suspension or expulsion, the district will provide the student and parent(s) notice and due process consistent with the disciplinary action to which the emergency removal was converted; and
4. Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

Reconsideration of appeal

The student or parents may request the school board or discipline appeal council, if established by the school board, review and reconsider the district's appeal decision for long-term suspensions or expulsions and emergency removals. This request may be either oral or in writing.

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

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

In reviewing the district's decision, the school board or discipline appeal council, if established, must consider (i) all documentary and physical evidence from the appeal hearing related to the behavioral violation; (ii) any records from the appeal hearing; (iii) relevant state law; and (iv) this policy adopted.

The school board or discipline appeal council may request to meet with the student and parent(s), the principal, witnesses, and/or school personnel to hear further arguments and gather additional information.

The decision of the school board or discipline appeal council will be made only by board or discipline council members who were not involved in (i) the behavioral violation; (ii) the decision to suspend or expel the student; or (iii) the appeal decision. If the discipline appeal council presided over the appeal hearing, the school board will conduct the review and reconsideration.

For long-term suspension, short-term suspension, or expulsion, the school board or discipline appeal council will provide a written decision to the student and parent(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:

1. Whether the school board or discipline appeal council 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 reengagement meeting.

For emergency removal, the school board or discipline appeal council will provide a written decision to the student and parent(s) 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 or discipline appeal council affirms or reverses the school district's decision that the student's presence posed (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process.
2. If the emergency removal has not yet ended or been converted, whether the district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the district converts the emergency removal to a suspension or expulsion, the district will provide the student and parent(s) notice and due process under WAC 392-400-430 through 392-400-480 consistent with the disciplinary action to which the emergency removal was converted

Petition to extend an expulsion

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

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 nonacademic 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 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

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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(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:

1. A copy of the petition;
2. 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
3. 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.

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) 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:

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(s) 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(s) may request that the school board or discipline appeal council, if established by the board, review and reconsider the decision to extend the student's expulsion. The student or parents 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 or discipline appeal council may request to meet with the student or parent(s) or the principal to hear further arguments and gather additional information.

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

The school board or discipline appeal council will provide a written decision to the student and parent(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:

1. Whether the school board or discipline appeal council 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

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

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

As soon as reasonably possible after administering a suspension or expulsion, the district will provide written notice to the student and parents 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 subjected to suspension or emergency removal up to five (5) 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. 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 removal.

For students subjected to suspension or emergency removal 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 removal; and
3. Access to school personnel who can offer support to keep the student current with assignments and course work for all the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three (3) school business days following the start of the suspension or emergency removal and periodically thereafter until the suspension or emergency removal ends to:
    - Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all the student's regular subjects or classes; and
    - Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

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

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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 application 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 Superintendent. 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 or others who may have assisted the student.

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

Reengagement

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

Before convening a reengagement meeting, the district will communicate with the student and parent(s) to schedule the meeting time and location. The purpose of the reengagement meeting is to discuss with the student and parent(s) a plan to reengage the student.

The reengagement meeting must occur:

1. 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
2. As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

Reengagement plan

The district will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the district must consider:

1. The nature and circumstances of the incident that led to the student's suspension or expulsion;
2. As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent 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 an on track to graduate; and
5. Supporting the student parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

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

Behavior agreements

The district authorizes *insert district staff by title (i.e. school principals)* to enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance. 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. Behavior agreements entered into with students and parents under this section may not replace or negate provisions within a student's Individual Education Plan (IEP), 504 Plan, or Behavioral Intervention Plan (BIP).

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

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:

1. 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; or
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.

Adoption Date:
Last Revised:
Prior Revised Dates:

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