

## **Student Discipline**

- **Discipline** means all forms of corrective action other than emergency removal, suspension or expulsion. Discipline includes the exclusion of a student from any type of activity conducted by or on behalf of the school district and exclusion of a student from a class by a teacher or administrator for a period of time that does not exceed the balance of the immediate class period, provided the student is in the custody of a school district employee for the balance of such period.
- **Emergency removal** means a student's immediate removal from a class, subject or activity by a certificated teacher or an administrator or a school bus driver and sending of that student to the building principal or designee, when the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students or school staff or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process.
- **Suspension** means the denial of attendance for any single subject or class or for any full schedule of subjects or classes for a stated period of time. 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.
- - **Short-term suspension** means suspension for any portion of a calendar day up to and not exceeding ten (10) consecutive school days.
  - **Long-term suspension** means a suspension that exceeds ten (10) consecutive school days. A long-term suspension cannot cause the student to lose academic grades or credit in excess of one semester or trimester during the same school year and cannot be imposed beyond the school year in which the alleged misbehavior occurs.
- **Emergency expulsion** means an emergency removal from school for up to, but not exceeding, ten (10) consecutive school days from the student's current school placement by the superintendent or designee. An emergency expulsion requires the superintendent or designee to have good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of corrective action within ten (10) school days from the date of the emergency removal from school. If the district converts the emergency expulsion to another form of corrective action, it must provide notice and an explanation of due process rights to the student and parent/guardian.
- **Expulsion** means a denial of attendance for a period of time up to but no longer than one calendar year from the time the student is removed from his/her current school placement by a school district superintendent or designee. An expulsion may not be for an indefinite period of time. An expulsion may be extended beyond one calendar year if: 1) the school petitions the superintendent for an extension; and 2) the superintendent authorizes the extension pursuant to the superintendent of public instruction's rules adopted for this purpose (see **Petition for Extension of One Year Expulsion** below). An expulsion may also include a denial of admission to, or entry upon, real or personal property that is owned, leased, rented or controlled by the 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 upon the closure of the superintendent's office for the calendar day.
- **School day** means a calendar day except school holidays on which enrolled students are engaged in educational activity which is planned, supervised and conducted by or under the supervision of certificated staff and on which day all or any portion of enrolled students participate in such educational activity.
- **Reengagement meeting** means a meeting held between the district and the student and parent/guardian to discuss how to return a long-term suspended or expelled student to an educational setting.
- **Reengagement plan** means a written plan developed between the district and a student and his/her parent or guardian designed to aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion and to return the student to the educational setting.

### **Superintendent authority**

The superintendent will have the authority to discipline, suspend or expel students. The superintendent will:

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

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

No form of discipline will be enforced in such a manner as to prevent a student from accomplishing a specific academic grade, subject or graduation requirements.

### **Notification of suspensions of students eligible for special education services**

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

### **Notification of procedures relating to student behavior**

Principals will annually publish and make available to students, parents and staff the rules of the district that establish misconduct and the written procedures for administering corrective action. The publication will also define student rights and responsibilities relating to student behavior.

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

### **Rights and responsibilities of certificated staff**

**Certificated staff will have the right to:**

- Expect students to comply with school rules;
- Develop and/or review building rules relating to student conduct and control at least once each year. Building rules will be consistent with district rules relating to student conduct;
- Receive any complaint or grievance regarding corrective action of students. Certificated staff will be given the opportunity to present their version of the incident and to meet with the complaining party in the event that a conference is arranged;
- Use such reasonable action as is necessary to protect himself/ herself, a student, or others from physical abuse or injury;
- Detain a student after school for up to **60** minutes with due consideration for bus transportation.

Teachers have the right to exclude any student who creates a disruption of the educational process in violation of building disciplinary standards, while under the teacher's supervision, from his/her individual classroom or instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances as provided for in WAC 392-400-290 (see **Emergency Removal** below), the teacher will attempt one or more forms of corrective action prior to excluding the student. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal and the teacher have conferred.

**Certificated staff will have the responsibility to:**

- Observe the rights of students;
- Supervise student behavior and enforce the rules of student conduct fairly, consistently, and without discrimination. Any infractions will be reported orally and in writing to the principal as soon as possible regardless of any corrective actions taken by the teacher;
- Maintain good order in the classroom, in the hallways, on the playgrounds or other common areas of the school, and on school buses (i.e., during field trips);
- Maintain accurate attendance records and report all cases of truancy;
- Set an appropriate example of personal conduct and avoid statements which may be demeaning or personally offensive to any student or group of students; and
- Meet with a parent(s) within five (3) school days upon request to hear a complaint regarding the use of classroom materials and/or teaching strategies that are being employed in the classroom.

**Principals will have the responsibility to:**

- Impose suspension or expulsion when appropriate;
- Notify parents when students are suspended or expelled; and
- Confer with certificated staff at least once per year to develop and/or review rules of conduct to be employed in the school and corrective actions that may be employed in the event of rule infractions.

**Unexcused absences and tardiness**

Students with one or more unexcused absences and/or tardiness and subject to compulsory attendance pursuant to Chapter 28A.225 RCW may be subject to corrective action that is reasonably calculated to modify the student's conduct. However, if a district imposes corrective action on a student for one or more unexcused absences, it must:

- Provide notice to the student's parent/guardian in writing in English or the primary language of the parent/guardian, that the student has failed to attend school without valid justification, and by any other means necessary to provide notice of these facts;
- Schedule a conference or conferences with the parents/guardians and the student to analyze the causes of the student's absences and determine whether the student would be appropriately placed in a special program designed for his/her educational success; and
- Take steps to reduce the student's absences, which include, where appropriate in the judgment of district staff, adjustments to the student's school program or school or courses or assisting the parent/guardian in obtaining supplementary services.

Additionally, a student's academic grade or credit may only be adversely affected by reason of tardiness or absences if:

- The student's attendance or participation is related to the instructional objectives or goals of the particular subject or course;
- The student's attendance or participation has been identified by the teacher pursuant to district policy as a basis for grading the subject or course; and
- The circumstances pertaining to the student's inability to attend school have been taken into consideration, including whether the absences are directly related to the student's disability under Section 504 of the Rehabilitation Act of 1964, Title II of the Americans with Disabilities Act (ADA) or the Individuals with Disabilities Education Act (IDEA).

### **Alternative forms of corrective action**

The board encourages the use of alternative forms of correction action when possible and practicable in light of the duty to maintain safe and orderly school environments conducive to student learning. District administrators may consider alternative forms of corrective action—including programs intended to lessen the time of exclusion from class attendance—which have been approved by the board and/or superintendent.

Except in cases involving exceptional misconduct, district administrators must impose alternative forms of corrective action for incidents of misbehavior prior to imposing a suspension or expulsion for the same type of misbehavior.

### **Student disciplinary boards**

The board recognizes that a student's behavior may be positively influenced when an incident giving rise to corrective action is reviewed by a panel of the student's peers. The board may, in its discretion, authorize the establishment of one or more student disciplinary boards composed of students, which may also include teachers, administrators, parents or any combination thereof pursuant to WAC 392-400-220. The student disciplinary board may be authorized to prescribe reasonable discipline and may recommend suspension or expulsion to the appropriate school authority. The school authority will be authorized to set aside or modify the student disciplinary board's recommendation.

### **Student discipline**

Student discipline will be enforced in order to maintain a safe and orderly school environment that is conducive to student learning.

The methods employed in enforcing the rules of student conduct involve professional judgment. Such judgment should be:

- Consistent from day to day and student to student;
- Guided by appropriate classroom management strategies;
- Balanced against the severity of the misconduct;
- Appropriate to the student's circumstances and prior behavior;
- Fair to the student, parent/guardian, and others; and
- Effective.

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

### **Detention**

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students after school hours for not more than **60** minutes on any given day.

Preceding the assignment of detention, the staff member will inform the student of the nature

of the offense charged and of the specific conduct which allegedly constitutes the violation. The student will be afforded an opportunity to explain or justify his/her actions to the staff member.

Detention will not begin until the parent/guardian has been notified (except in the case of an adult student) for the purpose of informing him/her of the basis and reason for the detention and to permit him/her to make arrangements for the necessary transportation of the student when he/she has been detained after school hours for corrective action.

As an alternative to in-school or out-of-school suspensions, students and parents may be offered Friday after school detention (2 hours) or Saturday school detention (up to four hours)

Students detained for corrective action will be under the direct supervision of the staff member or another member of the professional staff.

### **Grievance and appeal process for student discipline**

Any parent/guardian or student who is aggrieved by the imposition of discipline will have the right to an informal conference with the principal for the purpose of resolving the grievance. The employee whose action is being grieved will be notified of the grievance as soon as reasonably possible.

At such conference the student and parent/guardian will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

After exhausting this remedy, 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 superintendent or designee.

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days' prior notice, have the right to present a written or oral grievance to the board during its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance. The board will notify the parent and student of its response to the grievance within ten (10) school business days after the date when the grievance was presented. The disciplinary action will continue notwithstanding implementation of the grievance procedure unless the principal, superintendent or board elects to postpone such action.

Alternatively, the board may delegate its authority to hear and decide discipline and short-term suspension grievance appeals to a school district disciplinary appeal council established pursuant to WAC 392-400-310(1).

### **Emergency removal**

A student may be removed immediately from a class or subject by a teacher or administrator without other forms of corrective action and sent to the principal or a designated school official, without first attempting corrective action, provided that the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students or staff or an immediate and continuing threat of substantial disruption of the class, subject, or educational process of the student's school. The removal will continue only until:

- The danger or threat ceases; OR
- The principal or designee acts to impose corrective action.

The principal or designee will meet with the student as soon as reasonably possible following the removal and take or initiate appropriate corrective action. The meeting will take place no later than the beginning of the school day following the student's emergency removal. The teacher or administrator who removed the student will be notified of the action taken or initiated.

### **Short-term suspension**

## **Conditions and limitations**

The nature and circumstances of the student conduct violation must reasonably warrant a short-term suspension. As a general rule, no student will be suspended for a short term unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature.

No student in grades kindergarten through fourth grade will be suspended for more than a total of ten (10) school days during any single semester or trimester and no loss of academic grades or credit will be imposed by reason of the suspension.

No student in fifth grade and above will be suspended for more than a total of fifteen (15) school days during any single semester or ten school days during any single trimester.

Any student who has been short-term suspended will be provided the opportunity upon return to make up assignments and tests missed during the suspension if the assignments or tests have a substantial effect upon the student's grades or failure to complete such assignments or tests would result in denial of credit.

The principal will notify special education staff of any short-term suspensions to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that short-term suspensions may cumulatively or consecutively exceed ten school (10) days, (see Procedure 2161P, Special Education and Related Services for Eligible Students, Discipline section) the principal will notify relevant special education staff so that the district can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

## **In-school suspension**

Students who are denied attendance at school are denied the opportunity to learn. The district has therefore created an in-school suspension program which temporarily removes the student from his/her regular learning environment but permits the student to maintain his/her educational progress. An in-school suspension is no different from any other suspension as defined by WAC 392-400-205, and therefore triggers the same substantive and procedural due process, including student and parent/guardian notification.

Students who are assigned to in-school suspension are granted this opportunity as a privilege and are expected to comply with the expectations of staff. The superintendent will establish guidelines for the operation of the in-school suspension program.

Suggested guidelines for in-school suspension are as follows:

- A student who is afforded the opportunity to be assigned to in-school suspension will agree to the conditions specified by the school principal. Unless the student is of majority age, the principal will obtain written authorization from the parent or guardian. The student's or parents' or guardians' authorization will include the number of days the student will be assigned to in-school suspension.
- In-school suspension is designed to encourage learning. Students will be expected to work on their classroom assignments at all times.
- A student in in-school suspension will attend a single subject or class or any full schedule of subjects or classes in a separate location on school property from their regular subject or class or schedule and/or classmates.
- The student will be denied the opportunity to participate in any school activities while in in-school suspension.
- While in-school suspended, the student and staff may develop a behavior contract that defines the future expected behavior of the student. The student and his/her parents/guardians and a staff member will sign the contract.
- Any act of inappropriate conduct may result in imposition of other corrective action.

- After a student is placed back into the regular classroom(s), the principal or designee or school counselor will monitor the student's progress on a daily basis. The student will be encouraged to maintain a relationship with the school counselor as a means of dealing with any problems that arise.
- Specific rules and building procedures will be developed by the building principal.

As an alternative to in-school or out-of-school suspensions, students and parents may be offered Friday after school detention (2 hours) or Saturday school detention (up to four hours)

Students detained for corrective action will be under the direct supervision of the staff member or another member of the professional staff.

### **Exceptional misconduct**

A student may be short-term suspended for exceptional misconduct, other than absenteeism, when such misconduct is of such frequent occurrence or is so serious in nature and/or is so serious in terms of disruption to the operation of the school that immediate suspension is warranted. In cases of exceptional misconduct, a short-term suspension may be imposed without first attempting alternative forms of corrective action. The superintendent, following consultation with a representative ad hoc citizens' committee, will recommend for board adoption, the nature and extent of the corrective actions which may be imposed as a consequence of exceptional misconduct. (See Procedure 3240P). An exception may be granted by an administrator when warranted by extenuating circumstances.

### **Prior notice and conference**

Prior to the short-term suspension of a student, the principal or designee will conduct a conference with the student and provide:

- An oral or written notice of the charges;
- An oral or written explanation of the evidence in support of the allegation(s); AND
- An oral or written explanation of the short-term suspension which may be imposed.

The student will be provided an opportunity to present his/her explanation of the allegation(s).

If the short-term suspension is to exceed one (1) calendar day, the principal or designee will notify the student's parent/guardian of the reason for the suspension and its duration either orally or by U.S. mail as soon as reasonably possible. The notice will also address the parent/guardian's right to an informal conference pursuant to WAC 392-400-255 and the fact that the suspension may be reduced as a result of such conference.

### **Grievance and appeal process for short-term suspension**

Any parent/guardian or student who is aggrieved by the imposition of a short-term suspension will have the right to an informal conference with the principal or designee for the purpose of resolving the grievance. At such conference the student and parent will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

The parent/guardian and student after exhausting this remedy will have the right, upon two (2) school business days' prior notice, to present a written and/or oral grievance to the superintendent.

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days' prior notice, will have the right to present a written or oral grievance to the board at its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance.

The board will notify the parent/guardian and student of its response to the grievance within ten (10) school business days after the date when the grievance was presented. The short-term suspension will continue notwithstanding implementation of the grievance procedure unless the principal, superintendent or board elects to postpone such action.

### **Reporting**

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

### **Emergency expulsion**

#### **Conditions and limitations**

A student may be immediately removed from school prior to a hearing without other forms of corrective action if the superintendent or designee has good and sufficient reason to believe that the student poses:

- An immediate and continuing danger to other students or school staff; OR
- An immediate and continuing threat of substantial disruption of the educational process.

Such emergency expulsion must end or be converted to another form of corrective action within ten (10) school days of the date of the expulsion. If the emergency expulsion is converted to another form of corrective action, the district will provide the student and/or parents/guardians with notice and due process rights appropriate to the new corrective action.

#### **Notice of hearing**

The district will notify the student and his/her parents/guardians of the emergency expulsion and of their opportunity for a hearing by:

- Hand-delivery of written notice within twenty-four hours of expulsion (school districts must document delivery of the notice by obtaining the signature of the student's parents/guardians acknowledging receipt or the written certification of the person making the delivery); OR
- Certified letter mailed within twenty-four hours of the expulsion (reasonable attempts to contact the parents/guardians by phone or in person will also be made as soon as reasonably possible).

The district's written and oral notice of emergency expulsion and opportunity for hearing will:

- Be provided in the predominant language of the student and/or a parent/guardian, if other than English, if feasible; ;
- Specify the alleged reasons that the student's presence poses an immediate and continuing danger to students, school staff, or poses an immediate and continuing threat of substantial disruption of the educational process.
- Set forth the date on which the emergency expulsion began and when it will end;
- Set forth the right of the student and/or his or her parents/guardians to a hearing for purposes of contesting the allegations as soon as is reasonably possible; and
- Set forth the facts that:
  - A written or oral request for hearing must be received by a designated school employee or his or her office on or before the end of the third school business day after receipt of the notice of opportunity for hearing; AND
  - If the request is not received within three school business days, then the right to a hearing may be deemed waived and the emergency expulsion may be continued, if deemed necessary, for up to ten (10) school days from the date of the student's emergency expulsion from school without any further opportunity for the student or his or her parent/guardian to contest it.

As a best practice, the district should provide a schedule of school business days with the notice.

The student and/or his or her parents/guardians must request a hearing within three (3) school business days after receipt of the notice of opportunity for hearing. The request may be provided in writing or orally, but must be provided to the district employee specified in the notice or their office. If a request for hearing is not received within the required period, the district may deem the right to hearing waived and the emergency expulsion may be imposed for up to ten (10) school days from the date of the expulsion from school.



### **Prehearing and hearing**

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will immediately schedule and give notice of a hearing to commence as soon as reasonably possible and no later than the second school business day after receipt of the request for hearing.

The student and his/her parents/guardians have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct;
- Present relevant affidavits, exhibits, and witnesses.

The district and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting quasi-judicial hearings. Either a tape-recorded or verbatim record of the hearing will be made.

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

- A single hearing will not likely result in confusion; AND
- No student will have his/her interest substantially prejudiced by a group hearing.

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

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct;
- A conclusion as to whether the student's immediate and continuing danger to students and/or school staff OR immediate and continuing threat of substantial disruption of the educational process giving rise to the emergency expulsion has terminated; AND
- A conclusion as to whether the emergency expulsion shall be converted to another form of corrective action or stand as imposed.

Within one (1) school business day after the date upon which the hearing concludes, the hearing officer will issue the decision and the district will provide notice of such decision to the student and the student's parents/guardians and legal counsel, if any, by depositing a letter in certified U.S. mail.

If the hearing officer concludes in his/her decision that the emergency expulsion shall be converted to another form of corrective action, the district must provide notice of all due process rights to the student and parent/guardian for the appropriate corrective action. For appeals from a hearing officer decision regarding an emergency expulsion, see **Appeals of long-term suspension and expulsion**, below.

## **Long-term suspension**

### **Conditions and limitations**

A student may be long-term suspended for violation of school district rules. The nature and circumstances of the violation must reasonably warrant a long-term suspension. As a general rule, no student will be long-term suspended unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature.

No student in grades kindergarten through fourth grade will be long-term suspended during any single semester or trimester and no loss of academic grades or credit will be imposed by reason of the suspension.

No student in fifth grade and above will be long-term suspended in a manner that causes the student to lose academic grades or credit for longer than one semester or trimester during the same school year.

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

### **Exceptional misconduct**

A student may be long-term suspended for exceptional misconduct, other than absenteeism, when such misconduct is of such frequent occurrence or is so serious in nature and/or is so serious in terms of disruptive effect on the operation of the school that an immediate resort to a long-term suspension is warranted. In cases of exceptional misconduct, a long-term suspension may be imposed without first attempting alternative forms of corrective action. The superintendent, following consultation with a representative ad hoc citizens' committee, will recommend for board approval, the nature and extent of the corrective actions which may be imposed as a consequence of exceptional misconduct. (See Procedure 3240P). An exception may be granted by an administrator and/or hearing officer when warranted by extenuating circumstances.

### **Notice of hearing**

Prior to imposing a long-term suspension, the district will provide the student and/or his/her parents/guardians a written notice of opportunity for hearing. The notice will be delivered in person or by certified mail. The notice will:

- Be provided in the predominant language of the student and his or her parents/guardians, if other than English, if feasible;
- Specify the alleged misconduct and the school district rule(s) alleged to have been violated;
- Set forth the proposed long-term suspension;
- Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- Set forth the facts that:
  - a written or oral request for hearing must be received by (*insert designated staff member*) or their office on or before the end of the third school business day after the notice is received; and
  - If such a request is not received within that period, the hearing will be deemed waived and the proposed long-term suspension may be imposed without further opportunity for the student and/or their parent/guardian to contest it.

As a best practice, the district should provide a schedule of school business days with the notice.

The student and/or his or her parents/guardians must request a hearing within three (3) school business days after receipt of the notice of opportunity for hearing. The request may

be provided in writing or orally, but must be provided to the district employee specified in the notice or their office. If a request for hearing is not received within the required period, the district may deem the right to hearing waived and the long-term suspension may be imposed.

### **Pre-hearing and hearing**

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will schedule a hearing to begin within three (3) school business days after the date of receiving the request.

The student and parent/guardian have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct; and
- Present relevant affidavits, exhibits, and witnesses.

The district and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing. Either a tape-recorded or verbatim record of the hearing will be made.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting administrative hearings.

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

- A single hearing will not likely result in confusion; AND
- No student will have his/her interest substantially prejudiced by a group hearing.

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

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct; AND
- A conclusion as to whether the nature and duration of the proposed long-term suspension is appropriate or whether a lesser form of corrective action should be imposed.

The hearing officer will issue the decision and the district will provide notice of such decision to the student's legal counsel, or, if none, to the student's and his/her parents/guardians.

If the hearing officer decides that a long-term suspension is appropriate, the parent/guardian and student will have the right to appeal that decision to the school board or school district disciplinary appeal council by filing a written or oral notice of appeal at the office of the superintendent or the hearing officer within three (3) school business days after the date of receipt of the decision.

If a timely notice of appeal is not provided to the district, the long-term suspension may be imposed as of the calendar day following expiration of the three (3) school business day period (see **Appeal Process for Long-Term Suspension or Expulsion, below**).

### **Readmission**

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

### **Reporting**

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

## **Expulsion**

### **Conditions and limitations**

The nature and circumstances of the alleged violation must reasonably warrant the harshness of expulsion. No student will be expelled unless other forms of corrective action reasonably calculated to modify his or her conduct have failed or there is good reason to believe that other forms of corrective action would fail if used.

The district will make reasonable efforts to assist students in returning to an educational setting prior to, and no later than, the end date of the expulsion.

An expulsion may not be imposed for an indefinite period of time, and may not exceed one calendar year from the date of corrective action unless:

- The school petitions the superintendent for an extension; AND
- The superintendent authorizes the extension in compliance with the superintendent of public instruction's rules adopted for this purpose (see **Petition for Extension of One Year Expulsion** below).

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

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

### **Notice of hearing**

Prior to the expulsion of a student, the district will provide the student and/or his/her parents/guardians a written notice of opportunity for hearing. The notice will be delivered in person or by certified mail. The notice will:

- Be provided in the predominant language of the student and his or her parents/guardians, if other than English, if feasible; Specify the alleged misconduct and the school district rule(s) alleged to have been violated;
- Set forth the proposed expulsion;
- Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- Set forth the facts that:
  - a written or oral request for hearing must be received by (*insert designated staff member*) or their office on or before the end of the third school business day after the notice is received; and
  - If such a request is not received within that period, the hearing will be deemed waived and the proposed long-term suspension may be imposed without further opportunity for the student and/or their parent/guardian to contest it.

### **Prehearing and hearing**

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will schedule a hearing to begin within three (3) school business days after the date of receiving the request.

The student and parent/guardian have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct;
- Present relevant affidavits, exhibits, and witnesses.

The district and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing. Either a tape-recorded or verbatim record of the hearing will be made.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting quasi-judicial hearings.

The hearing is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the hearing will be held without public notice and without public access unless the student(s) and/or the parent(s)/guardian(s) or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the district will comply with the Family Educational Rights and Privacy Act (FERPA) in regard to confidentiality of student education records.

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

- A single hearing will not likely result in confusion; AND
- No student will have his/her interest substantially prejudiced by a group hearing.

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

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct; AND
- A conclusion as to whether the expulsion is appropriate OR whether a lesser form of corrective action should be imposed.

The hearing officer will issue the decision and the district will provide notice of such decision to the student's legal counsel, or, if none, to the student's and his/her parents/guardians.

The student and parent/guardian will have the right to appeal the hearing officer's decision to the school board or school district disciplinary appeal council by filing a written or oral notice of appeal at the office of the superintendent or the hearing officer within three (3) school business days after the date of receipt of the decision. If a timely notice of appeal is not provided to the district, the expulsion may be imposed as of the calendar day following expiration of the three (3) school business day period.

If a timely notice of appeal is received, see **Appeal Process for Long-Term Suspension or Expulsion, below**.

**Readmission**

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

**Reporting**

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

**Petition for extension of one-year expulsion**

The principal or designee may petition the superintendent for authorization to exceed the one year calendar limitation on an expulsion when warranted because of risk to public health and safety. The petition may be submitted any time after final imposition of the expulsion and prior to the end of the expulsion. The petition will include:

- A detailed description of the student's misconduct, the school rules that were violated, and the public health or safety concerns of the district;
- A detailed description of the student's academic, attendance and discipline history, if any;
- A description of the lesser forms of corrective action that were considered and the reasons why they were rejected;
- A description of all alternative learning experiences, vocational programs and/or other educational services that may be available to the student;
- The proposed extended length of the expulsion;
- Identification of special education services or accommodations pursuant to Section 504 of the Rehabilitation Act of 1973, if appropriate;
- A proposed date for the reengagement meeting.

A copy of the petition will be delivered in person or by certified mail to the student and his/her parents/guardians in the predominant language of the student and/or his/her parents/guardians, if other than English, if feasible; Rights Act of 1964. The student and/or parents/guardians may submit a written or oral response to the petition within ten (10) school business days of receipt of the petition.

Within eleven (11) school business days, but no later than twenty (20) school business days from delivery of the petition to the student and parent/guardians, the superintendent will issue a written decision granting or denying the petition. The superintendent, in his/her discretion, may grant the petition if evidence exists that if a student was to return at or before one calendar year, he/she would pose a risk to public health or safety. The written decision will include a description of rights and procedures for appeal.

The student and/or parents/guardians may appeal the decision within ten (10) school business days of receipt of the decision to the school board.

The district will report the number of petitions submitted, approved and denied to the office of the superintendent of public instruction annually.

**Board option to delegate authority to hear appeals**

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

**Appeal process for long-term suspension and expulsion**

If a timely notice of appeal is received, the long-term suspension or expulsion may be imposed during the appeal period if:

- The long-term suspension or **nonemergency** expulsion is imposed for no more than ten (10) consecutive days or until the appeal is decided, whichever is the shortest period.
- Any days that the student is suspended or expelled before the appeal is decided are applied to the term of suspension or expulsion and will not limit or extend the term of the suspension or extend the term of suspension or expulsion; and
- A suspended student who returns to school before the appeal is decided will be provided the opportunity upon return to make up assignments and tests missed by reason of suspension if:
  - Such assignments or tests have a substantial effect on the student's semester or trimester grade or grades; OR
  - Failure to complete such assignment or tests would result in denial of course credit.

The board will schedule and hold a meeting to informally review the matter within ten (10) school business days from receipt of such appeal. The purpose of the meeting will be to confer with the parties in order to decide upon the most appropriate means of handling the appeal. At that time the student, parent/guardian, and/or counsel will be given the right to be heard and will be granted the opportunity to present such witnesses and testimony as the board deems reasonable.

Prior to adjournment, the board will agree to one of the following procedures:

- Study the hearing record or other materials submitted and record its findings within ten (10) school business days; OR
- Schedule and hold a special meeting to hear further arguments on the case and record its findings within fifteen (15) school business days; OR
- Hear and try the case de novo before the board within ten (10) school business days.

Any decision by the board to impose or to affirm, reverse or modify the imposition of suspension or expulsion upon a student will be made only by:

- Those board members who have heard or read the evidence;
- Those board members who have not acted as a witness in the matter; AND
- A majority vote at a meeting at which a quorum of the board is present.

Within thirty (30) days of receipt of the board's final decision, any parent and student desiring to appeal any action upon the part of the board regarding the suspension or expulsion may serve a notice of appeal upon the board and file such notice with the Superior Court Clerk of the County.

### **Reengagement Meeting**

A reengagement meeting should be convened no later than five (5) days before the student's reentry or reenrollment to school. The purpose of the meeting is to discuss a reengagement plan with the parent/guardian and the student.

### **Reengagement Plan**

The district must create a plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the suspension or expulsion.

In developing the reengagement plan, the district should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. A reengagement meeting conducted by the district involving the student and his/her parents/guardians is not intended to replace a petition for readmission.

### **Readmission Application Process**

Any student who has been suspended or expelled will be allowed to make application for readmission at any time. If a student desires to be readmitted to the school from which 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:

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

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

*Revised Dates: **06.10; 12.11; 08.1; 09/15***