

# Classroom Management, Discipline and Corrective Action,

## Definitions

- **“Behavioral violation”** means a student’s behavior that violates the District’s discipline policies.
- **“Classroom exclusion”** means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements of WAC 392-400-330 and 392-400-335. Classroom exclusion does not include action that results in missed instruction for a brief duration when:
  - (a) a teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
  - (b) the student remains under the supervision of the teacher or other school personnel during such brief duration.
- **“Corrective action”** means discipline, classroom exclusion, suspension, emergency expulsion, or expulsion.
- **“Culturally responsive”** has the same meaning as “cultural competency” in RCW 28A.410.270.
- **“Discipline” and “other forms of discipline”** mean all forms of corrective action used in response to behavioral violations other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- **“Discretionary discipline”** means any disciplinary action taken in response to student misconduct that violates the rules, policies, or procedures adopted by the board of directors, other than the misconduct listed in one or more of the categories in this procedure set forth below in the section entitled “Suspension, Expulsions, and Discretionary Discipline.” Discretionary discipline cannot include long-term suspension or expulsion.
- **“Disruption of the educational process”** means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.
- **“Emergency expulsion”** means 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 length of an academic term (as defined by the board of directors) 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 and may not be imposed as a form of discretionary discipline. An expulsion may be extended beyond the length of an academic term if: 1) the school principal petitions the district superintendent for an extension; and 2) the district superintendent authorizes the extension pursuant to the superintendent of public instruction’s rules adopted for this purpose (see Petition for Extension of Length of 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.
- **“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.
- **“Parent”** means a biological, adoptive, or foster parent, or a guardian generally authorized to act as parent or specifically authorized to make education decisions. The definition of parent does not include the state, if the student is a ward of the state. When 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 or if a judicial decree or order identifies a specific person or persons. See WAC 392-172A-01125.
- **“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 a calendar day, except school holidays, on which enrolled students are afforded the opportunity to be engaged in educational activity 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.
- **“Suspension”** means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or

emergency expulsions. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the district. .

- **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 may not exceed the length of an academic term, as defined by the school board, cannot be imposed beyond the school year in which the alleged misbehavior occurs, and may not be imposed except for the offenses listed below in the section entitled 'Suspension, Expulsions, and Discretionary Discipline.

### **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 in each school will annually publish and make available to students, parents or guardians, staff, and the community the rules, policies, and procedures 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.

The District will also, in consultation with staff, students, student's families, and the community, periodically review and update the District's rules, policies, and procedures related to student discipline.

### **Fundamental rights**

When administering discipline under this chapter, the school district must not:

- (1) Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;
- (2) Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;
- (3) Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;
- (4) Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or
- (5) Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by a school district without due process of law.

### **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 behavioral expectations 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;
- Assign a student after school detention for up to \_\_\_\_\_ minutes (insert number of minutes) with due consideration for bus transportation.

Teachers have the right to exclude any student from the teacher's classroom, instructional area, or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements of WAC 392-400-335 and the section below (see **Classroom Exclusions**).

**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 that may be demeaning or personally offensive to any student or group of students; and
- Meet with a parent(s) within five (5) 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.

**Restrictions on Corrective Action**

**Educational Services**

The district will not suspend the provision of educational services as a disciplinary action, nor will schools suspend the provision of educational services to a student in response to behavioral violations.

Schools will provide the student the opportunity to receive educational services during a suspension, expulsion, or emergency expulsion. The educational services must enable the student to:

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

Such services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

When providing a student the opportunity to receive educational services under this section, the school must consider:

- Meaningful input from the student, parents, and the student's teachers;
- Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and
- Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

For students subject to suspension or emergency expulsion up to five (5) days, a school must provide at least the following:

- Course work, including any assigned homework, from all of the student's regular subjects or classes;
- Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

For students subject to suspension or emergency expulsion for six (6) to ten (10) consecutive school days, a school must provide at least the following:

- Course work, including any assigned homework, from all of the student's regular subjects or classes;

- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and
- Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three (3) school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:
  - Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and
  - 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 WAC 392-121-107.

#### **Unexcused absences and tardiness**

Students will not be suspended or expelled from school for absences or tardiness.

#### **Denial or Delay of a Nutritionally-Adequate Meal Prohibited**

Students will not be subjected to correction action in a manner that would result in the denial or delay of a nutritionally-adequate meal to a student.

#### **Language Assistance**

The District will ensure that notices and communications required in connection with any corrective action are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### **Corporal Punishment**

District staff may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

- The use of reasonable physical force by a school administrator, teacher, school personnel, or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;
- Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or
- Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational educational projects.

#### **Restraint and Isolation**

District staff may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

#### **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. 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**

The district will administer student discipline to maintain a safe and supportive school environment that is conducive to student learning.

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

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- Provide due process and ensure fairness and equity in administration;
  - Implement the policy and procedure in a culturally responsive manner;
  - Responds to the needs and strengths of students ;
  - Facilitate collaboration between school personnel, students, and families ;
  - Provide a safe and supportive learning environment for all students

No form of discipline will be administered 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 assign students detention during after school hours for not more than \_\_\_\_\_ 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 that 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.

Students assigned detention 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 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 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).

### **Classroom Exclusions**

A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision. A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy. The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing threat of material and substantial disruption of the educational process.

In administering other forms of discipline, the teacher or other school personnel may consider using best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom, instructional area, or activity area. When a student is excluded

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from the student's classroom, instructional area, or activity area for longer than the balance of the school day, the school district will provide the student and the student's family notice and due process for a suspension, expulsion, or emergency expulsion, as appropriate. A student may not be removed from school during a classroom exclusion unless the school district provides such notice and due process for a suspension, expulsion, or emergency expulsion.

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

A student may be removed immediately from a class or subject by a teacher or other authorized personnel without first attempting other forms of corrective action provided that the student's presence poses an immediate and continuing danger to other students or school personnel or an immediate and continuing threat of substantial disruption of the educational process.

**Classroom Exclusion: Notice**

Following the classroom exclusion of a student, the teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or the principal's designee as soon as reasonably possible.

The teacher, principal, or the principal's designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. The school or the district must ensure that this notification is in a language the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

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

- (a) the teacher or other school personnel must immediately notify the principal or the principal's designee; and
- (b) the principal or the principal's designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

**Suspensions, Expulsions, and Discretionary Discipline**

Suspensions (including long-term suspensions) and expulsions may be imposed for any of the following student behaviors:

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:
  1. any violent offense as defined in RCW 9.94A.030, including
    - a. any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
    - b. manslaughter;
    - c. indecent liberties committed by forcible compulsion;
    - d. kidnapping;
    - e. arson;
    - f. assault in the second degree;
    - g. assault of a child in the second degree;
    - h. robbery;
    - i. drive-by shooting; and

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- j. 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;
2. any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to registered 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;
  3. inhaling toxic fumes in violation of chapter 9.47A RCW;
  4. any controlled substance violation of chapter 69.50 RCW;
  5. any liquor violation of RCW 66.44.270;
  6. any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
  7. any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon assistance for an injured victim of a crime in need of assistance;
  8. any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
  9. any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation; and
  10. any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti;
3. Two or more violations of the following within a three-year period
    1. criminal gang intimidation in violation of RCW 9A.46.120;
    2. gang activity on school grounds in violation of RCW 28A.600.455;
    3. willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
    4. defacing or injuring school property in violation of RCW 28A.635.060; and
  4. Any student behavior that adversely affects the health or safety of other students or educational staff.

Unless otherwise required by law, school administrators are not required to impose a long-term suspension or expulsion for the misconduct listed above, and whenever reasonable, school administrators should first consider alternative sanctions.

For student behaviors—including specific offenses contained in Policy 3240 and procedure 3240P—that do not fall within one or more of the categories listed above, schools may only impose discretionary discipline as defined in this procedure. Schools may not impose long-term suspension or expulsion as a form of discretionary discipline, but may impose other sanctions up to and including short-term suspension in a manner consistent with this procedure.

### **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.

**Continuation of educational services**

The district will not suspend the provision of educational services during a period of short-term suspension and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of a short-term suspension. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

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 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 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 agreement as discussed below.
- Any behavioral violation 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.

**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, the district may impose a short-term suspension 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 that may be imposed as a consequence of exceptional misconduct. (See Procedure 3240P). An administrator may grant an exception 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 that the district may impose.

The district will provide the student with 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 district may reduce the student's suspension 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 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. Such a meeting is not subject to the Open Public Meetings Act, and need to be noticed or open to the public.

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.

#### **Readmission**

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

#### **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**

#### **Limitations**

An emergency expulsion may not be imposed solely for the purposes of investigating student conduct.

The district superintendent or a designee may immediately expel and remove a student 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's presence poses:

- An immediate and continuing danger to 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 district converts an emergency expulsion 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 a language the student and/or a parent/guardian can understand, if other than English;
  - 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 family may request the hearing in writing or orally, but must make or provide the request to the district employee specified in the notice or their office. If the district does not receive a hearing request within the required period, the district may deem the right to hearing waived and the district may impose the emergency expulsion for up to ten (10) school days from the date of the expulsion from school.

### **Prehearing and hearing**

If the district receives a request for hearing 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**

Schools may not impose a long-term suspension unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be long-term suspended for violation of school district rules provided that the long-term suspension does not exceed the length of an academic term as defined by the school board. A long-term suspension may not be imposed as a form of discretionary discipline, as defined in this procedure.

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 a language the student and his or her parents/guardians can understand, if other than English;
- 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. Revised: 1/23/17

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 and Reengagement**, 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**

Schools may not expel a student unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be expelled for a violation of school district rules, provided that the expulsion does not exceed the length of an academic term as defined by the school board. An emergency expulsion may not be imposed as a form of discretionary discipline, as defined in this procedure.

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 exceed the length of the academic term 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 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. The superintendent may modify the expulsion of a student on a case-by-case basis.

### **Firearm Exception**

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:

- Any student while engaged in military education authorized by the school district in which rifles are used;
- Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the district; or
- Any student while participating in a rifle competition authorized by the district.

### **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 a language the student and his or her parents/guardians can understand, if other than English;
- 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.

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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 and Reengagement**, 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 expulsion**

The principal or designee may petition the superintendent for authorization to exceed the length of one academic term for a student's expulsion when warranted because of a perceived 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 a language they can understand, if other than English, if feasible. 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.

#### **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

#### **Reengagement Meeting and Plan**

For any student who has been subjected to a long-term suspension or expulsion, the district will convene a reengagement meeting with the student and their parent(s)/guardian(s) to discuss a plan to reengage the student. The reengagement meeting does not replace an appeal hearing to challenge the suspension or expulsion, nor does it replace a petition for readmission. Before convening a reengagement meeting, the district will communicate with the student and parents to schedule the meeting time and location.

The reengagement meeting must occur:

- Within twenty (20) calendar days of the start of the student's long-term suspension or expulsion, but no later than five (5) calendar days before the student's return to school; or
- As soon as reasonably possible, if the student or parents request a prompt reengagement meeting. 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:

- The nature and circumstances of the incident that led to the student's suspension or expulsion;
- As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
- Shortening the length of time that the student is suspended or expelled;



