Students

Student Discipline – Procedures

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

I. Definitions

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

A. **Behavioral violation** means a student's behavior that violates the district's discipline policy and this procedure.

B. **Classroom exclusion** means the exclusion of a student from a classroom or instruction or activity for a discretionary behavioral violation, that creates a disruption of the educational process in violation of the district disciplinary policy and procedure.

C. **Corrective action** means disciplinary and non-disciplinary actions taken by a certificated educator. Non-disciplinary actions include evidence-based interventions and support outline in RCW 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations.

D. **Culturally responsive** has the same meaning as "cultural competency" in RCW 28A.415.443.

E. **Discretionary Discipline** means a discipline action taken by a school district for student behavior that violates rules of student conduct adopted by the Board under RCW 28A.600.015(6). Disciplinary action may include, but is not limited to, oral or written reprimand, detention, exclusion from extracurricular activities, denial of classroom privileges, exclusion from transportation, or written notification to parents/guardians of disruptive behavior, a copy of which must be provided to the principal. Discretionary discipline does not include evidence-based interventions and support outlined in RCW 28A.410.270, 28A.405.100 and 28A.410.260 to support the student in meeting behavioral expectations.

F. **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.

G. **Emergency removal** means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.

H. **Expulsion** means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.

I. **Length of an academic term** means the total number of school days in a semester, as defined by the School Board.

J. **Nondiscretionary discipline** means (a) violations of RCW 28A.600.420; (b) an offense listed n RCW 13.04.155; two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020 or 28A.635.060 within a three-year period; or behavior that adversely impacts the health or safety of other students or educational staff.

K. **Parent** has the same meaning as in WAC 392-172A-01125, and means (a) a biological or adoptive parent of a child; (b) a foster parent; (c) a guardian general authorized to act as the child's parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state; (d) an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare; or a surrogate parent who has been appointed in accordance with WAC 392-172A-05130. If the biological or adoptive parent is attempting to act as the parent and more than one party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person to act at the "parent" of a child or to make educational decision on behalf of the child, then that person or persons will be determined to be the parent for purposes of the discipline policy and procedure .

L. **School Board** means the governing board of directors of the Snohomish School District.

M. **School business day** means any calendar day, except Saturdays, Sundays, or any federal, state or school holiday, upon which the office of the Superintendent is open to the public for business. A school business day concludes or terminates upon the closure of the Superintendent's office for the calendar day.

N. **School day** means any day or partial day that students are in attendance at school for instructional purposes.

Suspension means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency removals.

(a) **In-school suspension** means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current

school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(b) **Short-term suspension** means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(c) **Long-term suspension** means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

II. Engaging with Families & Language Assistance

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

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

III. School Meals, Graduation Requirements, and Recess

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

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

Regardless of disciplinary actions, schools that exceed five hours of instruction need to provide thirty (30) minutes of recess a day. Access to recess may or may not include being with peers, being with a small group, or individually with supervision.

IV. Staff Authority and Exclusionary Discipline

District staff members are responsible for supervising students immediately before and after the school day; during the school day; during school activities (whether on or off campus); on school grounds before or after school hours when a school group or school

activity is using school grounds; off school grounds, if the actions of the student materially or substantially affect or interferes with the educational process; and on school transportation. Staff have the responsibility to provide a safe and supportive learning environment for all students during school-related activities. In accordance with the student discipline policy, district staff will administer discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible.

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

Exclusions from transportation or extra-curricular activities and detention

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

Authorized staff may administer lunch or after-school detention for not more than sixty (60) minutes on any given day. Before excluding a student from transportation or extracurricular activities, or assigning detention, the staff member will inform the student of the specific behavior violation prompting their decision to administer detention and provide the student with an opportunity to share their perspective and explanation regarding the behavioral violation.

Classroom exclusions

A teacher may exclude a student from the teacher's individual classroom and instructional or activity area while the student is under a teacher's immediate supervision, subject to the requirements in RCW 28A.600.460. Except in emergency circumstances, a teacher will first attempt one or more alternative forms of corrective action before excluding a student.

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

1. A teacher or other school personnel uses evidence-based classroom management practices outline in RCW 28A.405.100, RCW 28A.410.260, and RCW 28A.410.270 to support the student in meeting behavioral expectations; and

2. The student remains under the supervision of the teacher or other school personnel consistent with RCW 28A.150.240.

A classroom exclusion may be administered for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and the teacher have conferred, whichever occurs first. A classroom exclusion that exceeds this time period, and if the student has repeatedly disrupted the learning of other students, consistent with RCW 28A.600.460, may be considered a suspension in accordance with this procedure. In that case, the district must provide for the early involvement of parents/guardians in attempts to improve the student behavior.

A student may not be removed from school during a classroom exclusion unless the district provides notice and due process for a suspension, expulsion, or emergency removal.

Following the classroom exclusion of a student, the teacher must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or the principal's designee as soon as reasonably possible. The principal or designee must report all classroom exclusions, including the behavior violation that led to it the Superintendent or designee. The classroom exclusion must be recorded in a manner consistent with RCW 28A.600.460.

The teacher, principal, or principal's designee must notify the student's parent(s)/guardian(s) regarding the classroom exclusion as soon as reasonable possible.

V. Informal Grievance Procedure – Classroom exclusions, transportation, detention, extracurriculars

Any student or parent/guardian who is aggrieved by the administration of a classroom exclusion, exclusion from transportation or extracurricular activities, detention, or other discretionary discipline (not including suspensions) has the right to an informal conference with the principal or designee to resolve the grievance. At the time of the informal conference, the student will be given an opportunity to share their perspective and explanation regarding the behavioral violation.

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

VI. Suspension and Expulsion - General Conditions and Limitations

A. The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the school district, including but not limited to, the preservation of the health and safety of students and

employees and the preservation of an educational process that is conducive to learning.

B. The district will provide the parent(s)/guardian(s) opportunity for involvement to support the student in meeting behavioral expectations and will make reasonable attempts to involve the student and parent(s)/guardian(s) in the resolution of behavioral violations. Additionally, the Superintendent or designee must consider the student's individual circumstances and the nature of the violation to determine whether the suspension or expulsion , and the length of the exclusion, is warranted.

C. The principal or designee at each school must report all suspensions and expulsions, including the behavioral violation that led to the suspension or expulsion, to the Superintendent or designee within twenty-four (24) hours after the administration of the discipline.

An expulsion or suspension of a student may not be for an indefinite period and must have an end date. After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, the district must allow the student to petition for readmission at any time.

D. When administering a suspension or expulsion, the district may deny a student admission to, or entry upon, real and personal property that the district owns, leases, rents, or controls. The district must provide an opportunity for students to receive educational services during a suspension or expulsion in accordance with WAC 392-400-610. The district will not suspend or expel a student from school for absences or tardiness.

E. If during a suspension or expulsion the district enrolls a student in another program or course of study, the district may not preclude the student from returning to the student's regular educational setting following the end of the suspension or expulsion, unless one of the following applies:

1. The Superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

2. The change of setting is to protect victims under WAC 392-400-810; or

3. Other law precludes the student from returning to their regular educational setting.

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

Before administering an in-school or short-term suspension, the district must consider the general conditions and limitations for suspension and expulsions.

For students in kindergarten through fourth grade, the district will not administer in-school or short-term suspension for more than ten (10) cumulative school days during any academic term. For students in grades five (5) through twelve (12), the district will not administer in-school or short-term suspension for more than fifteen (15) cumulative school days during any single semester. Additionally, the district will not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

When administering an in-school suspension, school personnel will ensure they are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension. Additionally, school personnel will ensure they are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.

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

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

A. **Imposition of Long-Term Suspensions and Expulsions**:

The district may determine that long-term suspension or expulsion is appropriate only for behavioral violations that meet the definitions provided under RCW 28A.600.015(6)(a)-(d) set forth below, and after determining that the student would pose an imminent danger to student or school personnel if the student returned to school before completing a long-term suspension or expulsion.

Behavioral violations that meet the definitions under RCW 28A.600.015 (6)(a)-(d) include the following:

1. Having a firearm on school property or school transportation in violation of RCW 28A.600.420;

2. Any of the following offenses listed in RCW 13.04.155, including:
    a. Any violent offense as defined in RCW 9.94A.030, which include:
    b. Any felony defined under any laws defined as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a Class A felony;
    c. Manslaughter in the first or second degree;
    d. Indecent liberties committed by forcible compulsion;
    e. Kidnapping in the second degree;
    f. Arson in the second degree;
    g. Assault in the second degree;
    h. Assault of a child in the second degree;
    i. Extortion in the first degree;
    j. Robbery in the second degree;

k. Drive-by shooting; and
l. Vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner;

3. Any sex offense as defined in RCW 9.94A.030, which includes:
   a. 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
   b. A violation of RCW 9A.64.020;
   c. A felony that is a violation of Chapter 9.68A RCW (other than RCW 9.68A.080);
   d. A felony that is, under Chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; and
   e. A felony with a finding of sexual motivation under RCW 9.94A.835 or RCW 13.40.1365.

4. Unlawful possession or delivery , or both , of a controlled substance violation of chapter 69.50 RCW;

5. Any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;

6. Two or more violations of the following within a three-year period: (a) Criminal gang intimidation in violation of RCW 9A.46.120, (b) Gang activity on school grounds in violation of RCW 28A.600.455; (c) Willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and (d) Defacing or injuring school property in violation of RCW 28A.635.060.

7. Any student behavior that adversely impacts the health or safety of other students or educational staff.

B. **Duration of Long-Term Suspensions and Expulsions**:

Neither a long-term suspension nor an expulsion will exceed the length of an academic term. Except as provided for under WAC 392-400-480, the district may not administer a long-term suspension or expulsion beyond the school year in which the behavioral violation occurred.

In accordance with RCW 28A.600.420, a school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The

Superintendent may modify the expulsion on a case-by-case basis.

A school district may also suspend or expel a student for up to one year if the student acts with malice (as defined under RCW 9A.04.110) and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. These provisions do not apply to students while engaged in a district authorized military education; a district authorized firearms convention or safety course; or district authorized rifle competition.

Except for a firearm violation under WAC 392-400-820, the district will not impose a long-term suspension or an expulsion for any student in kindergarten through fourth grade.

When a student is long-term suspended or expelled, the district will consider whether the student is currently eligible or might be deemed eligible for special education services. If so, the principal will notify relevant special education staff of the suspension or expulsion so that the district can ensure it follows policy and procedure 2161 – Special Education and Related Services for Eligible Students as well as this student discipline policy and procedure.

C. **Suspensions and Expulsions – Initial Hearing**

Before administering any suspension or expulsion, the principal or designee will conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing , the principal will provide the student with:

- Notice of the student's violation of this policy and procedure;
- An explanation of the evidence regarding the behavior violation;
- An explanation of the discipline that may be administered; and
- An opportunity for the student to share their perspective and provide an explanation regarding the behavior violation.

At the initial hearing in which the principal or designee is considering administering a short-term or in-school suspension, the principal or designee must provide the student an opportunity to contact their parent(s)/guardian(s).

At the initial hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parent(s)/guardian(s) to provide an opportunity for the parents/guardian(s) to participate in the initial hearing in person or by telephone.

Following the initial hearing, but before administering any suspension or

expulsion, the district will attempt to notify the student's parent(s)/guardian(s) as soon as reasonably possible regarding the behavioral violation.

D. Suspensions and expulsions – Notice

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

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

a. A description of the student's behavior and how the behavior violated the discipline policy and procedure;
b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
c. The opportunity to receive educational services during the suspension or expulsion;
d. The right of the student and parent(s)/guardian(s) to an informal conference with the principal or designee;
e. The right of the student and parent(s)/guardian(s) to appeal the suspension or expulsion including where and to whom the appeal must be requested; and
f. For any long-term suspension or expulsion, the opportunity for the student and parent(s)/guardian(s) to participate in a reengagement meeting.

IX. Emergency Removals -Conditions and Limitations

A. **Imposition of an Emergency Removal :**

The district may immediately remove a student from the student's current school placement, subject to the following requirements.

The district must have sufficient cause to believe that the student's presence poses:

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

2. An immediate and continuing threat of material and substantial disruption of the educational process.

The district may not impose an emergency removal solely for investigating student conduct.

For purposes of determining sufficient cause for an emergency removal, the phrase "immediate and continuing threat of material and substantial disruption of the educational process" means:

1. The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day.

B. **Duration of an Emergency Removal:**

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

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

a. Apply any days the student was emergency removed before the conversion to the total length of the suspension or expulsion; and

b. Provide the student and parent/guardian with notice and due process rights under WAC 392-400-430 through 392-400-480 appropriate to the new disciplinary action.

All emergency removals, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the Superintendent or designee within twenty-four (24) hours after the start of the emergency removal.

C. **Notice Requirements for Emergency Removals:**

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

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

1. The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;

2. The duration and conditions of the emergency expulsion, including the date on which the emergency expulsion will begin and end;

3. The opportunity to receive educational services during the emergency removal;

4. The right of the student and parent/guardian to an informal conference with the principal or designee; and

5. The right of the student and parent/guardian to appeal the emergency removal, including where and to whom the appeal must be requested.

X. Appeal Process

A. Optional Informal Conference with Principal

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

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

During the informal conference, the student and parent/guardian will have the opportunity to share the student's perspective and explanation regarding the behavioral violation and the events that led to the exclusion. The student and parent/guardian will also have the opportunity to confer with the principal or designee and school personnel involved in the incident that led to the exclusion.

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

B. Appeals

The appeal provisions for in-school and short-term suspension differ from those for long-term suspension and expulsion. The appeal provisions for long-term

suspension or expulsion and emergency removal have similarities, but the timelines differ.

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

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

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

When an appeal for suspension or expulsion is pending, the district may continue to administer the suspension or expulsion during the appeal process, subject to the following requirements:

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

2. The district will apply any days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and

3. If the student returns to school before the appeal is decided, the district will provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

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

Process: For in-school and short-term suspensions, the Superintendent or designee will provide the student and parent/guardian the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

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

1. The decision to affirm, reverse, or modify the suspension;

2. The duration and conditions of the suspension, including the beginning

and ending dates;

3. The educational services the district will offer during the suspension; and

4. Notice of the student and parents'/guardians' right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

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

Notice: For long-term suspensions, expulsions, or emergency removals, the Superintendent or designee will provide the student and parent/guardian written notice in person, by mail, or by email, within one (1) school business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:

1. The time, date, and location of the appeal hearing;

2. The name(s) of the official(s) presiding over the appeal;

3. The right of the student and parent/guardian to inspect the student's education records;

4. The right of the student and parent/guardian to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;

5. The rights of the student and parent/guardian to be represented by legal counsel at the student and parents'/guardians' own expense; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and

6. Whether the district will offer a reengagement meeting before the appeal hearing.

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

E. **Hearings**

A hearing to appeal a long-term suspension or expulsion or emergency removal is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To

protect the privacy of student(s) and others involved, the district will hold hearing without public notice and without public access. The district will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.

Timing: For long-term suspensions or expulsions, the district will hold an appeal hearing within three (3) school business days after the Superintendent or designee received the appeal request, unless otherwise agreed to by the student and parent/guardian.

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

Hearing Procedures: The appeal hearing will be conducted by a hearing officer designated by the Superintendent to hear and decide appeals pursuant to this procedure. The hearing officer will not have been involved in the student's behavioral violation or decision to suspend or expel the student and will be knowledgeable about the discipline rules in chapter 392-400 WAC and the district's discipline policies and procedures.

Upon request, the student, parent/guardian or their legal representative may inspect any documentary or physical evidence and list of any witnesses that will be introduced at the appeal hearing. This information will be made available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing. The district may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parent(s)/guardian(s) intent to introduce at the appeal hearing. The student and parent(s)/guardian(s) must make this information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

Upon request, the student and parent/guardian may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

If a witness for the district cannot or does not appear at the appeal hearing, the presiding official may excuse the witness' nonappearance if the district establishes that:

1. The district made a reasonable effort to produce the witness; and

2. The witness' failure to appear is excused by fear of reprisal or another compelling reason.

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

Recording: The district will record the appeal hearing by analog, digital , or other type of recording device. The district will provide a copy of the recording upon request.

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

1. The findings of fact;

2. A determination whether (a) the student's behavior violated the district's discipline policy and procedure; (b) the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and (c) the suspension or expulsion is affirmed, reversed, or modified;

3. The duration and conditions of suspension or expulsion, including the beginning and ending dates;

4. Notice of the right of the student and parent/guardian to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and

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

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

1. The findings of fact;

2. A determination whether the student's statements or behaviors continue to pose (a) an immediate and continuing danger to students or school personnel; or (b) an immediate and continuing threat of material and substantial disruption of the educational process;

3. Whether the district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the district converts the emergency removal to a suspension or expulsion, the district will provide the student and parent/guardian notice and due process consistent with the disciplinary action to which the emergency removal was converted; and

4. Notice of the right of the student and parent/guardian to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

E. **Reconsideration of Appeal for Long-term Suspensions, Expulsions or Emergency Removal**

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

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

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

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

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

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

Decision: For long-term suspensions or expulsions, the School Board will provide a written decision to the student and parent/guardian in person, by mail, or by

email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

1. Whether the School Board affirms, reverses, or modifies the suspension or expulsion;

2. The duration and conditions of the long-term suspension or expulsion, including the beginning and ending dates of the long-term suspension or expulsion; and

3. For long-term suspensions and expulsions, notice of the opportunity to participate in a reengagement meeting.

For emergency removals, the School Board will provide a written decision to the student and parent/guardian in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration. The written decision must identify:

1. Whether the School Board affirms or reverses the district's decision that the student's statements or behaviors posed (a) an immediate and continuing danger to students or school personnel; or (b) an immediate and continuing threat of material and substantial disruption of the educational process.

2. If the emergency removal has not yet ended or been converted, whether the district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the district converts the emergency removal to a suspension or expulsion, the district will provide the student and parents'/guardians' notice and due process under WAC 392-400-430 through 392-400-480 consistent with the disciplinary action to which the emergency removal was converted.

XI. Petition to Extend an Expulsion

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

- The behavioral violation that resulted in the expulsion and the public health or safety concerns;
- The student's academic, attendance, and discipline history;
- Any nonacademic supports and behavioral services the student was offered or received during the expulsion;

- The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
- The proposed extended length of the expulsion; and
- The student's reengagement plan.

The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820 involving a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools, the principal or designee may petition to extend an expulsion at any time.

B. Notice

The district will provide written notice of a petition to the student and parent(s)/guardian(s) in person, by mail, or by email within one (1) school business day from the date the Superintendent or designee received the petition. The written notice must include:

- A copy of the petition;
- The right of the student and parent(s) to an informal conference with the Superintendent or designee to be held within five (5) school business days from the date the district provided written notice to the student and parent(s); and
- The right of the student and parent(s) to respond to the petition orally or in writing to the Superintendent or designee within five (5) school business days from the date the district provided the written notice.

C. The Superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The Superintendent or designee must deliver a written decision to the principal, the student, and the student's parent(s)/guardian(s) in person, by mail, or by email within ten (10) school business days after receiving the petition.

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

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

- The date on which the extended expulsion will end;
- The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and

- Notice of the right of the student and parent(s) to request a review and reconsideration. The notice will include where and to whom to make such a request;

D. Review and Reconsideration of extension of expulsion

The student or parent(s)/guardian(s) may request that the School Board review and reconsider the decision to extend the student's expulsion. The student or parent(s)/guardian(s) may request the review orally or in writing within ten (10) school business days from the date the Superintendent or designee provides the written decision.

The School Board may request to meet with the student or parent(s)/guardian(s) or the principal to hear further arguments and gather additional information.

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

The School Board will provide a written decision to the student and parent(s)/guardian(s) in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

- Whether the School Board affirms, reverses, or modifies the decision to extend the student's expulsion; and
- The date when the extended expulsion will end.

Any extension of an expulsion may not exceed the length of an academic term.

The district will annually report the number of petitions approved and denied to the Office of Superintendent of Public Instruction (OSPI).

XII. Educational Services During Suspension, Expulsion or Emergency Removal

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

1. Continue to participate in the general education curriculum;

2. Meet the educational standards established within the district; and

3. Complete subject, grade-level, and graduation requirements.

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

1. Meaningful input from the student, parent/guardian, and the student's teachers;

2. Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and

3. Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

After considering the factors an input described above, the district will determine a student's educational services on a case-by-case basis. An educational service in an alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline.

As soon as reasonably possible after administering a suspension or expulsion, the district will provide written notice to the student and parent/guardian about the educational services the district will provide. The notice will include a description of the educational services and the name and contact information of the school personnel who can offer support to keep the student current with assignments and course work.

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

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

2. Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and

3. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

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

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

2. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency removal; and

3. Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parent/guardian within three (3) school business days following the start of the suspension or emergency removal and periodically thereafter until the suspension or emergency removal ends to:

    a. Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and

    b. Communicate with the student, parent/guardian, and the student's teacher(s) about the student's academic progress.

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

XIII. Readmission

The readmission process is different from and does not replace the appeal process. Students who have been suspended or expelled may make a written request for readmission to the district at any time. If a student desires to be readmitted at the school from which the student has been suspended/expelled, the student will submit a written application to the principal, who will recommend admission or non-admission. If a student wishes admission to another school, the student will submit the written application to the Superintendent or designee. The application will include:

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

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

XIV. Reengagement

A. Reengagement Meeting

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

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

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 parent(s)/guardian(s) request a prompt reengagement meeting.

Reengagement Plan

After imposing a long-term suspension or expulsion, the district will collaborate with the student and parent(s)/guardian(s) to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the district must consider:

- The nature and circumstances of the incident that led to the student's suspension or expulsion;
- As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent/guardian outreach;
- Shortening the length of time that the student is suspended or expelled;
- Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged an on track to graduate; and
- Supporting the student parent(s)/guardian(s), or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

XV. Behavior Agreements

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

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

XVI. Exceptions for the Purpose of Protecting Victims

The district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion to protect victims of certain offenses as follows:

1. A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward a teacher, will not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned;

2. A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

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