

STUDENTS

Student Discipline Procedures

(Sections I-IV can be found in Part 1)

V. Appeals

A. Optional Conference with Principal

If a student or parent disagrees with the district's decision to suspend, expel, or emergency remove the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The parents 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 parents.

During the informal conference, the student and parents 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 parents 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 parents to appeal the suspension, expulsion, or emergency removal, participate in a reengagement meeting as applicable, or petition for readmission.

B. Request for Appeal—Timeline to File—Limitations

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

1. Suspension and Expulsion: the request to appeal must be within five (5) school business days from when the district provided the student and parents with written notice.
2. Emergency Removal: the request to appeal must be within three (3) school business days from when the district provided the student and parents 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 for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier. The district will apply any days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion. 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 Suspension or Short-Term Suspension

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

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

1. The decision to affirm, reverse, or modify the suspension;
2. The duration and conditions of the suspension, including the beginning and ending dates;
3. The educational services the district will offer to the student during the suspension; and
4. Notice of the student's and parents' 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 Suspension, Expulsion, or Emergency Removal

For long-term suspension, expulsion, or emergency removals, within one (1) school business day after receiving the appeal request in Section (V)(B), unless otherwise agreed to, the Superintendent or designee will provide the student and parents written notice in person, by mail, or by email of:

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 parents to inspect the student's education records;
4. The right of the student and parents 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 parents to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
6. Whether the district will offer a reengagement meeting before the appeal hearing.

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

E. Appeal Hearings

A hearing to appeal a long-term suspension, expulsion, or emergency removal is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of students and others involved, the district will hold the hearing without public notice and without public access. The district will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning the confidentiality of student education records.

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

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

The district will designate the Superintendent or a hearing officer to hear and decide appeals. The presiding official(s) may not have been involved in the student's behavioral violation or the decision to suspend or expel the student and must be knowledgeable about the rules in chapter 392-400 WAC and the district's policy and procedure.

Upon request, the student and parents or their legal representative may inspect any documentary or physical evidence and list of any witnesses that the district will introduce at the appeal hearing. The district must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing. The district may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parents intend to introduce at the appeal hearing. The student and parents 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 parents may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

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

1. The district made a reasonable effort to produce the witness; and
2. The witness' failure to appear is excused by fear of reprisal or another compelling reason.

The district will make a digital recording of the hearing. The district will provide a copy of the recording to the student or parents upon request.

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

1. The findings of fact;
2. A determination whether (i) the student's behavior violated this policy and procedure; (ii) the behavioral violation reasonably warrants the suspension or expulsion and the length of

the suspension or expulsion; and (iii) the suspension or expulsion is affirmed, reversed, or modified;

3. The duration and conditions of suspension or expulsion, including the beginning and ending dates;
4. Notice of the right of the student and parents to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and
5. Notice of the opportunity for a reengagement meeting and contact information for the person who will schedule it.

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

1. The findings of fact;
2. A determination whether the student's presence continues to pose (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process;
3. Whether the district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the district converts the emergency removal to a suspension or expulsion, the district will provide the student and parents 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 parents to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

F. Reconsideration of Decision

The student or parents may request the school board review and reconsider the district's appeal decision for suspensions, expulsions, and emergency removals. This request may be made either orally or in writing.

For long-term suspension, short-term suspension, or expulsion, the student or parents may request a review within ten (10) school business days from when the district provided the student and parents with the written appeal decision. For emergency removal, the student or parents may request a review within five (5) school business days from when the district provided the student and parents with the written appeal decision.

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

Solely at the discretion of the board, the board may request to meet with the student and parents, the principal, witnesses, and/or school personnel to hear further arguments and gather additional information. Such a meeting is not required.

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

For long-term suspension, short-term suspension, or expulsion, the board will provide a written decision to the student and parents 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 board affirms, reverses, or modifies the suspension or expulsion;
2. The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
3. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

For emergency removal, the school board will provide a written decision to the student and parents 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 board affirms or reverses the district's decision that the student's presence posed (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process.
2. If the emergency removal has not yet ended or been converted to suspension or expulsion, 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 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

VI. Petition by Principal to Extend Expulsion

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

1. The behavioral violation that resulted in the expulsion and the public health or safety concerns;
2. The student's academic, attendance, and discipline history;
3. Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
4. The student's academic progress during the expulsion and the educational services available to the student during the expulsion;

5. The proposed extended length of the expulsion; and
6. The student's reengagement plan.

The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC [392-400-710](#) and before the end of the expulsion. For violations of WAC [392-400-820](#) 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.

A. Notice Required

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

1. A copy of the petition;
2. The right of the student and parents 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 parents; and
3. The right of the student and parents to respond to the petition orally or in writing to the Superintendent or designee within five (5) school business days from the date the district provided the written notice.

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

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

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

1. The date on which the extended expulsion will end;
2. The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
3. Notice of the right of the student and parents to request a review and reconsideration. The notice will include where and to whom to make such a request.

B. Review and Reconsideration of Extension of Expulsion

The student or parents may request that the board of directors review and reconsider the decision to extend the student's expulsion. The request must be made within ten (10) school business days

from the date the Superintendent or designee provides the written decision. The request may be made either orally or in writing.

Solely at the discretion of the board, the board may request to meet with the student, parents, or the principal to hear further arguments and gather additional information. Such a meeting is not required.

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

The board or discipline appeal council will provide a written decision to the student and parents 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 board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
2. The date when the extended expulsion will end.

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

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

VII. Educational Services

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

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

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

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

After considering the factors and input described above, the district will determine a student's educational services on a case-by-case basis. The types of educational services the district will consider include tutoring, alternative placement, and online learning. Any educational services in an alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline.

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

For students subjected to suspension or emergency removal up to five consecutive school days, a school must provide at least the following:

1. Coursework, including any assigned homework, from all the student's regular subjects or classes;
2. Access to school personnel who can offer support to keep the student current with assignments and coursework for all the student's regular subjects or classes; and
3. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency removal.

For students subjected to suspension or emergency removal for six to ten consecutive school days, a school must provide at least the following:

1. Coursework, including any assigned homework, from all 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 coursework for all the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three school business days following the start of the suspension or emergency removal and periodically thereafter until the suspension or emergency removal ends to:
 - o Coordinate the delivery and grading of coursework between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and coursework for all the student's regular subjects or classes; and
 - o 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 consecutive school days, a school will make provisions for educational services in accordance with the “Course of Study” provisions of WAC [392-121-107](#).

VIII. 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 to the school from which they have been suspended or 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, they must submit the written application to the Superintendent. The application will include:

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

The Superintendent or principal, as applicable, will advise the student and parents of the decision within seven school days of receiving the application.

IX. 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 a long-term suspension or expulsion.

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

The reengagement meeting must occur:

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

B. Reengagement Plan

The district will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student’s individual circumstances to

support the student in successfully returning to school. In developing a reengagement plan, the district must consider:

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

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

X. Other Provisions

A. Behavior Agreements

The district may enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance. Behavior agreements will also describe district actions planned to support students in meeting behavioral expectations. Behavior agreements may be supplemental to but will not replace best practices and strategies implemented at the classroom level to support students in meeting behavioral expectations. Behavior agreements entered into with students and parents under this section may not replace or negate provisions within a student's Individualized Education Program (IEP), 504 Plan, or Behavioral Intervention Plan (BIP).

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

B. Exceptions for Protecting Victims

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

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

The district will also abide by any lawfully issued judicial order and any applicable state law that otherwise restricts or limits the student's placement in the regular educational setting.

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