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I. DEFINITIONS

- A. **Academic Term** for schools on a semester schedule means 90 school days, and for schools on a trimester schedule means 60 school days.
- B. **Behavioral violation** means a student's behavior that violates a District discipline policy.
- C. **Board** or **school board** means the Board of Directors of the Wenatchee School District.
- D.
- E. ~~Corrective action~~ means any discipline, removal, emergency removal, suspension or expulsion.
- F. **Deference** means considerable weight is given to the District staff member's decision.
- G. **Detention** means a form of discipline where the student is detained after school hours for not more than 60 minutes on any given day.
- H. **Discipline** means any action taken by a school district in response to behavioral violations~~all forms of corrective action~~~~discipline other than emergency removal, suspension or expulsion.~~ Discipline includes the exclusion of a student from any type of activity conducted by or on behalf of the school District and exclusion of a student from a class by a teacher or administrator for a period of time that does not exceed the balance of the immediate class period, provided the student is in the custody of a school District employee for the balance of such period.
- I.
- J. ~~Discretionary Discipline~~ means a ~~corrective action~~discipline taken by the District against a student for behavior that violates rules of student conduct (Policy 3240), but does not include ~~corrective action~~discipline for:
1. ~~A violation of RCW 28A.600.420;~~
 2. ~~An offense in RCW 13.04.155;~~
 3. ~~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~~
 4. ~~Behavior that adversely impacts the health or safety of other students or educational staff.~~
- K. **Emergency expulsion** 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~~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, where there is 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.~~

L.

M. **Emergency removal** means a student's immediate removal from a class, subject or activity by a certificated teacher or an administrator or a school bus driver and sending of that student to the building principal or designee, when the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students or school staff or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process.

N. ~~**Exceptional misconduct** means misconduct other than absenteeism which the District has judged, following consultation with an ad hoc citizens committee, to (i) be of such frequent occurrence, notwithstanding past attempts of District staff to control such misconduct through the use of other forms of corrective action, as to warrant an immediate resort to a specified corrective action, or (ii) be so serious in nature or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to a specified corrective action.~~

O. **Expulsion** means a denial of admission to the student's current school placement in response to a behavioral violation attendance for a period of time up to but no longer than the length of an academic term from the time the student is removed from his/her current school placement by a school District Superintendent or designee. An expulsion may be extended beyond the length of an academic term as provided by Section XVIII of this Procedure. 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.

P. **Good cause** means a substantial reason or legal justification for failing to appear, to act, or respond to an action or obligation.

Q. **Long-term suspension** means a suspension in which a student is excluded from school for more than that exceeds ten (10) consecutive school days.

R. **Preponderance of the evidence** means considering all of the evidence, the proposition asserted must be more probably true than not true.

S. **Reengagement meeting** means a meeting held between the District and the student and the student's parents/guardians to discuss how to return the student, who has been long-term suspended or expelled, to an educational setting.

T. **Reengagement plan** means a culturally sensitive and culturally responsive written plan developed between the District and the student and the student's parents/guardians designed to aid the student in taking the necessary steps to remedy the situation that led to the student's long-term suspension or expulsion and to return the student to an educational setting.

U. **Removal** means a student's removal from a class, subject or activity by a certificated teacher or an administrator or a school bus driver and sending of that student to the building principal or designee.

V. **School business day** means any calendar day except Saturdays, Sundays and any federal and school holidays upon which the office of the Superintendent is open to the public for business. A school business day concludes upon the closure of the Superintendent's office for the calendar day.

W. **School day** means ~~any calendar day or partial day that students are in attendance at school for instructional purposes, except school holidays on which enrolled students are engaged in educational activity which is planned, supervised and conducted by or under the supervision of certificated staff and on which day all or any portion of enrolled students participate in such educational activity.~~

X. **Short-term suspension** means a suspension in which a student is excluded from school for up to ten consecutive school days.~~suspension for any portion of a calendar day up to and not exceeding ten (10) consecutive school days.~~

Y.

Z.

Suspension means a 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.~~the denial of attendance for any single subject or class or for any full schedule of subjects or classes for a stated period of time. Suspension may also include denial of admission to, or entry upon, real and personal property that is owned, leased, rented or controlled by the District.~~

II. SUPERINTENDENT AUTHORITY

The Superintendent will have the authority to impose any ~~corrective action~~discipline he or she deems appropriate. The Superintendent will:

- A. Identify the conditions under which a teacher may exclude a student from his or her class; and
- B. Designate which staff members have the authority to initiate or to impose ~~corrective action~~discipline.

III. NOTIFICATION OF SUSPENSIONS/EXPULSIONS OF STUDENTS ELIGIBLE FOR SPECIAL EDUCATION SERVICES

The principal shall notify the Director of Special Education of any suspensions, expulsions or emergency expulsions 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, expulsions or emergency expulsions may cumulatively or consecutively exceed ten (10) days, the principal shall notify relevant special education staff so that the District can ensure compliance with special education ~~corrective action~~discipline procedures.

IV. NOTIFICATION OF RULES, POLICIES AND PROCEDURES RELATING TO STUDENT BEHAVIOR

- A. Principals in each school will annually publish and make available to students, parents/guardians, staff and the community the rules, policies and procedures of the District that establish misconduct or behavioral violations and the written procedures for administering ~~corrective action~~discipline. The publication will also define student rights and responsibilities relating to student behavior.
- B. Pursuant to the Drug-Free Schools and Communities Act (Amendments of 1989), students and parents/guardians will be given annual notice of the standard of conduct the District requires regarding controlled substance and alcohol use, and a statement of the ~~corrective—
action~~discipline sanctions for violations of that standard.
- C. The District will, in consultation with staff, students, students' families, and the community, periodically review and update the District's rules, policies and procedures related to student discipline. During the development and review of discipline policies and procedures, the District will use disaggregated data collected under RCW 28A.300.042 to:
- D.
 1. Monitor the impact of the District's discipline policies, procedures, and practices; and
 2. Update the District's discipline policies and procedures to improve fairness and equity in the administration of discipline.

V. RESPONSIBILITIES OF STAFF

A. Certificated staff will have the responsibility to:

1. Observe the rights of students;
2. 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 action~~disciplinary actions taken by the teacher;
3. 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);
- 4.
5. Make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;
6. Impose discipline, removal or emergency removal when appropriate; and
7. Maintain accurate attendance records and report all cases of truancy.

B. Principals will have the responsibility to:

1. Make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;
2. Impose any ~~corrective action~~discipline when appropriate;

3. Notify parents/guardians when students are suspended or expelled;
4. Conduct informal conferences when a student has been disciplined or short-term suspended; and
5. 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 action~~disciplinary actions that may be employed in the event of school rule violations of District policy or procedure violations.

VI. ~~CORRECTIVE ACTION~~DISCIPLINE FOR UNEXCUSED ABSENCES AND TARDINESS

- A. Students with one or more unexcused absences and/or tardiness and subject to compulsory attendance pursuant to Chapter 28A.225 RCW may have ~~corrective action~~discipline imposed that is reasonably calculated to modify the student's conduct, provided that:— the District may not suspend or expel a student from school for absences and/or tardiness. However, if the District imposes ~~corrective action~~discipline on a student for one or more unexcused absences, it shall:
 1. Provide notice to the student's parent/guardian in writing in English or the primary language of the parent/guardian, that the student has failed to attend school without valid justification, and by any other means necessary to provide notice of these facts;
 2. Schedule a conference or conferences with the parents/guardians and the student to analyze the causes of the student's absences and determine whether the student would be appropriately placed in a special program designed for his/her educational success; and
 3. Take steps to reduce the student's absences, which include, where appropriate in the judgment of District staff, adjustments to the student's school program or school or courses or assisting the parent/guardian in obtaining supplementary services.
- B. A student's academic grade or credit may only be adversely affected by reason of tardiness or absences if:
 1. The student's attendance or participation is related to the instructional objectives or goals of the particular subject or course;
 2. The student's attendance or participation has been identified by the teacher pursuant to District policy as a basis for grading the subject or course; and
 3. The circumstances pertaining to the student's inability to attend school have been taken into consideration, including whether the absences are directly related to the student's disability under Section 504 of the Rehabilitation Act of 1964, Title II of the Americans with Disabilities Act (ADA) or the Individuals with Disabilities Education Act (IDEA).

VII. ALTERNATIVE FORMS OF ~~CORRECTIVE ACTION~~DISCIPLINE AND ~~DISCRETIONARY DISCIPLINE~~

- A. The Board encourages the use of alternative forms of ~~corrective action~~discipline 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~~discipline—including programs intended to lessen the time of exclusion from class attendance—which have been approved by the Board and/or Superintendent.
- B. ~~Except in cases involving exceptional misconduct,~~ District administrators must impose alternative forms of ~~corrective action~~discipline for incidents of ~~misbehavior~~behavioral violations prior to imposing a suspension or expulsion for the same type of ~~misbehavior~~behavioral violations.
- C.
- D. At all times and as early as possible, the District must provide for early involvement of parents in efforts to support students in meeting behavioral expectation and must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.
- E.
- F. The District may not administer any discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to the student.

VIII. REMOVAL AND EMERGENCY REMOVAL

- A. **Emergency Removal – When student’s presence poses an immediate and continuing danger or threat**
 - 1. A student may be removed immediately from a class or subject by a teacher, administrator, or other staff as designated by the Superintendent and sent to the principal or a designated school official, without first attempting ~~corrective action~~discipline, provided that the teacher or administrator has good and sufficient reason to believe that the student’s presence poses:
 - a. An immediate and continuing danger to the student, other students or staff; or
 - b. An immediate and continuing threat of substantial disruption of the educational process.
 - 2. The emergency removal will continue only until the earlier of:
 - a. The danger or threat ceases; or
 - b. The principal or designee acts to impose ~~corrective action~~discipline.
 - 3. When a teacher administers an emergency removal, the teacher will immediately notify the principal or designee. The principal or designee will meet with the student as soon as reasonably possible following the emergency removal and take or initiate appropriate ~~corrective action~~discipline. The meeting will take place no later than the beginning of the school day following the student’s emergency removal. The teacher or administrator who emergency removed the student will be notified of the ~~corrective action~~discipline taken or initiated.
 - 4. The District will provide the student an opportunity to make up any assignments and tests missed during classroom removal.

B. Removal – When student’s presence does not pose an immediate and continuing danger or threat

1. Teachers have the right to remove any student who creates a disruption of the educational process in violation of building disciplinary standards, while under the teacher’s supervision, from his/her individual classroom or instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first.
2. The teacher will attempt one or more forms of ~~corrective action~~discipline prior to removing the student.
3. A student that has been removed may not return to the class during the balance of that class or activity period without the consent of the teacher or until the principal and the teacher have conferred, whichever occurs first.
- 4.
5. A student may not be removed from school during a classroom removal unless the District provides notice and due process for a suspension, expulsion, or emergency expulsion.
6. Following a classroom removal, the teacher will report the removal, including the behavioral violation that led to the classroom removal to the principal or designee as soon as reasonably possible. The teacher, principal or designee will notify the student’s parents of the classroom removal as soon as reasonably possible. The notification will be in a language understood by the parents. The principal or designee will meet with the student as soon as reasonably possible following the removal and take or initiate appropriate ~~corrective action~~discipline, if any. The meeting will take place no later than the beginning of the school day following the student’s removal. The teacher who removed the student will be notified of the ~~corrective action~~discipline taken or initiated.
- 7.
8. The District will provide the student an opportunity to make up any assignments and tests missed during classroom removal.

IX. DISCRETIONARY DISCIPLINE

~~A. Long term suspensions and expulsions may not be imposed as a form of discretionary discipline. The definition for discretionary discipline refers to certain statutes. For ease of reference, discretionary discipline does not include:~~

- ~~1. A violation of RCW 28A.600.420: Firearms on school premises, transportation, or facilities;~~
- ~~2. An offense in RCW 13.04.155, which includes:~~
 - ~~a. Any violent offense as defined in RCW 9.94A.030, which includes, but is not limited to any of the following felonies:~~
 - ~~i. Any felony defined under any law as a class A felony or an attempt to commit a class A felony;~~

- ii. ~~Criminal solicitation of a criminal conspiracy to commit a class A felony;~~
 - iii. ~~Manslaughter;~~
 - iv. ~~Indecent liberties if committed by forcible compulsion;~~
 - v. ~~Kidnapping;~~
 - vi. ~~Arson;~~
 - vii. ~~Assault in the second degree;~~
 - viii. ~~Assault of a child in the second degree;~~
 - ix. ~~Robbery;~~
 - x. ~~Drive-by shooting;~~
 - xi. ~~Vehicular assault or vehicular homicide, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; or~~
- b. ~~A sex offense as defined in RCW 9.94A.030, which includes, but is not limited to any of the following offenses:~~
- i. ~~Other than RCW 9A.44.132 (failure to register as sex offender), a felony that is a violation of chapter 9A.44 RCW including:-~~
 - a. ~~Rape;-~~
 - b. ~~Rape of a child;-~~
 - c. ~~Child molestation;-~~
 - d. ~~Sexual misconduct with a minor;-~~
 - e. ~~Indecent liberties;-~~
 - f. ~~Voyeurism;-~~
 - g. ~~Criminal trespass against children;-~~
 - ii. ~~A violation of RCW 9A.64.020: Incest;~~
 - iii. ~~A felony that is a violation of chapter 9.68A RCW:—Sexual Exploitation of Children, other than RCW 9.68A.080:—Reporting of Depictions of Minor Engaged in Sexually Explicit Conduct—Civil Immunity; or~~
 - iv. ~~Any felony or adjudication with a finding of sexual motivation;-~~
- c. ~~Inhaling toxic fumes under chapter 9.47A RCW;~~
- d. ~~A controlled substance violation under chapter 69.50 RCW;~~
- e. ~~A liquor violation under RCW 66.44.270:—Furnishing Liquor to Minors—Minors in Possession of Liquor;~~
- f. ~~Any crime under chapter 9.41 RCW:—Firearms and Dangerous Weapons;~~
- g. ~~Any crime under chapter 9A.36 RCW:—Assault—Physical Harm;~~
- h. ~~Any crime under chapter 9A.40 RCW:—Kidnapping, Unlawful Imprisonment, Custodial Interference, Luring, Trafficking, and Coercion of Involuntary Servitude;~~
- i. ~~Any crime under chapter 9A.46 RCW:—Harassment; or~~

j. ~~Any crime under chapter 9A.48 RCW: Arson, Reckless Burning, and Malicious Mischief; or~~

3. ~~Two or more violations, within a three year period, of:~~

a. ~~RCW 9A.46.120: Criminal gang intimidation;~~

b. ~~RCW 9.41.280: Possessing dangerous weapons on school facilities;~~

c. ~~RCW 28A.600.455: Gang activity on school grounds;~~

d. ~~RCW 28A.635.020: Willfully disobeying school administrative personnel or refusing to leave public property; or~~

e. ~~RCW 28A.635.060: Defacing or injuring school property; or~~

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

B. ~~Unless otherwise required by law, the District is not required to impose a long term suspension or expulsion for the misconduct listed in (A)(1) – (4) above and should first consider alternative forms of corrective action.~~

X. STUDENT DISCIPLINE

A. School Environment

Student discipline policies and procedures are designed to support students in meeting behavioral expectations. The District must provide for early involvement of parents in efforts to support students in meeting behavioral expectation and must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations. Student discipline will be enforced in order to maintain a safe and orderly school environment that is conducive to student learning.-

B. Professional Judgment

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

1. Consistent from day to day and student to student;
2. Guided by appropriate classroom management strategies;
3. Balanced against the severity of the ~~misconduct~~behavioral violation;
4. Appropriate to the student's circumstances and prior behavior;
5. Fair to the student, parent/guardian, and others; and

6. Effective.

C. Detention

1. For minor infractions of school rules or District policies or procedures, or for minor misconduct, staff may detain students after school hours for not more than 60 minutes on any given day.
2. Preceding the assignment of detention, the staff member will verbally inform the student of the nature of the offense charged and of the specific conduct which allegedly constitutes the violation. The student will be afforded an opportunity to explain or justify his/her actions to the staff member.
3. Detention will not begin until the parent/guardian has been verbally notified (except in the case of an adult student) for the purpose of informing the parent/guardian of the basis and reason for the detention and to permit the parent/guardian to make arrangements for the necessary transportation of the student when the student has been detained after school hours. If a parent/guardian cannot be reached, then the school staff shall leave a telephone message for the parent/guardian and the student shall be provided written notice addressed to the parent/guardian that the detention will begin on the next school day.
4. Students in detention will be under the direct supervision of the staff member or another member of the professional staff.

D. In-School Service Work

1. For minor infractions of school rules or District policies or procedures, or for minor misconduct, the principal or designee may assign a student to in-school service work. In-school service work includes, but is not limited to, activities such as making a school/class presentation regarding the misconduct or behavioral violation, picking up litter, emptying garbage cans, minor janitorial duties, weeding, and minor painting projects (i.e. painting over graffiti). It shall not include any repairs, remodeling, or construction of any school building or other structure.
2. The principal or designee shall specify the length of time to be served and the period of time for completion. In cases, where the student fails to show proof of service time, the principal or designee may invoke other corrective action discipline.
3. In-school service work shall be done during regular school hours unless the principal or designee has arranged with the student's parent/guardian (except in the case of an adult student) to impose the in-school service work to be completed during non-regular school hours.
4. The principal or designee shall notify the student's parent/guardian orally or in writing of the student's assignment to in-school service work.
5. Students assigned to in-school service work will be under the of a District staff member.

E. Grievance Process for Student Discipline

1. Principal - Informal Conference

- a. Any parent/guardian or student who is aggrieved by the imposition of discipline, including removal of student from a classroom, will have the right to an informal conference with the principal for the purpose of resolving the grievance.
- b. If the parent/guardian or student desires to have an informal conference with the principal, the parent/guardian or student must notify the principal in writing or orally that they intend to grieve the discipline within two (2) school business days of receiving notice of the discipline. Failure to timely notify the principal waives any right to an informal conference and the discipline shall become final.
- c. The employee whose action is being grieved will be notified of the grievance as soon as reasonably possible.
- d. The informal conference shall be held within two (2) school business days of the request for the informal conference. The principal shall immediately provide notice of the date of the informal conference to the parent/guardian and student in writing or orally. At such informal 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. The student will be given an opportunity to share the student's perspective and explanation regarding the behavioral violation.
- e. Within two (2) school business days after the informal conference is concluded, the principal shall issue his decision in writing to the parent/guardian and to the student as to whether the discipline is affirmed, reversed or modified. The written decision may be mailed or personally served. If the written decision is mailed, service shall be deemed complete three (3) school business days after mailing.
- f. If the parent/guardian or student is still aggrieved after the informal conference, the parent/guardian or student will have the right, to present a written or oral grievance to the Superintendent or designee.
- g. The disciplinary action will continue notwithstanding implementation of the grievance procedure unless the principal elects to postpone such action.

2. Superintendent – Grievance Hearing

- a. If the parent/guardian or student desires to present a grievance to the Superintendent or designee, the parent/guardian or student must notify the Superintendent in writing that they intend to grieve the discipline. The grievance notice must be received by the Superintendent within two (2) school business days after the parent/guardian's or student's receipt of the principal's written decision.

- b. If the grievance notice is not timely served, then the parent/guardian and student waives any right to a grievance hearing with the Superintendent or designee, and the principal's written decision shall become final.
- c. The employee whose action is being grieved and the principal will be notified of the grievance as soon as reasonably possible.
- d. If the parent/guardian or student timely serves the grievance notice, then the grievant shall be given the opportunity to present a grievance, in writing or orally, to the Superintendent or designee. Unless there is good cause to continue the grievance hearing, the grievance hearing shall be held within ten (10) school business days of the Superintendent receiving the grievance notice. The Superintendent or designee shall provide the parent/guardian and student notice, either in writing or orally, of the date of the grievance hearing. Notice of the date of the grievance hearing must be provided to the parent/guardian and the student at least two (2) school business days prior to the grievance hearing. If the notice of the date of the grievance hearing is done it writing, such notice may be personally served or mailed. If the notice is mailed, service shall be deemed complete three (3) school business days after mailing.
- e. At the grievance hearing, the student and parent/guardian will be subject to questioning by the Superintendent or designee, and will be entitled to question staff involved in the matter being grieved. The Superintendent or designee shall determine the procedure of the grievance hearing.
- f. District staff must prove by a preponderance of the evidence that the student violated a school rule or District policy or procedure. If it is proven that the student violated a school rule or District policy or procedure, the Superintendent or designee shall give deference to the discipline imposed by the District staff.
- g. Within two (2) school business days after the grievance hearing is concluded, the Superintendent or designee shall issue his/her decision in writing to the parent/guardian and student as to whether the discipline is affirmed, reversed or modified. The written decision may be mailed or personally served. If the written decision is mailed, service shall be deemed complete three (3) school business days after mailing.
- h. If the parent/guardian or student is still aggrieved after the grievance hearing with the Superintendent or designee, the parent/guardian or student will have the right, to present a written or oral grievance to the Board.
- i. The disciplinary action will continue notwithstanding implementation of the grievance to the Board unless the Superintendent or designee elects to postpone such action.

3. Board – Grievance Hearing

- a. If the parent/guardian or student desires to present a grievance to the Board, the parent/guardian or student must notify the Superintendent in writing that they intend to grieve the discipline to the Board. The grievance notice must be received by the

- Superintendent within two (2) school business days after the parent/guardian's and student's receipt of the written decision of the Superintendent or designee.
- b. The employee whose action is being grieved and the principal will be notified of the grievance as soon as reasonably possible.
 - c. If the grievance notice is not timely served, then the parent/guardian and student waive any right to a grievance hearing with the Board, and the written decision by the Superintendent or designee shall become final.
 - d. If the parent/guardian or student timely serves the grievance notice, then the grievant shall be given the opportunity to present a grievance, in writing or orally, to the Board. Unless there is good cause to continue the grievance hearing, the grievance hearing shall be held at the Board's next regular meeting. The Superintendent or designee shall provide the parent/guardian and student notice, either in writing or orally, of the date of the grievance hearing. Notice of the date of the grievance hearing must be provided to the parent/guardian and the student at least two (2) school business days prior to the grievance hearing. If the notice of the date of the grievance hearing is done in writing, such notice may be personally served or mailed. If the notice is mailed, service shall be deemed complete three (3) school business days after mailing.
 - e. At the grievance hearing, the student and parent/guardian will be subject to questioning by the District, and will be entitled to question staff involved in the matter being grieved. The grievance hearing shall be a closed hearing. The Board shall determine the procedure of the grievance hearing.
 - f. Either a tape-recorded or verbatim record of the grievance hearing will be made.
 - g. District staff must prove by a preponderance of the evidence that the student violated a school rule or District policy or procedures. If it is proven that the student violated a school rule or District policy or procedure, the Board shall give deference to the discipline imposed by the District staff.
 - h. Within ten (10) school business days after the grievance hearing is concluded, the Board shall issue its decision in writing to the parent/guardian or student as to whether the discipline is affirmed, reversed or modified. The written decision may be mailed or personally served. If the written decision is mailed, service shall be deemed complete three (3) school business days after mailing.
 - i. The disciplinary action will continue notwithstanding implementation of the grievance procedure unless the Board elects to postpone such action.
 - j. The grievance hearing is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of the student and others involved, the grievance hearing will be held without public notice and without public access.

XI. SHORT-TERM SUSPENSION

A. Conditions and Limitations

1. The District must provide for early involvement of parents in efforts to support students in meeting behavioral expectations and must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.
2. Before administering any suspension, the District will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether a short-term suspension, and the length of the suspension, is warranted. The nature and circumstances of the student conduct violation must reasonably warrant a short-term suspension.-
3. ~~NAs a general rule, no~~ student will be suspended for a short term unless the District has first attempted one or more other forms of discipline to support the student in meeting behavioral expectations ~~other forms of corrective actiondiscipline reasonably calculated to modify the student's conduct have previously been imposed upon the student~~ as a consequence of ~~misconduct~~ a behavioral violation of the same nature.
- 4.
5. A short-term suspension may not be for an indefinite period of time and must have an end date. No student will be short-term suspended beyond the school year in which the behavioral violation occurred.
6. 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.
7. 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 (10) school days during any single trimester.
8. Any student who has been short-term suspended will be provided the opportunity upon return to make up assignments and tests missed during the suspension if the assignments or tests have a substantial effect upon the student's grades or failure to complete such assignments or tests would result in denial of credit.
- 9.
10. After suspending a student, the District must make reasonable efforts to return the student to the student's regular educational setting as soon as possible and allow the student to petition for readmission at any time.

B. Exceptional Misconduct

~~In cases of exceptional misconduct, a short-term suspension may be imposed without first attempting alternative forms of corrective actiondiscipline. An exception may be granted by an administrator when warranted by extenuating circumstances.~~

1. Pursuant to RCW 28A.600.455, a student may be suspended if the student is a member of a gang and knowingly engages in gang activity on school grounds.

C. Special Education

The principal will notify the Director of Special Education 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 immediately notify relevant special education staff so that the District can ensure that special education ~~corrective action~~discipline procedures are in place, in addition to general education ~~corrective action~~discipline procedures.

D. Prior to Imposing Short-Term Suspension

1. Initial Hearing with Student

- a. Before administering any short-term suspension, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:
 - i. Notice of the student's behavioral violation of the District's discipline policy;
 - ii. An explanation of the evidence regarding the behavioral violation;
 - iii. An explanation of the discipline that may be administered; and
 - iv. An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.
- b. **Parent participation.** At an initial hearing in which the principal or designee is considering administering a short-term suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.
- c. **Administrative Decision.** Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any short-term suspension will begin and end.
- d. **Language Assistance.** The District must ensure that the initial hearing is held 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.

2. Notice to Student and Parents

- a. Before administering any short-term suspension, the District must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.
- b. **Written notice**

No later than one (1) school business day following the initial hearing with the student in, the District must provide written notice of the short-term suspension to the student and parents in person, by mail, or by email. The written notice must include:

- i. A description of the student's behavioral violation and how the behavior violated the District's policy;
- ii. The duration and conditions of the short-term suspension, including the dates on which the long-term suspension will begin and end;
- iii. The other forms of discipline that the District considered or attempted, and an explanation of the district's decision to administer the short-term suspension;
- iv. The opportunity to receive educational services during the short-term suspension;
- v. The student's and parents' right to an informal conference with the principal or designee; and
- vi. The student's and parents' right to appeal the short-term suspension, including where and to whom the appeal must be requested.

c. **Language assistance**

The District must ensure the initial and written notices required under this section 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.

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

- ~~1. An oral or written notice of the alleged misconduct and violation of the school rule or District policy or procedure;~~
- ~~2. An oral or written explanation of the evidence in support of the allegation(s);-~~
- ~~3. An oral or written explanation of the short term suspension which may be imposed; and-~~
- ~~4. The student with an opportunity to present his/her explanation of the allegation(s).~~

E. **~~Short-Term Suspensions Exceeding One Calendar Day~~**

~~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 mail as soon as reasonably possible. The notice will also address the parent/guardian's right to an informal conference and the fact that the suspension may be reduced as a result of such conference. If the notice is mailed, it shall be deemed received by the student's parent/guardian three (3) school business days after mailing.—~~

F. **~~Grievance process for short-term suspension~~**

1. **~~Principal—Informal Conference~~**

- a. ~~Any parent/guardian or student who is aggrieved by the imposition of short term suspension will have the right to an informal conference with the principal or designee for the purpose of resolving the grievance.~~
 - b. ~~If the parent/guardian or student desires to have an informal conference with the principal, the parent/guardian or student must notify the principal in writing or orally that they intend to grieve the short term suspension within two (2) school business days of receiving notice of the short term suspension. Failure to timely notify the principal waives any right to an informal conference and the short term suspension shall become final.~~
 - c. ~~The employee whose action is being grieved will be notified of the grievance as soon as reasonably possible.~~
 - d. ~~The informal conference shall be held within two (2) school business days of the request for the informal conference. The principal shall immediately provide notice of the date of the informal conference to the parent/guardian and student in writing or orally. At such informal conference the student and parent/guardian will be subject to questioning by the principal or designee and will be entitled to question staff involved in the matter being grieved.~~
 - e. ~~Within two (2) school business days after the informal conference is concluded, the principal or designee shall issue his/her decision in writing to the parent/guardian or student as to whether the discipline is affirmed, reversed or modified. The written decision may be mailed or personally served. If the written decision is mailed, service shall be deemed complete three (3) school business days after mailing.~~
 - f. ~~If the parent/guardian or student is still aggrieved after the informal conference, the parent/guardian or student will have the right, to present a written or oral grievance to the Superintendent or designee.~~
 - g. ~~The short term suspension will continue notwithstanding implementation of the grievance procedure unless the principal elects to postpone such action.~~
2. **Superintendent—Grievance Hearing**
- a. ~~If the parent/guardian or student desires to present a grievance to the Superintendent or designee, the parent/guardian or student must notify the Superintendent in writing that they intend to grieve the discipline. The grievance notice must be received by the Superintendent within two (2) school business days after the parent/guardian's or student's receipt of the principal's written decision.~~
 - b. ~~The employee whose action is being grieved and the principal will be notified of the grievance as soon as reasonably possible.~~

- ~~c. If the grievance notice is not timely served, then the parent/guardian and student waives any right to a grievance hearing with the Superintendent or designee, and the principal's written decision shall become final.—~~
 - ~~d. If the parent/guardian or student timely serves the grievance notice, then the grievant shall be given the opportunity to present a grievance, in writing or orally, to the Superintendent or designee. Unless there is good cause to continue the grievance hearing, the grievance hearing shall be held within ten (10) school business days of the Superintendent receiving the grievance notice. The Superintendent or designee shall provide the parent/guardian and student notice, either in writing or orally, of the date of the grievance hearing. Notice of the date of the grievance hearing must be provided to the parent/guardian and the student at least two (2) school business days prior to the grievance hearing. If the notice of the date of the grievance hearing is done in writing, such notice may be personally served or mailed. If the notice is mailed, service shall be deemed complete three (3) school business days after mailing.~~
 - ~~e. At the grievance hearing, the student and parent/guardian will be subject to questioning by the Superintendent or designee, and will be entitled to question staff involved in the matter being grieved. The Superintendent or designee shall determine the procedure of the grievance hearing.~~
 - ~~f. District staff must prove by a preponderance of the evidence that the student violated a school rule or District policy or procedures. If it is proven that the student violated a school rule or District policy or procedure, the Superintendent or designee shall give deference to the short-term suspension imposed by the District staff.—~~
 - ~~g. Within two (2) school business days after the grievance hearing is concluded, the Superintendent or designee shall issue his/her decision in writing to the parent/guardian or student as to whether the short-term suspension is affirmed, reversed or modified. The written decision may be mailed or personally served. If the written decision is mailed, service shall be deemed complete three (3) school business days after mailing.~~
 - ~~h. If the parent/guardian or student is still aggrieved after the grievance hearing with the Superintendent or designee, the parent/guardian or student will have the right, to present a written or oral grievance to the Board.~~
 - ~~i. The short-term suspension will continue notwithstanding implementation of the grievance procedure to the Board unless Superintendent or designee elects to postpone such action.—~~
3. **Board—Grievance Hearing**
- ~~a. If the parent/guardian or student desires to present a grievance to the Board, the parent/guardian or student must notify the Superintendent in writing that they intend to grieve the short-term suspension. The grievance notice must be received by the Superintendent within two (2) school business days after the parent/guardian's or student's receipt of the written decision of the Superintendent or designee.—~~

- ~~b. The employee whose action is being grieved and the principal will be notified of the grievance as soon as reasonably possible.—~~
- ~~c. If the grievance notice is not timely served, then the parent/guardian and student waive any right to a grievance hearing with the Board, and the written decision by the Superintendent or designee shall become final.—~~
- ~~d. If the parent/guardian or student timely serves the grievance notice, then the grievant shall be given the opportunity to present a grievance, in writing or orally, to the Board. Unless there is good cause to continue the grievance hearing, the grievance hearing shall be held at the Board's next regular meeting.— The Superintendent or designee shall provide the parent/guardian and student notice, either in writing or orally, of the date of the grievance hearing. Notice of the date of the grievance hearing must be provided to the parent/guardian and the student at least two (2) school business days prior to the grievance hearing. If the notice of the date of the grievance hearing is done in writing, such notice may be personally served or mailed. If the notice is mailed, service shall be deemed complete three (3) school business days after mailing.—~~
- ~~e. At the grievance hearing, the student and parent/guardian will be subject to questioning by the District, and will be entitled to question staff involved in the matter being grieved. The grievance hearing shall be a closed hearing. The Board shall determine the procedure of the grievance hearing.—~~
- ~~f. Either a tape recorded or verbatim record of the grievance hearing will be made.—~~
- ~~g. District staff must prove by a preponderance of the evidence that the student violated a school rule or District policy or procedures. If it is proven that the student violated a school rule or District policy or procedure, the Board shall give deference to the short-term suspension imposed by the District staff.—~~
- ~~h. Within ten (10) school business days after the grievance hearing is concluded, the Board shall issue its decision in writing to the parent/guardian or student as to whether the short term suspension is affirmed, reversed or modified. The written decision may be mailed or personally served. If the written decision is mailed, service shall be deemed complete three (3) school business days after mailing.—~~
- ~~i. The short term suspension will continue notwithstanding implementation of the grievance procedure unless the Board elects to postpone such action.—~~
- ~~j. The grievance 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 grievance hearing will be held without public notice and without public access.—~~

G. In-school suspension

1. 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.

2. The District must provide for early involvement of parents in efforts to support students in meeting behavioral expectation and must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.
3. Before administering any suspension, the District will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether in-school suspension, and the length of the suspension, is warranted. The nature and circumstances of the student conduct violation must reasonably warrant an in-school suspension.
- 4.
5. No student will be given in-school suspension unless the District has first attempted one or more other forms of discipline to support the student in meeting behavioral expectations as a consequence of a behavioral violation of the same nature.
- 6.
7. No student will be given in-school suspension beyond the school year in which the behavioral violation occurred.
8. No student in grades kindergarten through fourth grade will be given in-school suspension 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 in-school suspension.
9. No student in fifth grade and above will be given in-school suspension for more than a total of fifteen (15) school days during any single semester or ten (10) school days during any single trimester.
10. In-school suspension shall not exceed ten (10) consecutive school days. An in-school suspension is no different from any other short-term suspension, and therefore triggers the same substantive and procedural due process, including student and parent/guardian notification.
11. Students who are assigned to in-school suspension are granted this opportunity as a privilege and are expected to comply with the expectations of staff.
12. Guidelines for in-school suspension are as follows:
 - a. A student who is afforded the opportunity to be assigned to in-school suspension must agree to the conditions specified by the principal.
 - b. In-school suspension is designed to encourage learning. Students will be expected to work on their classroom assignments at all times.
 - c. 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.

- d. The student may be denied the opportunity to participate in any school activities while in in-school suspension, as determined in the principal's sole discretion.
- e. While in-school suspended, the student and staff may develop a behavior contract that defines the future expected behavior of the student. District staff members who participated in the development of the behavior contract will sign the contract. District staff must use reasonable efforts to obtain the signatures of the student and his/her parents/guardians on the contract. A violation of the behavior contract may result in imposition in other ~~corrective action~~discipline.
- f. Any act of misconduct that violates school rules or District policy or procedure while in in-school suspension may result in imposition of other ~~corrective action~~discipline.
- g. After a student is placed back into the regular classroom(s), the principal or designee or school counselor will monitor the student's progress within the next five (5) school days. The student will be encouraged to maintain a relationship with the school counselor as a means of dealing with any problems that arise.
- h. Specific rules and building procedures will be developed by the principal for in-school suspensions.
- i.
- j. When administering an in-school suspension, the District will ensure school personnel: (1) Are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension; and (2) 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.

H. Reporting

Principals will report all short-term and in-school suspensions and the reasons therefor to the Superintendent or designee within twenty-four (24) hours after the imposition of the short-term or in-school suspension.

I. Continuation of Educational Services

The District will not suspend the provision of educational services during the period of the short-term suspension and will provide the student the opportunity to receive such services. The District will not administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements. 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 settings may include, but not limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

XII. LONG-TERM SUSPENSION

A. Conditions and Limitations

1. The District must provide for early involvement of parents in efforts to support students in meeting behavioral expectation and must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.
2. Before administering any long-term suspension, the District will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether a long-term suspension, and the length of the suspension, is warranted. The nature and circumstances of the violation must reasonably warrant a long-term suspension. ~~A student may be long-term suspended for violation of school rules or District policies or procedures; provided that a long-term suspension may not be imposed for discretionary discipline.~~
3. Before administering a long-term suspension, the District must consider other forms of discipline to support the student in meeting behavioral expectations. As a general rule, no student will be long-term suspended unless other forms of ~~corrective action~~ discipline reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of ~~misconduct~~ a behavioral violation of the same nature.
4. 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.
5. 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.
- 6.
7. The District may only administer a long-term suspension as follows:
8.
 - a. For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and
 - b. After the District has determined that, if the student returned to school before completing a long-term suspension:
 - i. The student would pose an imminent danger to students or school personnel; or
 - ii. The student would pose an imminent threat of material and substantial disruption of the educational process.
9. A long-term suspension cannot be imposed beyond the school year in which the alleged misbehavior occurs.
10. A long-term suspension must have an end date of not more than the length of an academic term from the time of the start date of the long-term suspension.
11. After suspending a student, the District must make reasonable efforts to return the student to the student's regular educational setting as soon as possible and allow the student to petition for readmission at any time.

B. Exceptional Misconduct

- ~~1. In cases of exceptional misconduct, a long-term suspension may be imposed without first attempting alternative forms of corrective action discipline. An exception may be granted by an administrator when warranted by extenuating circumstances.~~
2. If the student engages in any conduct listed in RCW 28A.600.020(5)(a), as it now appears or is hereafter amended, the student may be suspended.
3. Pursuant to RCW 28A.600.455, a student may be suspended if the student is a member of a gang and knowingly engages in gang activity on school grounds.

C. Special Education

The principal will notify the Director of Special Education of any long-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. When a long-term suspension is imposed (see Procedure 2161P, Special Education and Related Services for Eligible Students, Discipline section), the principal will immediately notify relevant special education staff so that the District can ensure that special education ~~corrective action discipline~~ procedures are in place, in addition to general education ~~corrective action discipline~~ procedures.

D. Prior to Imposing Long-Term Suspension

1. Initial Hearing with Student

- a. Before administering any long-term suspension, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:
 - i. Notice of the student's behavioral violation of the District's discipline policy;
 - ii. An explanation of the evidence regarding the behavioral violation;
 - iii. An explanation of the discipline that may be administered; and
 - iv. An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.
- b. **Parent participation.** At an initial hearing in which the principal or designee is considering administering a long-term suspension, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.
- c. **Administrative Decision.** Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any long-term suspension will begin and end.

- d. Language Assistance. The District must ensure that the initial hearing is held 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.

2. Notice to Student and Parents

- a. Before administering any long-term suspension, the District must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

- b. Written notice

No later than one (1) school business day following the initial hearing with the student in, the District must provide written notice of the long-term suspension to the student and parents in person, by mail, or by email. The written notice must include:

- i. A description of the student's behavioral violation and how the behavior violated the District's policy;
- ii. The duration and conditions of the long-term suspension, including the dates on which the long-term suspension will begin and end;
- iii. The other forms of discipline that the District considered or attempted, and an explanation of the district's decision to administer the long-term suspension;
- iv. The opportunity to receive educational services during the long-term suspension;
- v. The student's and parents' right to an informal conference with the principal or designee;
- vi. The student's and parents' right to appeal the long-term suspension, including where and to whom the appeal must be requested; and
- vii. The opportunity for the student and parents to participate in a reengagement meeting.

- c. Language assistance

The District must ensure the initial and written notices required under this section 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.

1. ~~Prior to imposing a long-term suspension, the District will provide the student and the student's parents/guardians a written notice of an opportunity for a hearing. The notice will be delivered in person or by certified mail. If mailed, the notice shall be deemed received three (3) school business days after mailing. The notice shall:~~
 - a. ~~Be provided in a language the student and student's parents/guardians can understand, if other than English;~~

- b. ~~Specify the alleged misconduct and the school District rule, policy or procedure alleged to have been violated;~~
 - c. ~~Set forth the proposed long term suspension;~~
 - d. ~~Set forth the right to a hearing for the purpose of contesting the allegations; and~~
 - e. ~~Set forth the facts that:~~
 - i. ~~A written or oral request for hearing must be received by the Executive Director of Student Services or his/her office on or before the end of the third school business day after the notice is received; and~~
 - ii. ~~If such a request is not received within that period, the right to a hearing will be deemed waived and the proposed long term suspension may be imposed without further opportunity for the student and/or the student's parents/guardians to contest it.~~
-
- 2. ~~The request for a hearing may be provided in writing or orally and shall be provided to the Executive Director of Student Services or his/her office.~~
 - 3. ~~The student and/or the student's parents/guardians must request a hearing on or before the end of the third school business day after the notice is received.~~
 - a. ~~If a request for hearing is not timely received, the District shall deem the right to hearing waived and the long term suspension may be imposed.~~
 - b. ~~If a request for hearing is timely received, the District will schedule a hearing. Unless otherwise provided by this procedure or by law, the long term suspension may not be imposed until after the issuance of the decision described in Section XI(E) of this Procedure.~~

E. **Hearing**

- 1. ~~Date of Hearing~~
 - a. ~~If the student and/or the student's parents/guardians timely request a hearing, then the District shall schedule a hearing to commence within three (3) school business days after the date the Executive Director of Student Services or their office received the request.~~
 - b. ~~The District shall notify the student and/or the student's parents/guardians of the hearing date either orally or in writing.~~
 - c. ~~The hearing date may be continued for good cause or upon agreement of the parties.~~
- 2. **Student and Parent/Guardian Rights.**

~~The student and parent/guardian have the right to:~~

- ~~a. Be represented by legal counsel;~~
- ~~b. Inspect in advance of the hearing any documentary and physical evidence that the District intends to introduce at hearing;~~
- ~~c. Question and confront witnesses;~~
- ~~d. Present an explanation of the alleged misconduct; and~~
- ~~e. Present relevant witnesses, documentary and other physical evidence.~~

3. ~~District Rights—~~

~~The District has the right to:~~

- ~~a. Be represented by legal counsel;~~
- ~~b. Inspect in advance of the hearing any documentary and physical evidence that the student and/or the student's parents/guardians intend to introduce at the hearing;~~
- ~~c. Question and confront witnesses;~~
- ~~d. Present an explanation of the alleged misconduct; and~~
- ~~e. Present relevant witnesses, documentary and other physical evidence.—~~

4. ~~Hearing Procedure—~~

- ~~a. The hearing officer shall be the Executive Director of Student Services; provided that the Executive Director is not a witness to the alleged misconduct. In the event that the Executive Director is disqualified from being the hearing officer or is unable to serve as the hearing officer, then the Superintendent will designate a hearing officer; provided that the designated person is not a witness to the alleged misconduct.—~~
- ~~b. The student and/or the student's parents/guardians, and the District shall disclose any documentary evidence to the other party one (1) school business day prior to the hearing date. If the parties fail to timely disclose any documentary evidence then such evidence shall be excluded unless the hearing officer determines that there is good cause for the failure to disclose.—~~
- ~~c. Any witnesses shall appear in person, unless a written statement is permitted by the hearing officer or upon agreement of the parties. If a witness is employed by the District or is a student in the District and such witness fails to appear for the hearing, the hearing officer shall excuse the witness if the District establishes that:~~

- ~~i. It made a reasonable effort to produce the witness and is unable to do so; or~~
- ~~ii. It is not advisable for the witness to appear due to an expectation and fear on the part of the witness or District that the witness will be retaliated against if the witness appears at the hearing.~~
- ~~d. Either a tape recorded or verbatim record of the hearing will be made.~~
- ~~e. The District has the burden of proving by a preponderance of the evidence that the student's alleged misconduct occurred and that it violates a school rule, or District policy or procedure.~~
- ~~f. The hearing officer has the authority to impose the requested long term suspension proposed by the District, to modify requested long term suspension proposed by the District, impose a lesser form of corrective action, or to impose no corrective action.~~
- ~~g. The hearing officer shall make his/her decision solely based upon the witnesses and evidence presented at the hearing, and shall set forth in writing:
 - ~~i. Findings of fact as to the due process procedure afforded the student and/or the student's parents/guardians, and the findings of fact as to the alleged misconduct;~~
 - ~~ii. Conclusions as to whether the District met its burden of proof, and if so, the District rules, policies or procedures violated by the student;~~
 - ~~iii. Conclusion as to the nature and duration of the corrective action, if any, that will be imposed; and~~
 - ~~iv. The appeal rights of the student and/or the student's parents/guardians.~~~~
- ~~h. The hearing officer will issue the written decision within three (3) school business days after the conclusion of the hearing. The written decision shall be provided to the student's legal counsel, or, if none, to the student and the student's parents/guardians, and to the District's legal counsel, or if none, to District staff member who presented the District's case to the hearing officer. The written decision shall be personally served or mailed to the parties. If the decision is mailed, it shall be deemed received three (3) school business days after mailing.~~

5. ~~Appeal~~

- ~~a. If the hearing officer imposes a long term suspension or other corrective action, the student and/or the student's parents/guardians have the right to appeal the hearing officer's decision to the Board by filing a written or oral notice of appeal with the Superintendent within three (3) school business days after the date of receipt of the decision.~~
- ~~b. If a timely notice of appeal is not provided to the Superintendent:~~

- i. ~~The decision by the hearing officer becomes final;~~
 - ii. ~~The student and the student's parents/guardians waive any right to a hearing before the Board; and~~
 - iii. ~~The corrective action stated in the hearing officer's decision may be imposed.~~
- c. ~~If a timely notice of appeal is provided to the Superintendent:~~
- i. ~~An appeal hearing shall be conducted pursuant to Section XIV of this Procedure; and~~
 - ii. ~~The corrective action stated in the hearing officer's decision may be imposed subject to the conditions and limitations stated in Section XIV(A)(1) of this Procedure.~~

F. Reporting

Principals will report all long-term suspensions and the reasons therefore to the Superintendent or designee within twenty-four (24) hours after the imposition of the long-term suspension.

G. Continuation of Educational Services

The District will not suspend the provision of educational services during the period of the long-term suspension and will provide the student the opportunity to receive such services. The District will not administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements. 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 long-term suspension. Examples of alternative settings may include, but not limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

XIII. EXPULSION

A. Conditions and Limitations

1. The District must provide for early involvement of parents in efforts to support students in meeting behavioral expectation and must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.
2. Before administering an expulsion, the District must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the expulsion, and the length of expulsion is warranted. The nature and circumstances of the ~~alleged~~-violation must reasonably warrant the harshness of expulsion. ~~A student may be expelled for violation of school rules or District policies or procedures; provided that an expulsion may not be imposed for discretionary discipline.~~

3. Before administering an expulsion, the District must consider other forms of discipline to support the student in meeting behavioral expectations. No student shall be expelled unless:
 - a. Other forms of ~~corrective action~~discipline reasonably calculated to modify the student's conduct have failed; or
 - b. There is good reason to believe that other forms of ~~corrective action~~discipline would fail if used.
4. An expulsion of a student may not be for an indefinite period of time and must have an end date. An expulsion may not exceed the length of an academic term from the time of the start date of the expulsion unless extended pursuant to Section XVIII of this Procedure.
5. The District may not administer an expulsion for any student in kindergarten through fourth grade.
6. The District may only administer an expulsion as follows:
7.
 - ~~-~~
 - a. For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and
 - b. After the District has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.
7. After suspending a student, the District must make reasonable efforts to return the student to the student's regular educational setting as soon as possible and allow the student to petition for readmission at any time.

B. Exceptional Misconduct

1. Pursuant to RCW 28A.600.420, 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 for not less than one calendar year. The Superintendent of the District may modify the expulsion of the student on a case-by-case basis.
2. If the student engages in any conduct listed in RCW 28A.600.020(5)(a), as it now appears or is hereafter amended, the student may be expelled.
3. Pursuant to RCW 28A.600.455, a student may be expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.
8. ~~Except in cases involving exceptional misconduct, District administrators must impose alternative forms of corrective action discipline for incidents of misbehavior prior to imposing an expulsion for the same type of misbehavior.~~

C. Special Education

The principal will notify Director of Special Education of any long-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. When a long-term suspension is imposed (see Procedure 2161P, Special Education and Related Services for Eligible Students, Discipline section), the principal will immediately notify relevant special education staff so that the District can ensure that special education ~~corrective action~~discipline procedures are in place, in addition to general education ~~corrective action~~discipline procedures.

D. Prior to Imposing Expulsion

1. Initial Hearing with Student

- a. Before administering any expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:
 - i. Notice of the student's behavioral violation of the District's discipline policy;
 - ii. An explanation of the evidence regarding the behavioral violation;
 - iii. An explanation of the discipline that may be administered; and
 - iv. An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.
- b. **Parent participation.** At an initial hearing in which the principal or designee is considering administering an expulsion, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.
- c. **Administrative Decision.** Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any expulsion will begin and end.
- d. **Language Assistance.** The District must ensure that the initial hearing is held 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.

2. Notice to Student and Parents

- a. Before administering any expulsion, the District must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.
- b. **Written notice**
 - a. No later than one (1) school business day following the initial hearing with the student in, the District must provide written notice of the expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- i. A description of the student's behavioral violation and how the behavior violated the District's policy;
 - ii. The duration and conditions of the expulsion, including the dates on which the expulsion will begin and end;
 - iii. The other forms of discipline that the District considered or attempted, and an explanation of the district's decision to administer the expulsion;
 - iv. The opportunity to receive educational services during the expulsion;
 - v. The student's and parents' right to an informal conference with the principal or designee;
 - vi. The student's and parents' right to appeal the expulsion, including where and to whom the appeal must be requested; and
 - vii. The opportunity for the student and parents to participate in a reengagement meeting.
- c. **Language assistance**

The District must ensure the initial and written notices required under this section 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.

8. ~~Prior to imposing an expulsion, the District will provide the student and the student's parents/guardians a written notice of an opportunity for a hearing. The notice will be delivered in person or by certified mail. If mailed, the notice shall be deemed received three (3) school business days after mailing. The notice shall:~~
- a. ~~Be provided in a language the student and student's parents/guardians can understand, if other than English;~~
 - b. ~~Specify the alleged misconduct and the school District rule, policy or procedure alleged to have been violated;~~
 - c. ~~Set forth the proposed expulsion;~~
 - d. ~~Set forth the right to a hearing for the purpose of contesting the allegations; and~~
 - e. ~~Set forth the facts that:~~
 - i. ~~A written or oral request for hearing must be received by the Executive Director of Student Services or his/her office on or before the end of the third school business day after the notice is received; and~~

- ii. ~~If such a request is not received within that period, the right to a hearing will be deemed waived and the proposed expulsion may be imposed without further opportunity for the student and/or the student's parents/guardians to contest it.~~
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- 9. ~~The request for a hearing may be provided in writing or orally and shall be provided to the Executive Director of Student Services or his/her office.~~
- 10. ~~The student and/or the student's parents/guardians must request a hearing on or before the end of the third school business day after the notice is received.~~
 - a. ~~If a request for hearing is not timely received, the District shall deem the right to hearing waived and the expulsion may be imposed.~~
 - b. ~~If a request for hearing is timely received, the District will schedule a hearing. Unless otherwise provided by this Procedure or by law, the expulsion may not be imposed until after the issuance of the decision described in Section XII(E) of this Procedure.~~

E. **Hearing**

7. ~~**Date of Hearing**~~

- a. ~~If the student and/or the student's parents/guardians timely request a hearing, then the District shall schedule a hearing to commence within three (3) school business days after the date the Executive Director of Student Services or their office received the request.~~
- b. ~~The District shall notify the student and/or the student's parents/guardians of the hearing date either orally or in writing.~~
- c. ~~The hearing date may be continued for good cause or upon agreement of the parties.~~

2. ~~**Student and Parent/Guardian Rights**~~

~~The student and parent/guardian have the right to:~~

- a. ~~Be represented by legal counsel;~~
- b. ~~Inspect in advance of the hearing any documentary and physical evidence that the District intends to introduce at hearing;~~
- c. ~~Question and confront witnesses;~~
- d. ~~Present an explanation of the alleged misconduct; and~~
- e. ~~Present relevant witnesses, documentary and other physical evidence.~~

3. ~~**District Rights**~~

~~The District and/or its representative have the right to:~~

- ~~a. Be represented by legal counsel;~~
- ~~b. Inspect in advance of the hearing any documentary and physical evidence that the student and/or the student's parents/guardians intend to introduce at the hearing;~~
- ~~c. Question and confront witnesses;~~
- ~~d. Present an explanation of the alleged misconduct; and~~
- ~~e. Present relevant witnesses, documentary and other physical evidence.—~~

~~4. **Hearing Procedure—**~~

- ~~a. The hearing officer shall be the Executive Director of Student Services; provided that the Executive Director is not a witness to the alleged misconduct. In the event that the Executive Director is disqualified from being the hearing officer or is unable to serve as the hearing officer, then the Superintendent will designate a hearing officer; provided that the designated person is not a witness to the alleged misconduct.~~
- ~~b. The student and/or the student's parents/guardians, and the District shall disclose any documentary evidence to the other party one school day prior to the hearing date. If the parties fail to timely disclose any documentary evidence then such evidence shall be excluded unless the hearing officer determines that there is good cause for the failure to disclose.—~~
- ~~c. Any witnesses shall appear in person, unless a written statement is permitted by the hearing officer or upon agreement of the parties. If a witness is employed by the District or is a student in the District and such witness fails to appear for the hearing, the hearing officer shall excuse the witness if the District establishes that:
 - ~~i. It made a reasonable effort to produce the witness and is unable to do so; or~~
 - ~~ii. It is not advisable for the witness to appear due to an expectation and fear on the part of the witness or District that the witness will be retaliated against if the witness appears at the hearing.—~~~~
- ~~d. Either a tape recorded or verbatim record of the hearing will be made.—~~
- ~~e. The District has the burden of proving by a preponderance of the evidence that the student's alleged misconduct occurred and that it violates a school rule, or District policy or procedure.~~
- ~~f. The hearing officer has the authority to impose the expulsion proposed by the District, to modify the expulsion proposed by the District, impose a lesser form of corrective action, or to impose no corrective action.—~~

~~-~~

- ~~g. The hearing officer shall make his/her decision solely based upon the witnesses and evidence presented at the hearing, and shall set forth in writing:
 - ~~i. Findings of fact as to the due process procedure afforded the student and/or the student's parents/guardians, and the findings of fact as to the alleged misconduct;~~
 - ~~ii. Conclusions as to whether the District met its burden of proof, and if so, the District rules, policies or procedures violated by the student;~~
 - ~~iii. Conclusion as to the nature and duration of the corrective action, if any, that will be imposed; and~~
 - ~~iv. The appeal rights of the student and/or the student's parents/guardians.—~~~~
- ~~h. The hearing officer will issue the written decision within three (3) school business days after the conclusion of the hearing.—The written decision shall be provided to the student's legal counsel, or, if none, to the student's and the student's parents/guardians, and to the District's legal counsel, or if none, to District staff member who presented the District's case to the hearing officer.—The written decision shall be personally served or mailed to the parties.—If the decision is mailed, it shall be deemed received three (3) school business days after mailing.~~

~~5. Appeal—~~

- ~~a. If the hearing officer imposes an expulsion or other corrective action, the student and/or the student's parents/guardians have the right to appeal the hearing officer's decision to the Board by filing a written or oral notice of appeal with the Superintendent within three (3) school business days after the date of receipt of the decision.—~~
- ~~b. If a timely notice of appeal is not provided to the Superintendent:
 - ~~i. The decision by the hearing officer becomes final;~~
 - ~~ii. The student and the student's parents/guardians waive any right to a hearing before the Board; and~~
 - ~~iii. The corrective action stated in the hearing officer's decision may be imposed.—~~~~
- ~~c. If a timely notice of appeal is provided to the Superintendent:
 - ~~i. An appeal hearing shall be conducted pursuant to Section XIV of this Procedure; and~~
 - ~~ii. The corrective action stated in the hearing officer's decision may be imposed subject to the conditions and limitations stated in Section XIV(A)(1) of this Procedure.—~~~~

F. Reporting

1. Principals will report all expulsions and the reasons therefor to the Superintendent or designee within twenty-four (24) hours after the imposing the expulsion.
2. Principals will bring the expulsion to the attention of appropriate local and state authorities, including, but not limited to, juvenile authorities acting pursuant to Chapter 13.04 RCW, so that such authorities may address the student's educational needs.

G. Continuation of Educational Services

The District will not suspend the provision of educational services during the period of the expulsion and will provide the student the opportunity to receive such services. The District will not administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements. 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 an expulsion. Examples of alternative settings may include, but not limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

XIV. EMERGENCY EXPULSION

A. Conditions and Limitations

1. A student may be expelled immediately for violation of school rules or District policies or procedures; provided ~~that an emergency expulsion may not be imposed for discretionary discipline and further provided~~ that the Superintendent or designee has good and sufficient reason to believe that the student's presence poses:
 - a. An immediate and continuing danger to other students or school staff; or
 - b. An immediate and continuing threat of substantial disruption of the educational process.
2. For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:
 - a. 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; and
 - b. School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.
3. An emergency expulsion may not be imposed solely for the purposes of investigating student ~~misconduct~~ behavioral violation.
4. An emergency expulsion must end or be converted to another form of ~~corrective action~~ discipline within ten (10) school days of the startdate of the emergency expulsion. If the emergency expulsion is converted to another form of ~~corrective action~~ discipline, the

District will provide the student and the student's parents/guardians with notice and due process rights appropriate for the new ~~corrective action~~discipline.

5. After suspending a student, the District must make reasonable efforts to return the student to the student's regular educational setting as soon as possible and allow the student to petition for readmission at any time.

B. Special Education

The principal will notify the Director of Special Education of any emergency expulsion to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. When a long-term suspension is imposed (see Procedure 2161P, Special Education and Related Services for Eligible Students, Discipline section), the principal will immediately notify relevant special education staff so that the District can ensure that special education ~~corrective action~~discipline procedures are in place, in addition to general education ~~corrective action~~discipline procedures.

C. Imposing an Emergency Expulsion

1. Initial notice

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

2. Written notice

Within twenty-four hours after an emergency expulsion, the District must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- 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;
- The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;
- The opportunity to receive educational services during the emergency expulsion;
- The student's and parents' right to an informal conference with the principal or designee; and
- The student's and parents' right to appeal the emergency expulsion, including where and to whom the appeal must be requested.

3. **Language assistance**

The District must ensure the initial and written notices required under this section 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.

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1. **Notice of Opportunity for Hearing**

~~Upon imposing an emergency expulsion, the District will provide the student and the student's parents/guardians a written notice of an opportunity for a hearing. The notice will be delivered in person or by certified mail.~~

- a. ~~Personal Service. If service of the notice is done by personal service, the notice must be served within twenty four (24) hours of the emergency expulsion. The District must document the delivery of the notice by obtaining the signature of the parent/guardian.~~
- b. ~~Service by Certified Mail. If service is done by certified mail, the notice must be deposited in the United States mail receptacle within twenty four (24) hours of the emergency expulsion. The notice shall be deemed received three (3) school business days after mailing. In addition, the District must reasonably attempt to notify the student and the student's parents/guardians verbally by telephone or in person as soon as possible of the emergency expulsion and the opportunity for a hearing.~~

2. **Contents of Notice**

The notice shall:

- a. ~~Be provided in a language the student and student's parents/guardians can understand, if other than English;~~
- b. ~~Specify the alleged reasons that the student's presence poses:~~
 - i. ~~An immediate and continuing danger to other students or school staff; or~~
 - ii. ~~An immediate and continuing threat of substantial disruption of the educational process.~~
- c. ~~Set forth the date that the emergency expulsion begins and ends;~~
- d. ~~Set forth the right to a hearing for the purpose of contesting the allegations; and~~
- e. ~~Set forth the facts that:~~

- ~~i.—A written or oral request for hearing must be received by the Executive Director of Student Services or his/her office on or before the end of the third school business day after the notice is received; and~~
- ~~ii.—If such a request is not received within that period, the right to a hearing will be deemed waived, the emergency expulsion will be imposed without further opportunity for the student and/or the student's parents/guardians to contest it, and will be deemed necessary, for up to ten (10) school days from the date the student's emergency expulsion began.~~

3. ~~Request for Hearing~~

~~The request for a hearing may be provided in writing or orally and shall be provided to the Executive Director of Student Services or his/her office.~~

4. ~~Time to Request Hearing~~

- ~~b. The student and/or the student's parents/guardians must request a hearing on or before the end of the third school business day after the notice is received.~~
- ~~b. If a request for hearing is not timely received, the District shall deem the right to hearing waived and the emergency expulsion may continue.~~
- ~~c. If a request for hearing is timely received, the District will schedule a hearing. Unless otherwise provided by this Procedure or by law, the emergency expulsion will be imposed despite a request for a hearing.~~

~~D. Hearing~~

1. ~~Date of Hearing~~

- ~~b. If the student and/or the student's parents/guardians timely request a hearing, then the District shall schedule a hearing to commence within two (2) school business days after the date the Executive Director of Student Services or their office received the request.~~
- ~~c. The District shall notify the student and/or the student's parents/guardians of the hearing date either orally or in writing.~~

2. ~~Student and Parent/Guardian Rights~~

~~The student and parent/guardian have the right to:~~

- ~~b. Be represented by legal counsel;~~
- ~~c. Inspect in advance of the hearing any documentary and physical evidence that the District intends to introduce at hearing;~~
- ~~d. Question and confront witnesses;~~

- e. ~~Present an explanation of the alleged misconduct; and~~
- f. ~~Present relevant witnesses, documentary and other physical evidence.~~

3. ~~**District Rights**~~

~~The District and/or its representative have the right to:~~

- a. ~~Be represented by legal counsel;~~
- b. ~~Inspect in advance of the hearing any documentary and physical evidence that the student and/or the student's parents/guardians intend to introduce at the hearing;~~
- c. ~~Question and confront witnesses;~~
- d. ~~Present an explanation of the alleged misconduct; and~~
- e. ~~Present relevant witnesses, documentary and other physical evidence.—~~

4. ~~**Hearing Procedure**~~

- a. ~~The hearing officer shall be the Executive Director of Student Services; provided that the Executive Director is not be a witness to the alleged misconduct. In the event that the Executive Director is disqualified from being the hearing officer or is unable to serve as the hearing officer, then the Superintendent will designate a hearing officer; provided that the designated person is not a witness to the alleged misconduct.—~~
- b. ~~The students and/or parents/guardians, and the District shall use their best efforts to disclose any documentary evidence to the other party one (1) school day prior to the hearing date.—~~
- c. ~~Any witnesses shall appear in person, unless a written statement is permitted by the hearing officer or upon agreement of the parties. If a witness is employed by the District or is a student in the District and such witness fails to appear for the hearing, the hearing officer shall excuse the witness for good cause if the District establishes that:~~
 - i. ~~It made a reasonable effort to produce the witness and is unable to do so; or~~
 - ii. ~~It is not advisable for the witness to appear due to an expectation and fear on the part of the witness or District that the witness will be retaliated against if the witness appears at the hearing.—~~
- d. ~~Either a tape recorded or verbatim record of the hearing will be made.—~~
- e. ~~The District has the burden of proving by a preponderance of the evidence that student's presence at the time the emergency expulsion was imposed posed:~~

- ~~i. An immediate and continuing danger to other students or school staff; or~~
 - ~~ii. An immediate and continuing threat of substantial disruption of the educational process.~~
- ~~f. The hearing officer has the authority to affirm the emergency expulsion, to reverse the emergency expulsion, to convert the emergency expulsion to another form of corrective action, or to impose no corrective action.~~
- ~~g. The hearing officer shall make his/her decision solely based upon the witnesses and evidence presented at the hearing, and shall set forth in writing:
 - ~~i. Findings of fact as to the due process procedure afforded the student and/or the student's parents/guardians;~~
 - ~~ii. Findings of fact as to whether the student's presence at the time the emergency expulsion was imposed posed:
 - ~~a. An immediate and continuing danger to other students or school staff; or~~
 - ~~b. An immediate and continuing threat of substantial disruption of the educational process;~~~~
 - ~~iii. Conclusions as to whether the threat or danger giving rise to the emergency expulsion has terminated;~~
 - ~~iv. Conclusions as to whether the District met its burden of proof;~~
 - ~~v. Conclusions as to whether the emergency expulsion shall continue;~~
 - ~~vi. Conclusions as to whether the emergency expulsion will be converted to another form of corrective action, if any;~~
 - ~~vii. If the emergency expulsion is converted to another form of corrective action, the corrective action that it is being converted to, including the date the conversion will take place and the date the corrective action will be concluded; and~~
 - ~~viii. The appeal rights of the student and/or the student's parents/guardians.~~~~
- ~~h. The hearing officer will issue the written decision within one (1) school business day after the conclusion of the hearing. The written decision shall be provided to the student and the student's parents/guardians, to the student's legal counsel, if any, to the District staff member who presented the District's case to the hearing officer, and to the District's legal counsel, if any. The written decision shall be personally served or mailed, by certified mail, to the parties. If the decision is mailed, it shall be deemed received three (3) school business days after mailing.~~

5. **Appeal**

- a. ~~If the hearing officer affirms the emergency expulsion, continues the emergency expulsion, and/or converts the emergency expulsion to another form of corrective action, then the student and/or the student's parents/guardians have the right to appeal the hearing officer's decision to the Board by filing a written or oral notice of appeal with the Superintendent within three (3) school business days after the date of receipt of the decision.~~
- b. ~~If a timely notice of appeal is provided to the Superintendent, then an appeal hearing shall be conducted pursuant to Section XIV of this Procedure.~~
-
- c. ~~If a timely notice of appeal is not provided to the Superintendent, the decision by the hearing officer becomes final and the student and the student's parents/guardians waive any right to a hearing before the Board.~~

E. Conversion of Emergency Expulsion

1. If the principal converts the emergency expulsion to another form of ~~corrective action~~discipline prior to the hearing stated in Section XIII(D), then the principal shall provide notice of the new ~~corrective action~~discipline to the student and to the student's parents/guardians, as required by this Procedure for the new ~~corrective action~~discipline. Additionally, any days that the student was emergency expelled before the conversion must be applied to the total length of the suspension or expulsion.
2. In the event that the principal converts the emergency expulsion to a long-term suspension or an expulsion as permitted above and the student and/or the student's parents have made a request for hearing under Section XIII(C) for the emergency expulsion, the hearing officer has the authority to consolidate any hearings or appeals requested by the student or the student's parents/guardians for the emergency expulsion, expulsion and/or long-term suspension so that the hearing officer may decide all issues in a single hearing and written decision.

F. Reporting

1. Principals will report all emergency expulsions and the reasons the student's presence poses an immediate and continuing danger to other students or school staff~~therefor~~ to the Superintendent or designee within twenty-four (24) hours after the ~~imposing start of~~ the emergency expulsion.
2. Principals will bring the emergency expulsion to the attention of appropriate local and state authorities, including, but not limited to, juvenile authorities acting pursuant to Chapter 13.04 RCW, so that such authorities may address the student's educational needs.

G. Continuation of Educational Services

The District will not suspend the provision of educational services during the period of the emergency expulsion and will provide the student the opportunity to receive such services. The District will not administer discipline in a manner that would prevent a student from

completing subject, grade-level, or graduation requirements. 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 an emergency expulsion. Examples of alternative settings may include, but not limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

XV. EDUCATIONAL SERVICES DURING SUSPENSION, EXPULSION, OR EMERGENCY EXPULSION

A. Educational services

1. The District may not suspend the provision of educational services to a student in response to behavioral violations.
2. During the suspension, expulsion, or emergency expulsion of a student, the District must provide the student the opportunity to receive educational services. 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.
3. When providing a student the opportunity to receive educational services under this section, the District must consider:
 - a. Meaningful input from the student, parents, and the student's teachers;
 - b. 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
 - c. Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.
4. The District may provide educational services to the student in an alternative setting or modify the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

B. Notice

As soon as reasonably possible after administering a suspension or expulsion, the District must provide written notice to the student and parents about the educational services the district will provide. The District must provide the written notice in person, by mail, or by email. The notice must include a description of the educational services that will be provided and the name and contact information for the school personnel who can offer support to keep the student current with assignments and course work.

C. **Exclusions for up to five days**

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

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

D. **Exclusions for six to ten days**

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

1. Course work, including any assigned homework, from all of the student's regular subjects or classes;
2. Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel must make a reasonable attempt to contact the student or parents within three school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion 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, parents, and the student's teacher(s) about the student's academic progress.
3. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

E. **Long-term suspensions and expulsions**

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

F. **Language assistance**

The District must ensure that notices and communications required under this section 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.

XVI.

**XVII. ~~SUSPENSION AND EXPULSION GRIEVANCE AND APPEAL PROCESS~~
~~LONG TERM SUSPENSIONS, EXPULSIONS, AND EMERGENCY~~
~~EXPULSIONS — APPEAL PROCESS TO THE BOARD OF THE HEARING~~
~~OFFICER'S DECISION~~**

A. ~~Suspensions and expulsions—Optional conference with principal.~~

1. Requesting a conference

- a. If the student or parent/guardian disagree with the District's decision to suspend or expel the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- b. If the parent/guardian or student desires to have an informal conference with the principal or designee, the parent/guardian or student must notify the principal in writing or orally that they intend to grieve the suspension or expulsion within two (2) school business days of receiving notice of the suspension or expulsion. Failure to timely notify the principal or designee waives any right to an informal conference.
- c. The employee whose action is being grieved will be notified of the grievance as soon as reasonably possible.

2. Time limit

- a. 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. The principal or designee shall immediately provide notice of the date of the informal conference to the parent/guardian and student in writing or orally.
- b. Within two (2) school business days after the informal conference is concluded, the principal or designee shall issue his/her decision in writing to the parent/guardian or student as to whether the discipline is affirmed, reversed or modified. The written decision may be mailed or personally served. If the written decision is mailed, service shall be deemed complete three (3) school business days after mailing.

3. Conference

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

During the informal conference, the principal or designee must provide the student and parents the opportunity to:

- a. Share the student's perspective and explanation regarding the behavioral violation;
 - b. Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
 - c. Discuss other forms of discipline that may be administered.
4. **Language assistance**

The District must ensure the conference is held 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.

5. **Right to appeal**

An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission. If the parent/guardian or student is still aggrieved after the informal conference, the parent/guardian or student will have the right, to appeal to the Superintendent or designee. The suspension or expulsion will continue notwithstanding implementation of the grievance procedure unless the principal elects to postpone such action.

B. **Suspensions and expulsions—Appeal.**

1. **Requesting an appeal**

a. If the parent/guardian or student desires to present a grievance to the Superintendent or designee, the parent/guardian or student may appeal a suspension or expulsion to the District superintendent or designee orally or in writing.

b. The employee whose action is being grieved and the principal will be notified of the grievance as soon as reasonably possible.

2. **Time limit**

a. Appeals must be submitted within five (5) school business days from the date the District provided the written of suspension or expulsion notice under WAC 392-400-455. If the grievance notice is not timely served, then the parent/guardian and student waive any right to a grievance hearing with the Superintendent or designee, and the principal's written decision shall become final.

3. **Short-term and in-school suspensions**

a. **Notice.** If the parent/guardian or student timely serves the grievance notice, then the grievant shall be given the opportunity to present a grievance, in writing or orally, to the Superintendent or designee. Unless there is good cause to continue the grievance hearing, the grievance hearing

shall be held within ten (10) school business days of the Superintendent receiving the grievance notice. The Superintendent or designee shall provide the parent/guardian and student notice, either in writing or orally, of the date of the grievance hearing. Notice of the date of the grievance hearing must be provided to the parent/guardian and the student at least two (2) school business days prior to the grievance hearing. If the notice of the date of the grievance hearing is done in writing, such notice may be personally served or mailed. If the notice is mailed, service shall be deemed complete three (3) school business days after mailing.

- b. Appeal Hearing.** The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing. The student and parent/guardian will be subject to questioning by the Superintendent or designee, and will be entitled to question staff involved in the matter being grieved. The Superintendent or designee shall determine the procedure of the grievance hearing.

District staff must prove by a preponderance of the evidence that the student violated a school rule or District policy or procedures. If it is proven that the student violated a school rule or District policy or procedure, the Superintendent or designee shall give deference to the short-term or in-school suspension imposed by the District staff.

- c. Appeal decision.** 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:
- i. The decision to affirm, reverse, or modify the suspension;
 - ii. The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
 - iii. The educational services the District will offer to the student during the suspension; and
 - iv. Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request.
- d. Reconsideration.** If the parent/guardian or student is still aggrieved after the appeal hearing with the Superintendent or designee, the parent/guardian or student will have the right, to present a written or oral grievance to the Board for reconsideration. The suspension will continue notwithstanding implementation of the grievance procedure to the Board unless Superintendent or designee elects to postpone such action.

4. Long-term suspensions and expulsions

- a. Notice.** Within one (1) school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

- i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and parents' rights to inspect the student's education records under (e) of this subsection;
 - iv. The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;
 - v. The student's and parents' rights under (f) of this subsection; and
 - vi. Whether the District will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.
- b. **Reengagement.** Before the appeal hearing, the student, parents, and District may agree to hold a reengagement meeting and develop a reengagement plan. The student, parents, and District may mutually agree to postpone the appeal hearing while participating in the reengagement process.
- c. **Appeal hearing.** The District must hold an appeal hearing within three (3) school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.
- d. **Presiding officials.** The hearing officer shall be the Executive Director of Student Services; provided that the Executive Director is not involved in the student's behavioral violation or decision to suspend or expel the student. In the event that the Executive Director is disqualified from being the hearing officer or is unable to serve as the hearing officer, then the Superintendent will designate a hearing officer; provided that the designated person is also not disqualified. The presiding official must be knowledgeable about the rules in this chapter and of the District's discipline policies and procedures.
- e. **Evidence and witnesses**
- i. Upon request, the student, parents, and District may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The District, student, or parents 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.
 - ii. Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - iii. 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 the district made a reasonable effort to produce the witness; and the witness's failure to appear is excused by fear of reprisal or another compelling reason.
- iv. The District has the burden of proving by a preponderance of the evidence that the student's alleged misconduct occurred and that it violates a school rule, or District policy or procedure.
- f. **Student and parent rights.** During the appeal hearing, the student and parents have the right to:
- i. Be represented by legal counsel;
- ii. Question witnesses;
- iii. Inspect in advance of the hearing any documentary and physical evidence that the District intends to introduce at hearing;
- iv. Share the student's perspective and provide explanation regarding the behavioral violation; and
- v. Introduce relevant documentary, physical, or testimonial evidence.
- g. **District Rights.** During the appeal hearing, the District has the right to:
- vi. Be represented by legal counsel;
- vii. Question witnesses;
- viii. Inspect in advance of the hearing any documentary and physical evidence that the student and/or parent/guardian intends to introduce at hearing;
- ix. Present an explanation of the alleged misconduct;
- x. Introduce relevant documentary, physical, or testimonial evidence.
- h. **Recording of hearing.** The appeal hearing must be recorded by manual, electronic, or other type of recording device. The District must provide the recording to the student or parents upon request.
- i. **Appeal decision.** The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must 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:
- i. The findings of fact;

- ii. A determination of whether: 1) The student's behavior violated the District's discipline policy; 2) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and 3) The suspension or expulsion is affirmed, reversed, or modified;
 - iii. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
 - iv. Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request; and
 - v. Notice of the opportunity to participate in a reengagement meeting and the contact information for the person who will coordinate scheduling of the reengagement meeting.
5. **Language assistance.** The District must ensure that the notice, appeal proceedings, and decision are 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.
6. **Pending appeal.** If the student or parents request an appeal under this section, the District may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:
- a. The District may temporarily continue to administer the suspension or expulsion for no more than ten (10) consecutive school days from the initial hearing under WAC 392-400-450 or until the appeal is decided, whichever is earlier;
 - b. Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;
 - c. If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the District must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.
- C. **Suspensions and expulsions—Review and reconsideration**
- 1. **Requesting review**
The student or parents may request that the school board or discipline appeal council, if established, review and reconsider the District's appeal decision. The student or parents may request the review orally or in writing. The employee whose action is being grieved and the principal will be notified of the grievance as soon as reasonably possible.
 - 2. **Time limit**

The review or reconsideration must be requested within ten (10) school business days from the date the District provides the written appeal decision to the student and parents. If the grievance notice is not timely served, then the parent/guardian and student waive any right to a review and reconsideration with the Board, and the written decision by the Superintendent or designee shall become final.

Unless there is good cause to continue the review and reconsideration, it shall be held at the Board's next regular meeting. The Superintendent or designee shall provide the parent/guardian and student notice, either in writing or orally, of the date of the review and reconsideration. Notice of the date of the review and reconsideration must be provided to the parent/guardian and the student at least two (2) school business days prior to the grievance hearing. If the notice is done in writing, such notice may be personally served or mailed. If the notice is mailed, service shall be deemed complete three (3) school business days after mailing.

3. **Review procedure**

- a. In reviewing the District's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal, relevant state law, and the District's discipline policy.
- b. The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information. If further arguments are heard, the student and parent/guardian will be subject to questioning by the District, and will be entitled to question staff involved in the matter being grieved. The review and reconsideration shall be a closed hearing. The Board shall determine the procedure of the grievance hearing.
- c. The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the decision must be made by the school board.
- d. District staff must prove by a preponderance of the evidence that the student violated a school rule or District policy or procedures. If it is proven that the student violated a school rule or District policy or procedure, the Board shall give deference to the suspension or expulsion imposed by the District staff.
- e. Either a tape-recorded or verbatim record of the review and reconsideration hearing will be made.

4. **Decision**

The school board or discipline appeal council must 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:

- a. Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;
- b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and
- c. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

The suspension or expulsion will continue notwithstanding implementation of the grievance procedure unless the Board elects to postpone such action.

5. **Language assistance**

The District must ensure that any review proceedings and decision are 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.

D. **Discipline appeal council**

A school board may designate a discipline appeal council to hear and decide appeals or to review and reconsider the district's appeal decisions. A discipline appeal council must consist of at least three (3) persons appointed by the school board for fixed terms. All members of the discipline appeal council must be knowledgeable about the rules in this chapter and of the District's discipline policies and procedures.

XVIII.

A. Conditions and Limitations

1. ~~If a timely notice of appeal is received by the District for a long-term suspension, expulsion or emergency expulsion, the long-term suspension, expulsion or emergency expulsion may be imposed during the appeal period if:~~
 - a. ~~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;~~
 - b. ~~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~~
 - c. ~~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:~~
 - i. ~~Such assignments or tests have a substantial effect on the student's semester or trimester grade or grades; or~~

~~ii. Failure to complete such assignment or tests would result in denial of course credit.~~

~~For purposes of this Section, a nonemergency expulsion means an expulsion that was not converted from an emergency expulsion.~~

~~2. The Board has the authority to affirm the long-term suspension, expulsion or emergency expulsion, to modify long-term suspension, expulsion or emergency expulsion, to reverse the long-term suspension, expulsion or emergency expulsion, to impose another form of corrective action, or to impose no corrective action.~~

B. Informal Meeting

- ~~1. Upon the Superintendent receiving a timely appeal notice, the Board will schedule and hold a meeting to informally review the matter within ten (10) school business days from receipt of the appeal notice. The purpose of the informal meeting will be to confer with the parties in order to decide upon the most appropriate means of handling the appeal. At the informal meeting, District staff, the student, parents/guardians, and/or legal 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.~~
- ~~2. Prior to adjournment of the informal meeting, the Board will agree to one of the following procedures for the appeal hearing:~~
 - ~~a. Schedule and hold an appeal hearing for the Board to study the hearing record and/or other materials submitted by the parties at the informal meeting and for the Board to record its findings and decision within ten (10) school business days of the informal meeting;~~
 - ~~b. Schedule and hold an appeal hearing for the parties to present further arguments based upon the hearing record and/or other materials submitted by the parties at the informal meeting and for the Board to record its findings and decision within fifteen (15) school business days of the informal meeting; or~~
 - ~~c. Schedule and hold an appeal hearing to hear the case de novo where the appeal hearing is held within ten (10) school business days of the informal meeting.~~
- ~~3. The informal meeting is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the informal meeting will be held without public notice and without public access.~~

C. Appeal Hearing

- ~~1. If the Board chooses to conduct an appeal hearing pursuant to Section XIV(B)(2)(a), the Board shall:~~
 - ~~a. Schedule a meeting so that it may study and review the hearing record and/or other materials submitted by the parties at the informal meeting. At this meeting neither party shall be present without Board permission;~~

- ~~b. Study and review the hearing record and/or other materials to decide whether the hearing officer's decision is supported by substantial evidence; and~~
 - ~~c. Issue a written decision within ten (10) school business days of the informal meeting. If the hearing officer's decision is supported by substantial evidence, then the Board shall give deference to the hearing officer's decision regarding the appropriate corrective action to be imposed.~~
- ~~2. If the Board chooses to conduct an appeal hearing pursuant to Section XIV(B)(2)(b), the Board shall:~~
 - ~~a. Schedule and hold an appeal hearing for the parties to present further arguments based upon the hearing record and/or other materials submitted by the parties at the informal meeting. No new evidence or testimony shall be presented to the Board at the appeal hearing unless authorized by the Board;~~
 - ~~b. Study and review the hearing record, the other materials, and the argument of the parties to decide whether the hearing officer's decision is supported by substantial evidence;~~
 - ~~c. Issue a written decision within fifteen (15) school business days of the informal meeting. If the hearing officer's decision is supported by substantial evidence, then the Board shall give deference to the hearing officer's decision regarding the appropriate corrective action to be imposed.~~
- ~~3. If the Board chooses to conduct an appeal hearing pursuant to Section XIV(B)(2)(c), then the appeal hearing shall have the following procedures:~~
 - ~~a. Student and Parent/Guardian Rights.—~~

~~The student and parent/guardian have the right to:~~

 - ~~i. Be represented by legal counsel;~~
 - ~~ii. Inspect in advance of the hearing any documentary and physical evidence that the District intends to introduce at hearing;~~
 - ~~iii. Question and confront witnesses;~~
 - ~~iv. Present an explanation of the alleged misconduct; and~~
 - ~~v. Present relevant witnesses, documentary and other physical evidence.~~
 - ~~b. District Rights.—~~

~~The District and/or its representative have the right to:~~

 - ~~i. Be represented by legal counsel;~~

- ii. ~~Inspect in advance of the hearing any documentary and physical evidence that the student and/or the student's parents/guardians intend to introduce at the hearing;~~
 - iii. ~~Question and confront witnesses;~~
 - iv. ~~Present an explanation of the alleged misconduct; and~~
 - v. ~~Present relevant witnesses, documentary and other physical evidence.~~
- c. Documentary Evidence.~~—~~

~~The students and/or parents/guardians, and the District shall disclose any documentary evidence to the other party one school day prior to the hearing date. If the parties fail to timely disclose any documentary evidence then such evidence shall be excluded unless the Board determines that there is good cause for the failure to disclose.~~—

d. Witnesses.~~—~~

- i. ~~Any witnesses shall appear in person, unless a written statement is permitted by the Board or upon agreement of the parties.~~
- ii. ~~If a witness is employed by the District or is a student in the District and such witness fails to appear for the hearing, the hearing officer shall excuse the witness if the District establishes that:~~
 - A. ~~It made a reasonable effort to produce the witness and is unable to do so; or~~
 - B. ~~It is not advisable for the witness to appear due to an expectation and fear on the part of the witness or District that the witness will be retaliated against if the witness appears at the hearing.~~

e. Record.~~—~~

~~Either a tape recorded or verbatim record of the hearing will be made.~~

f. Burden.~~—~~

~~The District has the burden of proving by a preponderance of the evidence that the student's alleged misconduct occurred and that it violates a school rule, or District policy or procedure.~~

g. Decision.~~—~~

~~The Board shall make its decision solely based upon the witnesses and evidence presented at the hearing, and shall set forth in writing:~~

- i. ~~Findings of fact as to the due process procedure afforded the student and/or the student's parents/guardians, and the findings of fact as to the alleged misconduct;~~

- ii. ~~Conclusions as to whether the District met its burden of proof, and if so, the District rules, policies or procedures violated by the student;~~
- iii. ~~Conclusion as to the nature and duration of the corrective action, if any, that will be imposed; and~~
- iv. ~~The appeal rights of the student and/or the student's parents/guardians.—~~

~~h. Issuance of Decision.—~~

~~The Board will issue the written decision within five (5) school business days after the conclusion of the hearing. The written decision shall be provided to the student's legal counsel, or, if none, to the student's and the student's parents/guardians, and to the District's legal counsel, or if none, to District staff member who presented the District's case to the Board. The written decision shall be personally served or mailed to the parties, and if mailed shall be deemed received three (3) school business days after mailing.~~

~~D. Closed Hearing—~~

~~The appeal 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 appeal hearing will be held without public notice and without public access.~~

XIX. EMERGENCY EXPULSION GREIVENCE AND APPEAL PROCESS

A. Emergency expulsions—Optional conference with principal

1. Requesting a conference

If a student or the parents disagree with the District's decision to administer an emergency expulsion, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

2. Time limit

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.

3. Conference

During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.

4. Language assistance

The District must ensure the conference is held 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.

5. **Right to appeal**

An informal conference must not limit a student's or parents' right to appeal the emergency expulsion.

B. **Emergency expulsions—Appeal**

1. **Requesting an appeal**

A student or the parents may appeal an emergency expulsion to the District superintendent or designee orally or in writing.

2. **Time limit**

An appeal must be requested within three (3) school business days from the date the District provides the written notice of the emergency expulsion.

3. **Notice**

Within one (1) school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

- a. The time, date, and location of the appeal hearing;
- b. The name(s) of the official(s) presiding over the appeal;
- c. The student's and parents' rights to inspect the student's education records under subsection (6) of this section;
- d. The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and
- e. The student's and parents' rights under subsection (7) of this section.

4. **Appeal hearing**

The District must hold an appeal hearing as soon as reasonably possible, but no later than two (2) school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.

5. **Presiding official(s)**

The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the District's discipline policies and procedures.

6. **Evidence and witnesses**

-
- a. Upon request, the student, parents, and District may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The District, student, or parents 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.
- b. Upon request, the student and parents may review the student's education records. The District must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
- c. 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: the district made a reasonable effort to produce the witness; and the witness's failure to appear is excused by fear of reprisal or another compelling reason.

7. **Student and parent rights**

The student and parents have the right to:

- a. Be represented by legal counsel;
- b. Question witnesses;
- c. Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and
- d. Introduce relevant documentary, physical, or testimonial evidence.

8. **Recording of hearing**

The appeal hearing must be recorded by manual, electronic, or other type of recording device. The District must provide the recording to the student or parents upon request.

9. **Appeal decision**

The District must 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:

- a. The findings of fact;

- b. 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.
- c. Whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process as established by the provisions in this procedure; and
- d. Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request.

10. **Language assistance**

The District must ensure that any appeal proceedings, notices, and decisions 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.

C. **Emergency expulsions—Review and reconsideration**

1. **Requesting review**

The student or parents may request that the school board or discipline appeal council, if established, review and reconsider the District's appeal decision under. The student or parents may request the review orally or in writing.

2. **Time limit**

A request for review and reconsideration must be made within five (5) school business days from the date the District provided the written appeal decision to the student and parents.

3. **Review procedure**

- a. In reviewing the District's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal, relevant state law, and the district's discipline policy.
- b. The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

- c. The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the decision must be made by the school board.

4. **Decision**

The school board or discipline appeal council must 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:

- a. Whether the school board or discipline appeal council 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.
- b. If the emergency expulsion has not yet ended or been converted, whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process as established by the provisions in the procedure.

5. **Language assistance**

The District must ensure that any review proceedings and decision are 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.

XX.

XXI. GENERAL MATTERS FOR DECISIONS ISSUED BY SCHOOL BOARD

A. Board Decisions

Any decision by the Board to impose or to affirm, reverse or modify any ~~corrective-~~actiondiscipline upon a student will be made only by:

1. Those Board members who have heard, studied or reviewed the evidence;
2. Those Board members who have not acted as a witness in the matter; and
3. A majority vote at a meeting at which a quorum of the Board is present.

B. Appeal from Board Decisions

1. The decisions of the Board may be appealed to a Court of competent jurisdiction pursuant to Chapter 28A.645 RCW.
2. The ~~corrective action~~discipline imposed by the Board may be postponed pending an appeal if authorized by the Board or by a Court of competent jurisdiction.

XXII. REENGAGEMENT - LONG-TERM SUSPENSIONS AND EXPULSIONS

A. Reengagement Meeting

1. The District must convene a reengagement meeting with the student and the student's parents/guardians within twenty (20) calendar days of the ~~imposition-start~~ of a long-term suspension or expulsion, but no later than five (5) calendar days before the student's reentry or reenrollment to school, or as soon as reasonably possible if the student or parents request a prompt reengagement meeting.-
2. ~~Before convening a reengagement meeting, the District must communicate with the student and parents to schedule the meeting time and location. Notice of the reengagement meeting may be provided to the student and/or the student's parents/guardians orally or by mail. If notice is provided by mail, the notice is deemed received three (3) school business days after mailing.~~
3. The principal shall determine which District staff member(s) shall attend the reengagement meeting; provided that there shall be District staff member(s) present that have the ability and authority:
 - a. To shorten the length of time that the student is suspended or expelled;
 - b. To impose other forms of ~~corrective action~~discipline; and
 - c. To permit supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate.
4. A reengagement meeting is not intended to replace an appeal hearing or a petition for readmission.

B. Reengagement Plan

1. The District shall collaborate with the student and parents to create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion, to support the student in successfully returning to school. The plan should aid the student in taking the necessary steps to remedy the situation that led to the suspension or expulsion.
2. In developing the reengagement plan, the District ~~must~~should consider:
 - a. The nature and circumstances of the incident that led to the student's suspension or expulsion; Shortening the length of time that the student is suspended or expelled;

- b. As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach; ~~Other forms of corrective action~~ ~~discipline that may be more effective; and~~
 - c. Shortening the length of time that the student is suspended or expelled;
 - d. Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and ~~Supportive interventions that may aid in the student's academic success and keep the student engaged and on track to graduate.~~
 - e. 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.
3. Students and the student's parents/guardians must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.
 4. If the student is suspended or expelled for ~~misconduct~~ behavioral violation that is related to alcohol or drugs, the student may voluntarily obtain an alcohol and/or drug assessment from a chemical dependency professional that is licensed in the State of Washington. If the student provides the assessment to the District then the District is able to utilize the assessment in developing the reengagement plan for the student.
 5. The reengagement plan shall be in writing with a copy provided to the student and the student's parents/guardians. The reengagement plan may be personally served or mailed to the student and the student's parents/guardians. If the reengagement plan is served by mail, the plan is deemed received three (3) school business days after mailing.
 - 6.
 7. The District must ensure that the reengagement meeting and plan are 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.-
 8. A violation of the reengagement plan may be a basis for the District to impose ~~corrective action~~ discipline against the student. If ~~corrective action~~ discipline is imposed for a violation of the reengagement plan, the District must comply with the requirements to impose such ~~corrective action~~ discipline as outlined in this Procedure.

XXIII. READMISSION APPLICATION PROCESS

- A. Any student who has been suspended or expelled will be allowed to make application for readmission at any time by submitting a written application to the Executive Director of Student Services.
- B. The written application for readmission shall include:

1. Reasons the student wants to return and why the request should be considered;
 2. Evidence which supports the request;
 3. A supporting statement from the parents/guardians or others who may have assisted the student;
 4. Evidence of restitution, when applicable;
 5. Evidence that the student has entered into a behavior contract with the school that the student seeks readmission to; and
 6. If the student was suspended or expelled for misconduct behavioral violation that is related to alcohol or drugs, the student shall provide evidence of an alcohol and/or drug assessment from a chemical dependency professional that is licensed in the State of Washington, and evidence that the student is in compliance with any recommended treatment.
- C. The Executive Director of Student Services will advise the student and the student's parents/guardians of his/ her decision to either grant or deny the application within seven (7) school business days of the receipt of the application for readmission. If the application is denied, the decision must include the appeal rights. The decision shall be in writing and either personally served or mailed. If service is done by mail, service shall be deemed complete three (3) school business days after mailing.
- D. If the application for readmission is denied, then the student and/or the student's parents/guardians may appeal the denial to the Superintendent. The notice of appeal may be done orally or in writing to the Superintendent. The Superintendent must receive the notice appeal within three (3) school business days of the student's and/or parents/guardians receipt of the decision by Executive Director of Student Services, or the right to appeal is waived and the decision by the Executive Director of Student Services shall become final. The Superintendent will advise the student and the student's parents/guardians of his or her decision to either grant or deny the application within seven (7) school business days of the receipt of the notice of appeal. The Superintendent's decision shall be in writing and either personally served or mailed. If service is done by mail, service shall be deemed complete three (3) school business days after mailing. The decision of the Superintendent may not be appealed and shall be final.

XIX. PETITION FOR EXTENSION OF EXPULSION

- A. When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the District 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.
- B. The principal or designee may petition to extend an expulsion only after the development of a reengagement plan and before the end of the expulsion. For violations related to firearms as provided in RCW 28A.600.420, the principal or designee may petition to extend an expulsion at any time.
- C. The District must provide written notice of the petition to the student and parents in person, by mail, or by email within one 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 student's and parents' right to an informal conference with the District 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 student's and parents' right to respond to the petition orally or in writing to the District superintendent or designee within five (5) school business days from the date the district provided written notice.
- D. The District 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 District 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 school business days after receiving the petition.
1. If the petition is granted, the written decision must include:
 - a. The date on which the extended expulsion will end;
 - b. 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
 - c. Notice of the student's or parents' right to request review and reconsideration of the appeal decision under subsection (5) of this section, including where and to whom to make the request.
 2. If the petition is not granted, the written decision must identify the date on which the expulsion will end.
- E. **Review and reconsideration**
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1. **Requesting review**

The students or parents may request that the school board or discipline appeal council, if established, review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing.

2. **Time limit**

A review and reconsideration must be requested within ten (10) school business days from the date the District superintendent or designee provides the written decision under subsection (4) of this section.

3. **Review procedure**

- a. The school board or discipline appeal council may request to meet with the student or parents or the principal to hear further arguments and gather additional information.
- b. The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision.

4. **Decision**

The school board or discipline appeal council must 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:

- a. Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
- b. The date on which the extended expulsion will end.

F. **Duration**

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

G. **Language assistance**

The District must ensure that any petition proceedings, notices, and decisions 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.

H. **Annual reporting**

The District must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

- ~~A. Pursuant to RCW 28A.600.020(6), the school principal or his/her designee may petition the Superintendent of the District for authorization to exceed the length of one academic term limitation for expulsions where warranted because of a perceived risk to public health or safety. Petitions must be done in accordance with policies and procedures adopted by the Office of the Superintendent of Public Instruction (“OSPI”). OSPI adopted WAC 392-400-410, which outlines OSPI’s policies and procedures for such petitions. The District will comply with WAC 392-400-410, as it now appears or is hereafter amended, when it intends to exceed the length of one academic term limitation for expulsions.—~~
- ~~B. Any service required under WAC 392-400-410, shall be done by personal service or by certified mail to the student and the student’s parents/guardians. If service is done by certified mail, service shall be deemed completed within three (3) school business days after mailing.—~~
- ~~C. Any appeal hearing from a granted petition, shall done in the same manner as hearings conducted pursuant to Section XIV of this Procedure.—~~
- ~~D. The District will report the number of petitions submitted, approved and/or denied to OSPI annually.—~~

XX. EXCEPTIONAL MISCONDUCT

The Superintendent has defined the types of misconduct that constitute exceptional misconduct. Exception misconduct includes, but is not limited to:

1. A violation of RCW 28A.600.420;
2. An offense in RCW 13.04.155;
3. 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
4. Behavior that adversely impacts the health or safety of other students or educational staff.

Exceptional misconduct is outlined on Exhibit “A,” which is attached to this Procedure as a “Range of Sanctions Chart.” Exceptional misconduct is prohibited on school or District premises, at school-sponsored events or activities, on school buses or vehicles provided by the District, or off school or District premises if conducted in a manner having a real and substantial relationship to the operation of school or educational programs. Exceptional misconduct can be cause for immediate ~~corrective action~~discipline. The “Range of Sanctions Chart” is a guideline for ~~corrective action~~discipline and is strongly recommended to ensure consistency and continuity across the District for similar offenses.

The District reserves the right to refer to the appropriate non-school agency any act or conduct of its students which may constitute a crime under federal, state, county or local law.

Exhibit “A”