

## Student Discipline

### Introduction

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

The Lynden School District is committed to ensuring a safe and productive learning environment in which all students are provided every opportunity to learn. In order to ensure that each student has equitable access to educational services and that student behavior does not result in a loss in educational services, the District is committed to reducing out-of-school removals and providing access to educational services during such time. The District is also committed to reducing the disproportional impact of out-of-school removals on any identifiable group of students, including those with disabilities. The District will achieve its commitments by the application of positive behavior supports and principles, while recognizing that there will be times when the application of corrective action is necessary.

When applying corrective action and/or intervention, principals use sound professional judgment to determine appropriate corrective action and/or intervention that is consistent with the District mission and goals, in the best interest of students, and anchored in sound theory and practice. Principals will ensure that corrective action and/or intervention is consistent, fair, and progressive in nature; and consider the developmental level of the student and whether the behavior is related to a disability. The application of corrective action and/or intervention is at the discretion of principals. The District Discipline Matrix provides guidelines because the context of every situation where disciplinary action is appropriate differs.

### Definitions

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

- **“Behavioral violation”** means a student's behavior that violates the district's discipline policies.
- **“Best practices and strategies”** refers to other forms of discipline the district identified that school personnel should administer to support students in meeting behavioral expectations.
- **“Classroom exclusion”** means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements of WAC [392-400-330](#) and [392-400-335](#). Classroom exclusion does not include actions that result in missed instruction for a brief duration when:
  - (a) a teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and

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(b) the student remains under the supervision of the teacher or other school personnel during such brief duration.

- **“Culturally responsive”** has the same meaning as “cultural competency” in RCW [28A.410.270](#), which states "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.
- **“Discipline”** means any action taken by a school district in response to behavioral violations.
- **“Disruption of the educational process”** means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.
- **“Emergency expulsion”** means the removal of a student from school because the student’s presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC [392-400-510](#) through [392-400-530](#).
- **“Expulsion”** means a denial of admission to the student’s current school placement in response to a behavioral violation, subject to the requirements in WAC [392-400-430](#) through [392-400-480](#).
- **“Length of an academic term”** means the total number of school days in a single trimester or semester, as defined by the board of directors.
- **“Other forms of discipline”** means actions used in response to problem behaviors and behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW [28A.165.035](#).
- **“Parent”** has the same meaning as in WAC [392-172A-01125](#), and means (a) a biological or adoptive parent of a child; (b) a foster parent; (c) a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state; (d) an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student’s welfare; or a surrogate parent who has been appointed in accordance with WAC [392-172A-05130](#). If the biological or adoptive parent is attempting to act as the parent and more than one party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person or persons to act as the “parent” of a child or to make educational decision on behalf of a child, then that person or persons shall be determined to be the parent for purposes of this policy and procedure.
- **“School board”** means the governing board of directors of the local school district.
- **“School business day”** means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the office of the Superintendent is open to the public for business. A school business day concludes or terminates upon the closure of the Superintendent’s office for the calendar day.

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- **“School day”** means any day or partial day that students are in attendance at school for instructional purposes.
  - **“Suspension”** means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.
    - **In-school suspension** means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC [392-400-430](#) through [392-400-475](#).
    - **Short-term suspension** means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC [392-400-430](#) through [392-400-475](#).
    - **Long-term suspension** means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC [392-400-430](#) through [392-400-475](#).

### **Behavioral Violations**

These actions are prohibited on school premises, at school-sponsored events or activities, on school buses or vehicles provided by the District, or if conducted in a manner having a real and substantial relationship to the operation of school or educational programs and shall be cause for discipline and/or intervention.

The District has developed definitions for the following behavioral violations, which clearly state the types of behaviors for which discipline—including other forms of discipline, classroom exclusion, suspension, and expulsion—may be administered:

When considering extenuating circumstances for a consequence greater than recommended, administrators will discuss the details with the Director of Student Services or their supervisor prior to issuing such discipline. Those situations would be deemed to be rare.

The District will continue to further develop and/or revise the definitions for what constitutes behavioral violations to reduce the effect of implicit or unconscious bias. In addition to these District definitions, school principals will confer with certificated building employees at least annually to develop and/or review building discipline standards as stated in the Board Policy.

- A. Abusing (Physical or emotional) while carrying out their official duties.
- B. The Aiding and Abetting of Others in the commission of any of the acts prohibited under this section, as well as the attempt to commit any of these acts, may also be subject to the same disciplinary consequences as the person who committed the act.

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- C. Arson means intentionally setting a fire or causing an explosion.
- D. Assault meaning being physically violent or using unwarranted force toward another person(s) resulting in physical harm or injury.
1. Assault I: refers to behavioral violations involving assault upon another person that do not meet the definition of an offense under RCW 9A.36.011 or RCW 9A.36.021
  2. Assault II: refers to the behavioral violations that meet the definition of an offense under RCW 9A.36.011 or RCW 9A.36.021- which may include behavioral violations under WAC 392.172A.05149(1)(c) involving “serious bodily injury as defined under section 1365(h)(3) of Title 18, U.S.C.
- E. Cheating including copying the work of other persons, or turning in another person’s papers, projects, computer programs, etc., as your own or having someone else write your paper, program, or project, including asking friends, paying someone, using a paper writing service, or other methods as determined by the teacher or administrator etc. Cheating also includes the aiding and abetting of cheating by others including but not limited to, stealing or providing questions and/or answers to one or more persons prior to any type of assessment (meaning any work that is used to determine a student’s grade or progress).
- F. Computer Misuse (minor) meaning any use of Lynden School District computers or network for non- academic use.
- G. Computer Misuse (major) of a substantial nature, including but not limited to, use of Lynden School District networking system that violates any part of the act prohibited under this policy, intentionally violating a school or Lynden School District computer system or database including but not limited to:
1. Stealing, hacking, deleting, interfering with, or copying software, systems, or programs.
  2. Intentionally transmitting a virus or other material that is wholly inconsistent with the fundamental values of public school education.
  3. Changing of school, District, or student records without authorization.
  4. Accessing a district or teacher’s computer without authorization.
  5. Using a proxy site or other Internet site from a District computer to deliberately evade District filters.
- H. Dangerous Activities meaning any intentional or unintentional act that could potentially harm oneself or others (horseplay, throwing objects that could cause harm, climbing a roof, driving at excessive speed through a school parking lot, etc.).
- I. Disruptive Conduct meaning substantially interfering with teaching, learning, and/or school operations.

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- J. Drug and Alcohol-related Conduct: the following is prohibited at school or in the immediate vicinity of school property, in school vehicles, at school bus stops (including metro stops used for school transportation) and at school-sponsored activities:
1. Possess, use, or be under the influence of any drug or look alike drug, except as authorized by valid prescription.
  2. Possess, use, or be under the influence of alcohol.
  3. Use or be under the influence of any other intoxicant.
  4. Sell, purchase, barter, trade, exchange, give, or transmit any drug, alcohol, or intoxicant, look-alike drug or offer to do so.
  5. Possess or use of drug paraphernalia including but not limited to electronic cigarettes (also known as E-devices, E-pens, E-hookahs, hookah pens, vape-pipes, vape-pens and vaporizers)
  6. In addition, students shall not use any drug (except as authorized by valid prescription), alcohol, or intoxicant before attending school or any mandatory school sponsored activity, and they shall not attend any optional school-sponsored activity after using any drug (except as authorized by valid prescription), alcohol, or intoxicant.
  7. Specific corrective measures and definitions for violations of drug and alcohol-related conduct are found in section III of procedure 3241.
- K. Extortion/Blackmail/Coercion meaning obtaining or attempting to extort obtain money, property, or other consideration by violence or threat of violence, or forcing someone to do something against his or her will by force or threat of violence.
- L. Failure to Attend any required activity or disciplinary consequence assigned by a teacher, counselor, administrator, or designee
- M. Failure to Comply in a passive manner with the instructions of teachers and other school staff. This includes breaking a specific, published school or District rule.
- N. False Reporting meaning knowingly and maliciously falsely reporting or falsely corroborating misbehavior of others that did not occur, including spreading a false rumor maliciously at school, or school grounds, on school-provided transportation, or at a school-sponsored function, that resulted in a disciplinary and/or legal action for the student(s) who was falsely accused.
- O. Fighting with and without Major Injury includes, but is not limited to, the following: •
- Engaging in mutual physical contact involving anger or hostility.
  - Teasing, harassing, threatening, or intimidating others resulting in physical contact involving anger or hostility.
  - Retaliating physically for teasing, harassing, threatening, or intimidating behavior.
  - Verbally inciting or physically supporting a fight by one's encouragement or presence, including, but not limited to, posturing, making verbal accusations or threats, or drawing spectator attention to a fight or recording and or broadcasting (See Aiding and Abetting).

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1. Fighting with Major Injury refers to behavioral violations involving mutual participation in physical violence where there is injury that meets the definition of “substantial bodily harm” or “great bodily harm” under RCW 9A.04.110(4) – which may include behavioral violations under WAC 392-172A-05149(1)(c) involving “serious bodily injury” as defined under Section 1365 (h)(3) of Title 18, U.S.C.
  2. Fighting without Major Injury refers to behavior violations involving mutual participation in physical violence where there is no injury meeting the definition of “substantial bodily harm” or “great bodily harm” under RCW 9A.04.110(4).
- P. Fireworks/Explosives including the possession, handling, or transmission of any form of firework and/or explosive, chemical, or incendiary device. These devices include, but are not limited to, firecrackers, sparklers, smoke bomb or stink bomb, cherry bomb, M80, bottle rocket, other explosive, incendiary or poison gas, or gas pen/gas pencil.
- Q. Forging of any non-District or District Personnel Signature (including electronic) or Making of any False Entry or the Alteration of any Document used or intended to be used in connection with the operation of the school.
- R. Gambling such as playing cards, dice, or games of chance for money or other things of value.
- S. “Harassment, Intimidation or Bullying” means any intentional written message or image, including those that are electronically transmitted, verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, culture, gender, socio-economic status, sexual orientation including gender expression or identity, mental or physical disability, or other distinguishing characteristics, when the intentional written, verbal, or physical act:
1. Physically harms any person or damages the person’s property.
  2. Has the effect of substantially interfering with a student’s education.
  3. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment.
  4. Has the effect of substantially disrupting the orderly operation of the school.
- T. Hazing of any students or persons. “Hazing” includes initiating students into a school, group, grade level, or office through persecuting, harassing, or coercive behaviors that cause or are likely to cause social, emotional, or physical harm. Evidence of hazing may include but is not limited to, activities with any of the following components: degrading, disgraceful, or humiliating behaviors or treatment. The term “hazing” does not include school-authorized athletic events, contests, competitions, or other activities that have express administrative approval.
- U. Leaving Campus during regular school hours without written or verbal permission from a parent or school official.

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- V. Lewd/Obscene Behavior (minor) including inappropriate sexual expressions or behavior.
- W. Lewd/Obscene Behavior (major) including engaging in inappropriate sexual behavior, including sexual intercourse, oral sex, sexual touching, indecent exposure, or voyeurism, and/or sexual behavior that has the potential to substantially disrupt or obstruct any school function or operation.
- X. Look-Alike Weapons (minor) including possessing a toy gun or other toy weapon whether or not appearing to be a real gun or weapon, or any item that can reasonably be considered a firearm, air soft gun, compressed air gun, or dangerous weapon that is not used in the commission of an exceptional misconduct act.
- Y. Look-Alike Weapons (major) that can reasonably be considered a firearm, air soft gun, compressed air gun, or dangerous weapon and used for the commission of another exceptional misconduct act.
- Z. Lying means knowingly not telling the truth to a staff member or volunteer in response to a question related to the safety of the school or the investigation of a disciplinary matter.
- AA. Malicious Harassment is committing malicious and intentional acts because of one's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory disability which:
- Causes physical injury to the victim or another person;
  - Causes physical damage to or destruction of the property of the victim or another person; or
  - Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to the person or property.
- BB. Misuse of School Property including writing on desks, walls, etc. or using school property in a way that it was not intended and did or can do damage to the property.
- CC. Out-of-School Boundary meaning places that are off limits during the day that is defined by the school such as parking lots, sidewalks around school, parks, and open fields etc.
- DD. Plagiarism including using another writer's words or ideas without proper citation, or merely rearranging or changing a few of the author's words and presenting the result as your own work, or not using quotation marks when citing a source.
- EE. Physical Aggression: refers to behavioral violations involving a student engaging in physical contact when a minor injury may occur (e.g., hitting, kicking, slapping, hair pulling, scratching etc..).

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- FF. Possession, Handling, or Transmission of a Dangerous Weapon. “Dangerous Weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than two and one-half inches in length. Exceptions may be outlined in RCW 9.41.280  
Dangerous Weapons include but are not limited to the following:
1. Any device commonly known as “nun-Chu-ka sticks,” consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means.
  2. Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect.
  3. Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.
  4. Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse.
  5. Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.
  6. Slung shot device consisting of a weight, or “shot,” affixed to the end of a long cord.
  7. Sand club such as a bag of sand, which is used as a weapon.
  8. Metal knuckles.
  9. Spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement, or locks into an open position.
- GG. Possession, Handling or Transmission of Firearms on school property. This will result in a one-year mandatory expulsion, subject to appeal, with notification to parents and law enforcement.
- HH. Possession, Handling, or Transmission of any Object with intent to carry out another exceptional misconduct act, which can reasonably be considered a Weapon.
- II. Possession, Transmission, or Use of Personal Protection Spray Devices without prior written parental/guardian permission is prohibited. Students over 18 years of age and students between 14 and 18 years of age with written parental/guardian permission may possess personal protection spray devices. No one less than 18 years of age may transmit such devices, nor may they be used other than in self-defense as defined by state law.
- JJ. Possession, Handling, or Transmission of a Small Folding Knife—a small folding knife is defined as a blade length of 2-1/2 inches or less with a blade width of 1/2-inch or less.
- KK. Retaliation means any act of revenge against a person for reporting any violation of the acts prohibited under this policy, as well as any attempted act of revenge.



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- LL. Profanity/Obscenity including using vulgar or abusive language and/or cursing or swearing or slurs that do not rise to the level of harassment, intimidation and/or bullying or are not deemed to violate the District's nondiscrimination policy.
- MM. School Dress that possesses a health or safety hazard or may disrupt, interfere with, disturb, or detract from the school environment or activity and/or educational objectives, including, but not limited to, apparel or items depicting lewd, sexual, drug, tobacco, marijuana (cannabis) or alcohol-related messages.
- NN. Teasing and/or Taunting such as making fun of individuals and/or groups, calling people names, and/or directing insults toward another individual and/or groups that do not rise to the level of harassment, intimidation and/or bullying or are not deemed to violate the District's nondiscrimination policy.
- OO. Theft meaning stealing District or personal property
- PP. Threat to Cause Bodily Harm by any means that causes a person to believe his or her or another person's life, safety, or property is in danger.
- QQ. Trespass/Unauthorized Entry onto another school other than student's own school during the school day without administrative permission or the wrongful or unauthorized entry onto District property or facility.
- RR. Use of Personal Telecommunication Devices including, but not limited to, pagers, beepers and cellular phones in a manner that poses a threat to academic integrity, disrupts the learning environment, or violates the privacy rights of others. Students shall not send, share, view or possess pictures, text messages, emails, or other material of a sexually explicit nature or that contributes to harassment, intimidation and/or bullying in electronic or any other form on a cell phone or other electronic device.
- SS. Vandalizing and/or Damaging any School or Personal Property (minor), including writing, painting, drawing, or otherwise marking graffiti on any school or personal property resulting in less than \$50 of damage.
- TT. Vandalism/Property Damage, (major) meaning intentionally causing damage to any district or personal property, including writing, painting, drawing, or otherwise marking graffiti on any district or personal property that is \$50 of damage or more.
- UU. Visible Use or Possession of any Tobacco Product or Tobacco Paraphernalia (including, but not limited to, lighters or rolling papers) on or in the immediate vicinity of school property is prohibited. School property includes all buildings, grounds and vehicles owned and used by the District. E-cigarettes are dealt with above in the Drug and Alcohol Conduct.
- VV. Wearing, Carrying, Possessing and/or Displaying Gang-Related Apparel, Grooming, or Exhibiting or Implying Behavior or Gesture which Symbolizes Gang Membership or

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Affiliation by written communication, marks, drawing, painting, design, emblem, etc. upon any school or personal property or one's persons or causing and/or participating in activities which intimidate or affect the attendance of another student or staff member.

WW. Any action, event or group of events, which constitutes a Violation of Federal, State or Local Law. 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.

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### **Engaging with Families & Language Assistance**

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

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

### **Supporting Students with Best Practices and Strategies**

The District will implement culturally responsive discipline that provides every student the opportunity to achieve personal and academic success. The administration of other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior available online at: <https://www.k12.wa.us/student-success/support-programs/learning-assistance-program-lap/menus-best-practices-strategies/behavior-menu-best-practices-strategies>. Each District school will take into consideration the skills of school personnel and needs of students when identifying a continuum of best practices and strategies school personnel should use to support students in meeting behavioral expectations.

The District will ensure schools receive adequate support to effectively implement a continuum of identified best practices and strategies that:

1. Focus on prevention to reduce the use of exclusionary discipline practices;
2. Allow the exercise of professional judgment and skill sets; and
3. May be adapted to individual student needs in a culturally responsive manner.

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Unless a student's presence poses an immediate and continuing danger to others, or a student's presence poses an immediate and continuing threat of material and substantial disruption to the educational process, school personnel must first attempt one or more other forms of discipline to support students in meeting behavioral expectations before imposing classroom exclusion, or in-school suspension.

Before imposing a long-term suspension or expulsion, the District must first consider other forms of discipline, such as in-school suspension, restorative practices, drug and/or counselor assessment, and/or mental health evaluation. The District has identified the following as examples of other forms of discipline, corrective action and/or intervention for use:

- Restorative practices
- Social skills instruction
- Behavior monitoring
- Peer mediation
- Safety and/or behavior plan

Staff members are not restricted to the above list and may use any other form of discipline compliant with WAC 392-400-025(9). Additionally, staff may use after-school detention as another form of discipline for not more than 60 minutes on any given day. Before assigning after-school detention, the staff member will inform the student of the specific behavior prompting the detention and provide the student with an opportunity to explain or justify the behavior. At least one professional staff member will directly supervise students in after-school detention. Prior to issuing an after-school detention, the staff member or designee must notify the parent/guardian.

Administering other forms of discipline cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements. Students and parents may challenge the administration of other forms of discipline, including the imposition of after-school detention using the grievance process below.

### **Staff Authority and Exclusionary Discipline**

District staff members are responsible for supervising students immediately before and after the school day; during the school day; during school activities (whether on or off campus); on school grounds before or after school hours when a school group or school activity is using school grounds; off school grounds, if the actions of the student materially or substantially affect or interferes with the educational process; and on the school bus. Staff have the responsibility to provide a safe and supportive learning environment for all students during school-related activities. In accordance with the Board's student discipline policy, district staff will administer discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible.

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Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The Superintendent has general authority to administer discipline, including all exclusionary discipline. The Superintendent designates disciplinary authority to impose short-term suspension to certificated administrators and dean of students, to impose long-term suspension to certificated administrators, to impose expulsion to certificated administrators, and to impose emergency expulsion to certificated administrators.

### **Exclusions from transportation or extra-curricular activities and detention**

The Superintendent authorizes certificated administrators to administer other forms of discipline that exclude a student from extracurricular activities or impose detention. For students who meet the definition of homeless, the district will provide transportation according to Policy 3115 – Homeless Students – Enrollment Rights and Services.

Authorized staff may administer lunch or afterschool detention for not more than 60 minutes on any given day. Before assigning detention, the staff member will inform the student of the specific behavioral violation prompting their decision to administer detention and provide the student with an opportunity to share their perspective and explanation regarding the behavioral violation. At least one school personnel will directly supervise students during the duration of any detention.

The District will not administer other forms of discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

Students and parents may challenge the administration of other forms of discipline, including exclusions from extra-curricular activities and detentions using Policy 4220 and Procedure 4220P Complaints Concerning Staff and Programs.

### **Classroom exclusions**

After attempting at least one other form of discipline, as set forth above, teachers have statutory authority to impose classroom exclusion. Classroom exclusion means the exclusion of a student from the classroom or instructional activity area based on a behavioral violation that disrupts the educational process. As stated above, the Superintendent, school principals, and certificated staff will work together to develop definitions and consensus on what constitutes behavior that disrupts the educational process to reduce the effect of implicit or unconscious bias.

Additionally, the district authorizes school principals, dean of students, and campus security, to impose classroom exclusion with the same authority and limits of authority as classroom teachers.

Classroom exclusion may be for all or any portion of the balance of the school day. Classroom exclusion does not encompass removing a student from school, including sending a student home early or telling a parent to keep a student at home, based on a behavioral violation.

Removing a student from school constitutes a suspension, expulsion, or emergency expulsion and must include the notification and due process as stated in the section below. Classroom exclusion cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion. Following the classroom exclusion of a student, the teacher must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or the principal's designee as soon as reasonably possible. The principal or designee must report all classroom exclusions, including the behavioral violation that led to it to the Superintendent.

The teacher, principal, dean of students, counselor, or the principal's designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. As noted above, the district must ensure that this notification is in a language and form (i.e., oral or written) the parents understand.

When the teacher or other authorized school personnel administers a classroom exclusion because the student's statements or behavior pose an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

- a. The teacher or other school personnel must immediately notify the principal or the principal's designee; and
- b. The principal or the principal's designee must meet with the student as soon as reasonably possible and administer appropriate discipline. The district will address student and parent grievances regarding classroom exclusion through the grievance procedures.

The District will address student and parent/guardian grievances regarding classroom removals and other forms of discipline, such as after-school detention, removal or suspension from athletic activity or participation, removal, or suspension from school-provided transportation through the grievance procedures outlined in Policy 4220, Complaints Concerning Staff or Programs.

### **Grievance procedures for classroom exclusion and other forms of discipline**

Any parent/guardian or student who is aggrieved by the administration of classroom exclusion and/or other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activities and detention, has the right to an informal conference with the principal for resolving the grievance. If the grievance pertains to the action of an employee, the district will notify that employee of the grievance as soon as reasonably possible.

At such conference, the student and parent will have the opportunity to voice issues and concerns related to the grievance and ask questions of staff members involved in the grievance matter.

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Staff members will have the opportunity to respond to the issues and questions related to the grievance matter. Additionally, the principal will have the opportunity to address issues and questions raised and to ask questions of the parent, student, and staff members.

### **Student disciplinary board**

The board recognizes that when a student's behavior is subject to disciplinary action, review by a panel of the student's peers may positively influence the student's behavior. The board has discretion to authorize the establishment of one or more student disciplinary boards, which may also include teachers, administrators, parents, or any combination thereof. If so authorized, the district will ensure that the student disciplinary board reflects the demographics of the student body. The student disciplinary board may recommend to the appropriate school authority other forms of discipline that might benefit the student's behavior and may also provide input on whether exclusionary discipline is needed. The school authority has discretion to set aside or modify the student disciplinary board's recommendation.

### **Suspension and expulsion – general conditions and limitations**

The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the school district, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning. The district will not administer discipline, including suspension and expulsion, in any manner related to a student's performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of preserving the educational process. The district will not administer any discipline, including suspension and expulsion, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

The district will provide the parent(s) opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion. Additionally, the Superintendent or designee must consider the student's individual circumstances and the nature of the violation before administering any suspension or expulsion to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

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

An expulsion or suspension of a student may not be for an indefinite period and must have an end date.

After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, the district

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must allow the student to petition for readmission at any time. The district will not administer any discipline in a manner that prevents a student from completing subject, grade-level, or graduation requirements.

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

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

The Superintendent or designee grants a petition to extend a student's expulsion under WAC [392-400-480](#); The change of setting is to protect victims under WAC [392-400-810](#); or Other law precludes the student from returning to their regular educational setting.

### **In-school suspension and short-term suspension – conditions and limitations**

The Superintendent designates certificated administrators and dean of students with the authority to administer in-school and short-term suspension. Before considering administering an in-school or short-term suspension, staff members must have first attempted one or more other forms of discipline to support the student in meeting behavioral expectations. Before administering in-school or short-term suspension, the district will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension and the length of the suspension, is warranted. The district will not administer in-school or short-term suspension in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

The district is not required to impose in-school or short-term suspensions and instead, strives to keep students in school, learning in a safe and appropriate environment. However, there are circumstances when the district may determine that in-school or short-term suspension is appropriate. As stated in this policy and procedure, the district will work to develop definitions and consensus on what constitutes behavioral violations to reduce the effect of implicit or unconscious bias.

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

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The district will not administer in-school or short-term suspensions in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

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

### **Long-term suspensions and expulsions – conditions and limitations**

Before administering a long-term suspension or an expulsion, district personnel must consider other forms of discipline to support the student in meeting behavioral expectations. The district must also consider the other general conditions and limitations listed above.

Unless otherwise required by law, the district is not required to impose long-term suspension or expulsion and may only administer long-term suspension or expulsion for specific severe behavioral violations. In general, the district strives to keep students in school, learning in a safe and appropriate environment. However, in accordance with the other parameters of this policy there are circumstances when the district may determine that long-term suspension or expulsion is appropriate for behavioral violations that meet the definitions provided under RCW [28A.600.015](#) (6)(a) through (d), which include:

1. Having a firearm on school property or school transportation in violation of RCW [28A.600.420](#);
2. Any of the following offenses listed in RCW [13.04.155](#), including:  
any violent offense as defined in RCW [9.94A.030](#), including:
  - any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
  - manslaughter;
  - indecent liberties committed by forcible compulsion;
  - kidnapping;
  - arson;
  - assault in the second degree;
  - assault of a child in the second degree;
  - robbery;
  - drive-by shooting; and
  - vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner.
  - any sex offense as defined in RCW [9.94A.030](#), which includes any felony violation of chapter [9A.44](#) RCW (other than failure to registered as a sex offender in violation of [9A.44.132](#)), including rape, rape of a child, child molestation, sexual misconduct with a



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- minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
- any weapons violation of chapter [9.41](#) RCW, including having a dangerous weapon at school in violation of RCW [9.41.280](#); or
  - unlawful possession or delivery, or both, of a controlled substance in violation of chapter [69.50](#) RCW.
3. Two or more violations of the following within a three-year period
- criminal gang intimidation in violation of RCW [9A.46.120](#);
  - gang activity on school grounds in violation of RCW [28A.600.455](#);
  - willfully disobeying school administrative personnel in violation of RCW [28A.635.020](#); and
  - defacing or injuring school property in violation of RCW [28A.635.060](#); and
4. Any student behavior that adversely affects the health or safety of other students or educational staff.

The district may only administer long-term suspension or expulsion for behavioral violations that meet the definitions provided under RCW [28A.600.015](#)(6)(a) through (d) as outlined above, and after determining that the student would pose an imminent danger to others or, in the case of long-term suspension, an imminent threat of material and substantial disruption of the educational process should they return to school before an imposed length of exclusion. Consistent with this policy and procedure, the district will work to develop definitions and consensus on what constitutes an imminent danger or imminent threat to reduce the effect of implicit or unconscious bias.

A long-term suspension may not exceed the length of an academic term. The district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

An expulsion may not exceed the length of an academic term, unless the Superintendent grants a petition to extend the expulsion under WAC [392-400-480](#). The district is not prohibited from administering an expulsion beyond the school year in which the behavioral violation occurred.

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

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

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

If a long-term suspension or expulsion may exceed ten (10) days, the district will consider whether the student is currently eligible or might be deemed eligible for special education services. If so, the principal will notify relevant special education staff of the suspension or expulsion so that the district can ensure it follows policy and procedure 2161 – Special Education and Related Services for Eligible Students as well as this student discipline policy and procedure.

After suspending or expelling a student, the district will make reasonable efforts to return the student to the student’s regular educational setting as soon as possible.

### **Suspensions and expulsions – initial hearing**

Before administering any suspension or expulsion, the district will attempt to notify the student’s parent(s) as soon as reasonably possible regarding the behavioral violation and the principal or designee will conduct an informal initial hearing with the student to hear the student’s perspective. At the initial hearing, the principal or designee must provide the student an opportunity to contact their parent(s), or, in the case of long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact their parent(s) to provide an opportunity for the parents to participate in the initial hearing in person or by telephone. The district must hold the initial hearing in a language the student and parents understand.

At the initial hearing, the principal or designee will provide the student:

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

### **Suspensions and expulsions – notice**

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

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

- a. A description of the student’s behavior and how the behavior violated this policy;

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- b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
  - c. The other forms of discipline that the district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;
  - d. The opportunity to receive educational services during the suspension or expulsion;
  - e. The right of the student and parent(s) to an informal conference with the principal or designee; and
  - f. The right of the student and parent(s) to appeal the suspension or expulsion; and
  - g. For any long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting.

### **Emergency expulsions – conditions and limitations**

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

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

- 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.

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

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

- 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
- School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

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

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

- (a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
- (b) Provide the student and parents with notice and due process rights under WAC [392-400-430](#) through [392-400-480](#) appropriate to the new disciplinary action.

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

### **Emergency expulsions – 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 education process.

Within twenty-four (24) hours after an emergency expulsion, the district will provide written notice 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 date on which the emergency expulsion will begin and end;
- The opportunity to receive educational services during the emergency expulsion;
- The right of the student and parent(s) to an informal conference with the principal or designee; and
- The right of the student and parent(s) to appeal the emergency expulsion, including where and to whom the appeal must be requested.

### **Optional conference with principal**

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

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

During the informal conference, the student and parent(s) will have the opportunity to share the student's perspective and explanation regarding the behavioral violation and the events that led to the exclusion. The student and parent will also have the opportunity to confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion and discuss other forms of discipline that the district could administer.

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

### **Appeals**

#### Requesting appeal

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The appeal provisions for in-school and short-term suspension differ from those for long-term suspension and expulsion. The appeal provisions for long-term suspension or expulsion and emergency expulsion have similarities but the timelines differ.

A student or the parent(s) may appeal a suspension, expulsion, or emergency expulsion to the Superintendent or designee orally or in writing. For suspension or expulsion, the request to appeal must be within five (5) school business days from when the district provided the student and parent with written notice. For emergency expulsion, the request to appeal must be within three (3) school business days from when the district provided the student and parent with written notice.

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

- The suspension or expulsion is for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
- The district will apply any days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and
- If the student returns to school before the appeal is decided, the district will provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

In-school and short-term suspension appeal

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

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

- The decision to affirm, reverse, or modify the suspension;
- The duration and conditions of the suspension, including the beginning and ending dates;
- The educational services the district will offer to the student during the suspension; and
- Notice of the student and parent(s)' right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

Long-term suspension or expulsion and emergency expulsion appeal

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

- The time, date, and location of the appeal hearing;
- The name(s) of the official(s) presiding over the appeal;
- The right of the student and parent(s) to inspect the student's education records;

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- The right of the student and parent(s) to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
  - The rights of the student and parent(s) to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
  - Whether the district will offer a reengagement meeting before the appeal hearing.

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

### Hearings

A hearing to appeal a long-term suspension or expulsion or emergency expulsion is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the district will hold a hearing without public notice and without public access unless the student(s) and/or the parent(s) or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the district will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.

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

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

If the official presiding over the hearing finds that a student's interests will be substantially prejudiced by a group hearing, the presiding official may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

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

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

The school board may designate a discipline appeal council to hear and decide any appeals in this policy and procedure or to review and reconsider a district's appeal decisions. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of a discipline appeal council must be knowledgeable about the rules in Chapter 392-400 WAC and this policy and procedure. The school board may also designate the Superintendent or a hearing officer to hear and decide appeals. The presiding official(s) may not

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have been involved in the student's behavioral violation or the decision to suspend or expel the student.

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

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

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

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

The district will record the appeal hearing by manual, electronic, or other type of recording device and upon request of the student or parent(s) provide them a copy of the recording.

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

- The findings of fact;
- A determination whether (i) the student's behavior violated this policy; (ii) the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and (iii) the suspension or expulsion is affirmed, reversed, or modified;
- The duration and conditions of suspension or expulsion, including the beginning and ending dates;
- Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and
- Notice of the opportunity for a reengagement meeting and contact information for the person who will schedule it.

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

- The findings of fact;

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- 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;
  - 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 will provide the student and parent(s) notice and due process consistent with the disciplinary action to which the emergency expulsion was converted; and
  - Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

### **Reconsideration of appeal**

The student or parents may request the school board or discipline appeal council, if established by the school board, review and reconsider the district's appeal decision for long-term suspensions or expulsions and emergency expulsions. This request may be either oral or in writing.

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

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

- In reviewing the district's decision, the school board or discipline appeal council, if established, must consider (i) all documentary and physical evidence from the appeal hearing related to the behavioral violation; (ii) any records from the appeal hearing; (iii) relevant state law; and (iv) this policy adopted.
- The school board (or discipline appeal council) may request to meet with the student and parent(s), the principal, witnesses, and/or school personnel to hear further arguments and gather additional information.
- The decision of the school board (or discipline appeal council) will be made only by board or discipline council members who were not involved in (i) the behavioral violation; (ii) the decision to suspend or expel the student; or (iii) the appeal decision. If the discipline appeal council presided over the appeal hearing, the school board will conduct the review and reconsideration.

For long-term suspension or expulsion, the school board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:



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- Whether the school board (or discipline appeal council) affirms, reverses, or modifies the suspension or expulsion;
  - The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
  - For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

For emergency expulsion, the school board (or discipline appeal council) will provide a written decision to the student and parent(s) 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:

- Whether the school board [or discipline appeal council] affirms or reverses the school 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.
- 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 will provide the student and parent(s) notice and due process under WAC [392-400-430](#) through [392-400-480](#) consistent with the disciplinary action to which the emergency expulsion was converted

### **Petition to extend an expulsion**

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

- The behavioral violation that resulted in the expulsion and the public health or safety concerns;
- The student's academic, attendance, and discipline history;
- Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
- The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
- The proposed extended length of the expulsion; and
- The student's reengagement plan.

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

### Notice

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

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

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

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

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

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

#### Review and Reconsideration of extension of expulsion

The student or parent(s) may request that the school board (or discipline appeal council, if established by the board) review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing within ten (10) school business days from the date the Superintendent or designee provides the written decision.

The school board (or discipline appeal council) may request to meet with the student or parent(s) or the principal to hear further arguments and gather additional information.

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

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

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

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

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

### **Educational Services**

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

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

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

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

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

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

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

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

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

For students subject to expulsion or suspension for more than ten (10) consecutive school days, a school will make provisions for educational services in accordance with the “Course of Study” provisions of WAC [392-121-107](#).

## **Readmission**

### **Readmission application process**

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

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

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

## **Reengagement**

### **Reengagement Meeting**

The reengagement process is distinct from a written request for readmission. The reengagement meeting is also distinct from the appeal process, including an appeal hearing, and does not

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replace an appeal hearing. The district must convene a reengagement meeting for students with a long-term suspension or expulsion.

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

The reengagement meeting must occur:

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

### **Reengagement plan**

The district will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the district must consider:

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

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

### **Behavior agreements**

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

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require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

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

**Exceptions for protecting victims**

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

- A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned;
- A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

Management Resources:      2019 - August Policy Alert  
   2019 - April Policy Alert  
   2014 - August Issue  
   2016 - July Policy Issue  
   2018 - August 2018 - August Policy Issue

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