

## **STUDENT RIGHTS AND RESPONSIBILITIES**

Each year, the superintendent shall develop and make available to all students, their parents and staff handbooks pertaining to student rights, conduct, corrective actions and punishment. Such statements shall be developed with the participation of parents and the community. The school principal and staff shall confer at least annually to develop and/or review student conduct standards and the uniform enforcement of those standards as related to the established student handbooks. They shall also confer annually to establish criteria for determining when certificated employees must complete classes to improve classroom management skills.

The Board acknowledges that conduct and behavior are closely associated to learning. An effective instructional program requires a wholesome and orderly school environment. All students who attend the district's schools shall comply with the written policies, rules and regulations of the schools, shall pursue the required course of studies, and shall submit to the authority of staff of the schools, subject to such corrective action or punishment as the school officials shall determine.

The Board requires that each student adhere to the rules of conduct and submit to corrective action taken as a result of conduct violations. The rules of conduct are applicable during the school day as well as during any school activity conducted on or off campus. Special rules are also applicable while riding on the school bus. In order to assure the safety of all, the bus driver may hold students accountable for their conduct during the course of transportation and may recommend corrective action (see District Policy 6605). Students are expected to:

- A. Conform to reasonable standards of acceptable behavior;
- B. Respect the rights, person and property of others;
- C. Preserve the degree of order necessary for a positive climate for learning; and
- D. Submit to the authority of staff and respond accordingly.

Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension or expulsion. For the purposes of the district's policies relating to corrective action or punishment: Definitions are as follows:

1. "Discipline" constitutes all other forms of corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period, including exclusion from any other type of activity conducted by or for the district. Discipline shall not adversely affect specific academic grade, subject, or graduation requirements, so long as all required work is performed.
2. "Suspension" is the exclusion from school, or individual classes for a specific period of time, after which the student has a right to return. A suspension is "*short term*" if it is for a period of 10 consecutive school days or less. Separate short-term suspensions shall not total more than 10 school days in a semester for any student in grades K-4. Separate short-term suspensions shall not total more than 15 days in a

semester for a student in any other grade. Students' grades shall not be affected substantially as a result of a short-term suspension. Suspensions which exceed 10 consecutive school days are "long-term" suspensions.

3. "Expulsion" is the exclusion from school or individual classes for an indefinite period.

Once a student is expelled in compliance with district policy, the expulsion shall be brought to the attention of appropriate local and state authorities, including, but not limited to, the local juvenile authorities acting pursuant to the statutes dealing with the Basic Juvenile Court Act, in order that such authorities may address the student's educational needs.

No student shall be expelled, suspended, or disciplined in any manner for the performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the education process.

The superintendent and/or his or her designee shall have the authority to discipline, suspend or expel students. The superintendent shall identify the conditions under which a teacher may exclude a student from his or her class and shall also designate which staff have the authority to initiate or to impose discipline, suspensions or expulsions.

Parents and students shall be given notice of the standard of conduct the district requires regarding drug and alcohol use, and a statement of the disciplinary sanctions for violations of that standard.

Legal References:	RCW 28A.600.010	Government of schools, pupils, employees, rules and regulations for - Due process guarantees--Enforcement
	28A.600.020	Government of schools, pupils, employees' optimum learning atmosphere
	28A.600.040	Pupils to comply with rules & regulations
	28A.400.110	Principal to assure appropriate discipline
	28A.150.240	Basic Education Act of 1977--Certificated teaching and administrative staff as accountable for class room teaching--Scope--Responsibilities--Penalty
	28A.405.060	Course of study and regulations Enforcement--Withholding salary warrant for failure
	WAC 392-400-200	School rules defining misconduct--Distribution of rules
	392-168	Citizen Complaint Procedure for Certain Categorical Federal Programs
Cross References:	Board Policy 6605	Student Conduct on Buses

Legal References:	RCW 4.24.190	Action against parent for willful injury to property by minor--Monetary limitation--Common law liability preserved
	9A.16.020	Use of force--when lawful
	9.41	Firearms and dangerous weapons
	28A.210.310	Prohibition of use of tobacco products on school property
	28A.600.020	Government of schools, pupils, employees, rules and regulations for--To insure optimum learning atmosphere
	28A.600.040	Pupils to comply with rules & regulations
	28A.400.110	Principal to assure appropriate student discipline
	28A.635.060	Defacing or injuring school property--Liability of parent or guardian
	P. L. 101-226	Drug-Free Schools and Communities Act
	WAC 180-40-205	Definition
	180-40-225	School district rules defining misconduct--Distribution of rules
	RCW 9.91.160	Personal protection spray devices
Cross References:	Board Policy 2161	Education of Students with Disabilities
	3122	Excused and Unexcused Absences
	4210	Regulation of Dangerous Weapons on School Premises
Legal References:	RCW 9A.16.100	Washington Criminal Code
	9.41.280	Carrying dangerous weapons on school facilities
	28A.225.020	Schools duties and juvenile's failure to attend school
	28A.225.030	Petition to juvenile court to assume jurisdiction
	28A.400.110	Principal to assure appropriate student discipline
	28A.600.010	Government of schools, pupils, employees, rules and regulations for--Due process guarantees--Enforcement
	28A.600.020	Government of schools, pupils, employees, rules and regulations for--To insure optimum learning atmosphere
	28A.600.040	Pupils to comply with rules and regulations
	28A.600.420	Firearms on school premises, transportation, or facilities--Penalty--Exemptions
	P. L. 101-226	Drug-Free Schools and Communities Act
	WAC 180-40-205	Definitions (Pupils)

- 180-40-235 Discipline–Conditions and limitations
- 180-40-240 Discipline–Grievance procedure
- 180-40-245 Short-term suspension--Conditions and Limitations
- 180-40-250 Short-term suspensions--Prior conference required--Notice to parent
- 180-40-255 Short-term suspension--Grievance procedure
- 180-40-260 Long-term suspension--conditions and limitations
- 180-40-265 Long-term suspension--Notice of hearing--Waiver of hearing
- 180-40-270 Long-term suspension–Prehearing and hearing process
- 180-40-280 Expulsion–Notice of hearing--Waiver of hearing
- 180-40-285 Expulsion–Prehearing and hearing process
- 180-40-290 Emergency removal from class, subject, or activity
- 180-40-295 Emergency expulsion–Limitations
- 180-40-300 Emergency expulsion--Notice of hearing–Waiver of hearing right
- 180-40-305 Emergency expulsion–Prehearing and hearing process
- 180-40-310 Appeals--Long-term suspension and expulsion
- 180-40-315 Appeals--Hearing before school board or disciplinary appeal council--Procedures
- 180-40-317 Appeals--Discipline and short-term suspension grievances
- 180-40-320 School board or disciplinary appeal council decisions

**Adoption Date: March 15, 2000**  
**REVISED: March 21, 2007**

## **STUDENT RIGHTS AND RESPONSIBILITIES**

### **Respect for the Law and the Rights of Others**

The student is responsible as a citizen to observe the laws of the United States, the state of Washington, and/or its subdivisions. While in the school, the student shall respect the rights of others. Students who involve themselves in criminal acts on school property, off school property at school-supervised events, or off school property--and which acts have a detrimental effect upon the maintenance and operation of the schools or the district are subject to disciplinary action by the school and prosecution under the law. Students shall comply with all rules adopted by the district. Failure to do so shall be cause for corrective action. The rules shall be enforced by school officials:

- on district property to include any district facility, at district sponsored events and/or activities on or off campus, and/or on school district provided transportation,
- on the school grounds during and immediately before or immediately after school hours,
- on the school grounds at any other time when the school is being used by a school group(s), or
- off the school grounds at a school activity, function, or event, or
- off the school grounds if the actions of the student materially or substantially affect the educational process.

### **Student Conduct**

Any student who willfully performs any act, which interferes with or is detrimental to the orderly operation of a school, a school-sponsored activity or any other aspect of the educational process within the School District shall be subject to discipline, suspension or expulsion.

Such acts shall include, but are not limited to those below:

1. Abuse by inhalation, ingestion or otherwise of any substance for its intoxication effect;
2. Assault or battery of another student or staff member;
3. Cheating or forgery;
4. Destruction or defacing of school property;
5. Disobedience of reasonable instructions of school authorities;
6. Extortion or coercion of another student or a staff member;
7. Harassment, intimidation, and/or bullying (including verbal threats) of another student or a staff member;
8. False reports or retaliation for harassment, intimidation, or bullying also constitute a violation of this policy;
9. Intimidating a student in an effort to induce false testimony or to avoid cooperation with an investigation or hearing by school officials;

10. Misrepresenting information which he/she is aware of that is relevant to an investigation or hearing conducted by school officials;
11. Possession of drug paraphernalia intended or designed for use, storage or distribution of any controlled substance/illegal drug except to the extent authorized by a physician for such possession;
12. Possession or use of tobacco and/or possession, use or being under the influence of alcohol, or any illegal drug or of any controlled substance as defined by RCW Chapter 69.50 not lawfully prescribed by a physician for the use of the possessor or user.
13. Sale or delivery of any illegal drug or of any controlled substance or the sale of any otherwise lawful substance on the representation that such substance is an illegal drug or a controlled substance.
14. Possession of laser pens;
15. Possession or use of explosives, firearms, firearm look-alikes, or any dangerous weapons or objects;
16. Refusal to identify oneself;
17. Stealing;
18. Commission of any criminal act as defined by law;
19. Truancy or unauthorized absence from class.

All students shall submit to the reasonable rules of the district. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension or expulsion.

### **Student Discipline**

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

- A. consistent from day to day and student to student,
- B. balanced against the severity of the misconduct,
- C. appropriate to the student's nature and prior behavior,
- D. fair to the student, parent, and others, and
- E. effective.

Established procedures must be followed in correcting misbehavior. Appeal procedures have been established in order to provide for an opportunity for every corrective action or punishment to be reviewed by someone in authority and to instill confidence among students and parents as to the essential fairness of staff.

In order to develop an environment conducive to learning, the principal shall confer with certificated staff at least once per year to develop and/or review rules of conduct to be employed in the school and corrective actions and punishment that may be employed in the event of rule infractions.

A teacher shall have the authority to exclude a student from his/her classroom pursuant to the provisions set forth below.

### **Rights, Responsibilities, and Authority of Certificated Staff**

Certificated staff shall share responsibility for supervising the behavior of students and for maintaining the standards of conduct, which have been established. Certificated staff shall have the right to:

- A. Expect students to comply with school rules.
- B. Develop and/or review building rules relating to student conduct and control at least once each year. Building rules shall be consistent with district rules relating to student conduct and control.
- C. Notwithstanding any provision of this section to the contrary, each teacher is empowered to exclude any student who creates a disruption of the educational process in violation of the building disciplinary standards while under the teacher's immediate supervision from his or her individual classroom and 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: Provided, that except in emergency circumstances as provided for in **WAC 392-400-290**, the teacher shall have first attempted one or more alternative forms of corrective action.
- D. Use such reasonable action as is necessary to protect himself/herself, a student, or others from physical abuse or injury.
- E. Detain a student after school with due consideration for bus transportation.
- F. Principals shall impose suspension or expulsion when appropriate.
- G. Receive any complaint or grievance regarding corrective action or punishment of students. They shall be given the opportunity to present their version of the incident and to meet with the complaining party in the event that a conference is arranged.

### **Certificated staff shall have the responsibility to:**

- A. Principals shall distribute to students, parents and staff a publication defining the rights, responsibilities and corrective action or punishment relating to student behavior.
- B. Observe the rights of students.
- C. Enforce the rules of student conduct fairly, consistently, and without discrimination. Any infractions shall be reported orally and in writing to the principal as soon as possible regardless of any corrective actions taken by the teacher.
- D. Maintain good order in the classroom, in the hallways, and on the playgrounds or other common areas of the school, or while riding on school buses (field trip).
- E. Maintain accurate attendance records and report all cases of truancy.
- F. Principals shall notify parents when students are suspended or expelled.
- G. Set an appropriate example of personal conduct and avoid statements which may be demeaning or personally offensive to any student or group of students.
- H. Meet with a parent(s) within five (5) school days upon request to hear a complaint regarding the use of classroom materials and/or teaching strategies that is being employed in the classroom.

### **Emergency Removal from a class, subject or activity:**

Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the building principal or a designated school authority: Provided, That 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 personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. The removal from classes, subjects, or activities shall continue only until:

- (a) The danger or threat ceases, or
- (b) The principal or designated school authority acts to impose discipline, impose a short-term suspension, initiate a long-term suspension or an expulsion, or impose an emergency expulsion, pursuant to this chapter.

The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action or punishment. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the next school day. Prior to or at the time any such student is returned to the class(es), subject(s), or activity(ies), the principal or school authority shall notify the teacher or administrator who removed the student there from of the action which has been taken or initiated.

### **Alternative Classroom Setting**

Guidelines for the Alternative Classroom Setting are as follows:

- A. A student who is afforded the opportunity to be assigned to the Alternative Classroom Setting as an option to suspension shall agree to the conditions specified by the school principal. Unless the student is of majority age, concurrence from the parent or guardian is necessary.
- B. The Alternative Classroom Setting is designed to encourage learning. Students will be expected to work on their classroom assignments at all times.
- C. Any act of inappropriate conduct may result in denial of this alternative to other corrective actions.
- D. A student should remain isolated from other students in the general student body throughout the school day and will be denied the opportunity of participating in any school activities while in the Alternative Classroom Setting.
- E. An assignment to the Alternative Classroom Setting shall not exceed five days. As such, the appeal process for a short-term suspension shall be in effect.
- F. Specific rules and building procedures shall be developed by the building principal.

### **Special Education Students**

**Change of placement for disciplinary removals:** For purposes of removals of a special education student from the student's current educational placement, a change of placement occurs if:

- (a) The removal is for more than ten (10) consecutive school days; or
- (b) The student is subjected to a series of removals that constitute a pattern because they accumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

**Removals – Ten school days or less.** To the extent removal would be applied to students without disabilities, school personnel may order the removal of a special education student from the student’s current placement for not more than ten (10) consecutive school days for any violation of school rules, and additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement.

**Removals of weapons or controlled substances/illegal drugs.** School personnel may order a change in placement of a special education student to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:

- (a) The student possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of a state or local education agency; or
- (b) The student knowingly possesses or uses a controlled substance/illegal drugs or sells or solicits the sale of a controlled substance/illegal drug while at school or a school function under the jurisdiction of a state or local educational agency.

**Functional behavioral assessment and intervention plan.** Within ten (10) business days after first removing a student for more than ten school days in a school year, including weapons violations, drugs violations, or behavior that is substantially likely to result in injury to the student or to others, the following actions shall be taken by the school district or other public agency:

- (a) If the district or other public agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, the district or other public agency shall convene an individualized education program meeting to develop an assessment plan.
- (b) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation and modify it, as necessary, to address the behavior.
- (c) As soon as practical after developing the plan described in subsection (a) of this section, and completing the assessments required by the plan, the district or other public agency shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.
- (d) If subsequently, a special education student who has a behavioral intervention plan and who has been removed from the student’s current educational placement for more than ten (10) school days in a school year is subjected to a removal that does not constitute a change of placement, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications

are necessary. If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

**Manifestation determination review requirements.** If an action is contemplated by the school district, other public agency personnel, or a hearing officer that involves removing a student for weapons violations, drugs violations, behavior that violates any rule or code of conduct that applies to all students which results in a change of placement, the following actions shall be taken by the school district or other public agency:

- (a) Not later than the date on which the decision to remove the student is made, the parents must be notified of that decision and provided the procedural safeguards notice described under **WAC 392 172-370 through 385**; and
- (b) Immediately, if possible, but in no case later than ten (10) days after the date on which the decision to remove the student is made, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

**Determination that behavior was not manifestation of disability.**

- (a) If the results of the manifestation determination review indicate that the behavior of the special education student was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education shall continue to be made available to those students consistent with this chapter.
- (b) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.
- (c) If the school district or other public agency initiates disciplinary procedures applicable to all students, the district or other public agency shall ensure that the special education and disciplinary records of the special education student are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
- (d) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the student's current educational placement.

### **Suspensions or Expulsions**

The nature and circumstances of the student conduct violation must reasonably warrant a suspension or expulsion. As a general rule no student shall be suspended for a short or long term unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature.

However, a student may be suspended for exceptional misconduct, other than absenteeism, when such misconduct is of frequent occurrence or is serious in nature and/or is disruptive to the operation of the school. The superintendent shall recommend for board approval, the nature and extent of the corrective actions and/or punishments which may be imposed as a consequence of exceptional misconduct. An exception may be granted by an administrator and/or hearing officer when warranted by extenuating circumstances. No student shall be suspended or expelled because of one or more unexcused absence(s) pursuant to Board Policy 3122. Exceptional misconduct includes but is not limited to the following:

- (a) Possession of a dangerous weapon, explosive, or firearm, or look-a-like;
- (b) Fighting or assault (physical or verbal) of another student, staff member or guest;
- (c) Possession or use of tobacco and/or possession, use, or being under the influence of alcohol, or any illegal drug or of any controlled substance as defined by **RCW Chapter 69.50** not lawfully prescribed by a physician for the use of the possessor or user.
- (d) Sale or delivery of any illegal drug or of any controlled substance or the sale of any otherwise lawful substance on the representation that such substance is an illegal drug or a controlled substance.
- (d) Abuse by inhalation, ingestion or otherwise of any substance for its intoxication effect;
- (f) Acts of harassment, intimidation, or bullying such as threatening to cause bodily injury, physical damage to a person or school structure and/or property, or physical restraint of another, or maliciously threatening to do any other act intended to substantially harm the physical or mental health of another;
- (h) Reporting information to an emergency responder such as law enforcement or the fire department when the information reported is known by the reporter to be false. This includes the false reporting of information to another person if done in an effort to induce that person to make a false report to an emergency responder.
- (i) Belonging to a gang as recognized by law enforcement and knowingly engaging in gang activity on school grounds;
- (j) Any student who incites another student to commit an act of exceptional misconduct or who aids another student in the commission of an act of exceptional misconduct, shall be considered to have committed that act of exceptional misconduct.

Principals will have the authority to implement discipline sanctions from short-term to long-term as deemed appropriate.

### **Short-Term Suspension**

In the event the proposed corrective action of a student is to include the denial of the right of school attendance from any single class for 10 school days or less, a conference shall first be conducted with the student as follows:

- A. An oral or written notice of the alleged misconduct and violation(s) shall be provided to the student;

- B. An oral or written explanation of the evidence in support of the allegations shall be provided to the student;
- C. An oral or written explanation of the corrective action which may be imposed shall be provided to the student; and
- D. The student shall be provided the opportunity to present his/her explanation.

In the event a short-term suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notices shall also inform the parent or guardian of the right to an informal conference pursuant to **WAC 180-40-255** and that the suspension may possibly be reduced as a result of such conference.

All short-term suspensions and the reasons therefore shall be reported in writing to the Superintendent of the school district or to his or her designee within twenty-four (24) hours after the imposition of the suspension.

#### **Long-Term Suspensions or Expulsions**

Prior to the long-term suspension of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:

- (a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,
- (b) Specify the alleged misconduct and the school district rule(s) alleged to have been violated,
- (c) Set forth the corrective action or punishment proposed,
- (d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s), and
- (e) Set forth the facts that:
  - (i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing, and
  - (ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the

date of receipt of notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

### **Emergency Expulsion**

Notwithstanding any other provision of this chapter, a student may be expelled immediately by a school district superintendent or a designee of the superintendent in emergency situations: Provided, That the superintendent or designee 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 personnel or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion shall continue until rescinded by the superintendent or his or her designee, or until modified or reversed pursuant to the hearing provisions set forth in **WAC 180-40-305** or the appeal provisions set forth in **WAC 180-40-315**.

### **Appeal Process for Disciplinary Action**

Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to **WAC 180-40-317**. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The discipline action shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

### **Appeal Process for Short-Term Suspension**

Any student, parent, or guardian who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to **WAC 180-40-317**. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The short-term suspension shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

### **Readmission Application Process**

Any student who has been suspended or expelled shall be allowed to make application for readmission at any time. If a student desires to be readmitted to the school from which he/she has been suspended/ expelled, the student shall submit a written application to the Superintendent who shall recommend admission or non-admission. The application shall include:

- A. Reasons the student wants to return and why the request should be considered;
- B. Evidence which supports the request; and
- C. A supporting statement from the parent or others who may have assisted the student.

The superintendent shall, in writing, advise the parent and student of the decision within seven (7) school days of the receipt of such application.

### **Appeal Process for Long-Term Suspension**

If a request for a hearing is received pursuant to **WAC 180-40-265** within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

The student and his or her parent(s) or guardian(s) shall have the right to:

- (a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
- (b) Be represented by legal counsel,

- (c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:
  - (i) That the district made a reasonable effort to produce the witness and is unable to do so; or,
  - (ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,
- (d) Present his or her explanation of the alleged misconduct, and
- (e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

Either a tape-recorded or verbatim record of the hearing shall be made.

A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form or corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

### **Appeal Process for Expulsion**

If a request for a hearing is received pursuant to **WAC 180-40-280** within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

The student and his or her parent(s) or guardian(s) shall have the right to:

- (a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
- (b) Be represented by legal counsel,
- (c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:
  - (i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

- (ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,
- (d) Present his or her explanation of the alleged misconduct, and
- (e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

Either a tape-recorded or verbatim record of the hearing shall be made.

A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

#### **Hearing Procedures for Long-Term Suspensions and/or Expulsions**

Appeals from decisions rendered pursuant to WAC [180-40-270](#), [180-40-285](#) and [180-40-305](#) which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. School district disciplinary appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.

If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his or her parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the district.

If an appeal is not taken to the board of directors or disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may

be imposed as of the calendar day following expiration of the three school business day period.

If a timely appeal is taken to the board of directors or disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

- (a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;
- (b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school;
- (c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and
- (d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:
  - (i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or
  - (ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

An appeal from any decision of a school board or disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board or disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

**REVISED: March 21, 2007**