

STUDENTS

Discipline and Corrective Action for Student Misconduct

I. DEFINITIONS

Discipline — All forms of corrective action, including exclusion from a class for a period of time not exceeding the balance of the immediate class period, other than suspension, expulsion, or emergency removal from a class, subject, or activity. Discipline also means the exclusion of a student from any other type of activity conducted by or on behalf of the District, including its athletic program and transportation.

Suspension — Denial of attendance, other than for the balance of the immediate class period for corrective action purposes, at any single subject or class or at any full schedule of subjects or classes for a stated period of time.

Short-Term Suspension — A suspension for any portion of a calendar day up to and not exceeding ten (10) consecutive school days.

Long-Term Suspension — A suspension that exceeds ten (10) consecutive school days and does not exceed the length of one academic term (90 school days).

Expulsion — A denial of attendance for no longer than the length of one academic term (90 school days) from the time a student is removed from his/her current school placement by the District's superintendent or a designee.

Emergency Removal — The immediate removal of a student from a class, subject, or activity when the student's presence poses an immediate and continuing danger to the student, other students, or school staff or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school.

Emergency Expulsion — "Emergency expulsion" means the immediate denial of school attendance for up to ten (10) consecutive school days due to an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion will end or be converted to another form of corrective action within ten (10) school days of the student's emergency expulsion.

Parent or Guardian — Any natural, adoptive, or custodial parent or guardian. Students of majority age will be entitled to parental rights.

School Day — A calendar day except school holidays on which students enrolled in the District are afforded the opportunity to be engaged in educational activity that is planned, supervised, and conducted by or under the supervision of the District's certificated staff, and on which day all or any portion of the students enrolled actually participate in such educational activity.

School Business Day — Any calendar day except Saturdays, Sundays, and federal and state school holidays, upon which the office of the superintendent of the District is open

to the public. School business days will be concluded upon the closure of the superintendent's office for the calendar day.

Academic Term — One semester.

II. PROCEDURES FOR IMPOSING CORRECTIVE ACTION

A. Provisions Applicable in General

1. Each certificated teacher, school administrator, school bus driver, and any other school employee designated by the Board of Directors has the authority to: (1) impose discipline upon a student for misconduct which violates rules of the District established in Procedure 3240P and provided to students and parents in the annual "Statement of Responsibilities and Rights of Students"; and (2) impose an emergency removal from a class, subject, or activity upon a student as allowed by this procedure.

2. The Board has delegated to the superintendent and/or his or her designee(s) the authority to impose suspensions and expulsions upon students for misconduct which violates rules of the District. Each certificated teacher and administrator has the authority to recommend suspensions and expulsions for such misconduct.

3. Each classroom teacher may 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, in accordance with RCW 28A.600.020. Except in emergency circumstances as provided for in the section on "Emergency Removal," below, the teacher will have first attempted one or more alternative forms of corrective action. In addition, in no event will an excluded student be returned during the balance of the particular class or activity period from which the student was initially excluded without the consent of the teacher.

4. Corporal punishment, which is generally defined as any act that willfully inflicts or willfully causes the infliction of physical pain, is prohibited by state law and Board policy. Exceptions are defined in WAC 392-400-235.

5. All students will remain free from unreasonable restraint, restraint devices, isolation, and other uses of physical force, as provided in Policy 3247.

B. Provisions Applicable to Discipline

Discipline, as defined above, may be imposed upon a student for violation of District rules. No form of discipline will be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

C. Provisions Applicable to All Suspensions

1. Students may be suspended for violation of District rules. The nature and circumstances of the violation must be considered and must reasonably warrant a suspension and the length of the suspension imposed.

2. Except for those rule violations that have been designated exceptional misconduct (see Procedure 3245P), no student will be suspended unless another form of corrective action reasonably calculated to modify his/her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature.

3. No student in grades kindergarten through fourth grade will be subject to short-term suspension for more than a total of ten (10) school days during any single semester. No such student will be subject to long-term suspension. No loss of academic grade or credit will be imposed by reason of suspension of such students.

No student in grades five and above will be subject to short-term suspensions for more than a total of fifteen (15) school days during any single semester, and no single long-term suspension will be imposed in a manner that causes a student to lose academic grades or credit for more than one semester during the same school year.

4. Suspensions may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the District. A student may also be excluded from a particular classroom or instructional or activity area for the period of suspension.

5. Students will be provided with an opportunity to receive educational services during a period of suspension.

6. All suspensions and the reasons therefore must be reported in writing to the superintendent or designee within 24 hours after the imposition of the suspension.

7. Any student who is suspended will be allowed to make application for readmission at any time. (See Section IV, below.)

D. Provisions Applicable to Short-Term Suspensions Only

1. Prior to the short-term suspension of any student, a conference must be conducted with the student as follows:

a. An oral or written explanation of the alleged misconduct, the evidence in support of the allegation, and the corrective action that may be imposed will be provided to the student.

b. The student will be provided the opportunity to present his/her explanation.

2. In the event such denial of the right of attendance is to exceed one (1) day, the parent(s) or guardian(s) of the student will be notified of the reason(s) for the student's suspension and the duration of the suspension orally or by letter deposited in the United States mail as soon as reasonably possible. This notice will also inform the parent(s) or guardian(s) of the right to an informal conference pursuant to WAC 392-400-255 and that the suspension may be reduced as a result of such conference.

3. Any student subject to short-term suspension will be provided the opportunity upon return to school to make up assignments or tests missed by reason of the suspension, if such assignments or tests have a substantial effect on the student's

semester grade or failure to complete such assignments or tests would preclude the student from receiving credit for the course(s).

E. Provisions Applicable to Long-Term Suspensions and Expulsions

1. Long-term suspensions and expulsions will be for a stated period of time not longer than the length of one academic term.

2. Long-term suspensions and expulsions may be imposed only for the following student behaviors:

- a. Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
- b. Any of the following offenses listed in RCW 13.04.155, including:
 - i. any violent offense as defined in RCW 9.94A.030, including:
 - A. any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
 - B. manslaughter;
 - C. indecent liberties committed by forcible compulsion;
 - D. kidnapping;
 - E. arson;
 - F. assault in the second degree;
 - G. assault of a child in the second degree;
 - H. robbery;
 - I. drive-by shooting; and
 - J. 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;
 - ii. 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 minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
 - iii. inhaling toxic fumes in violation of chapter 9.47A RCW;
 - iv. any controlled substance violation of chapter 69.50 RCW;
 - v. any liquor violation of RCW 66.44.270;
 - vi. any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
 - vii. any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon assistance for an injured victim of a crime in need of assistance;

- viii. any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
 - ix. any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation; and
 - x. any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti;
- c. Two or more violations of the following within a three-year period:
- i. criminal gang intimidation in violation of RCW 9A.46.120;
 - ii. gang activity on school grounds in violation of RCW 28A.600.455;
 - iii. willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
 - iv. defacing or injuring school property in violation of RCW 28A.635.060; and
- d. Any student behavior that adversely affects the health or safety of other students or educational staff.

Prior to imposing a long-term suspension or expulsion for behavior listed in subsections (a)-(d) above, the District will first consider using alternative corrective actions.

3. Prior to the long-term suspension or expulsion of a student, a written notice of an opportunity for a hearing will be delivered in person or by certified mail to the student and to his/her parent(s) or guardian(s). This notice will be provided in the predominant language of the student and his/her parent(s) or guardian(s). The notice will specify:

- a. The alleged misconduct and the school rules it violates;
- b. The corrective action proposed;
- c. The right of the student and his/her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s); and
- d. That if a written or oral request for a hearing is not received by the District employee named in the notice or his/her office within three (3) school business days after the notice is received, the hearing will be waived and the recommended corrective action will take effect.

The District should include a schedule of “school business days” potentially applicable to the exercise of the hearing right with the written notice.

4. The student or his/her parent(s) or guardian(s) must request such a hearing within three (3) school business days after the date of their receipt of the notice imposing the corrective action. If a timely request for a hearing is not received, the District may consider the student and parent(s) or guardian(s) to have waived the right to a hearing and the proposed corrective action may be imposed as of the fourth school business day following receipt of the notice imposing the corrective action.

5. The principal or designee will convene a meeting with the student and the student's parent(s) or guardian(s) within twenty (20) days of the student's long-term suspension or non-emergency expulsion, regardless of whether the student appeals the action or requests readmission, and in any event no later than five (5) days before the student's return to school, to discuss a plan to reengage the student in a school program. Such reengagement plans do not replace petitions for readmission. (See Section IV, below.)

6. A reengagement plan will be created that is tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should also aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion. In developing a reengagement plan, shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on-track to graduate should be considered. A student and his/her parent(s) or guardian(s) will have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

F. Provisions Applicable to Expulsions Only

1. Students may be expelled for violations of District rules. The nature and the circumstances of the violation must reasonably warrant the harshness of expulsion.

2. No student will be expelled unless other forms of corrective action reasonably calculated to modify his/her conduct have failed or unless there is good reason to believe that other forms of corrective action would fail if employed.

3. Expulsions may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the District. A student may also be excluded from a particular classroom or instructional or activity area for the period of expulsion.

4. Students will be provided with an opportunity to receive educational services during a period of expulsion.

5. All expulsions and the reasons therefore must be reported in writing to the superintendent within 24 hours after the imposition of the expulsion.

6. Any student who has been expelled will be allowed to make application for re-admission at any time. (See Section IV, below.)

7. The building principal or designee may petition the superintendent to extend an expulsion beyond the length of one academic term (90 school days), where such an extension is warranted because of risk to the public health and safety.

a. The petition may be submitted at any time between the final imposition of a non-emergency expulsion and the last day of the expulsion.

b. The petition must include those elements listed in WAC 392-400-410.

c. A copy of the petition must be delivered in person or by certified mail to the student and his/her parent(s) or guardian(s).

d. The student and/or his/her parent(s) or guardian(s) may submit a written or verbal response to the petition within ten (10) school business days of the recorded receipt of the petition.

e. The superintendent may exercise his/her discretion to grant the petition so long as there is evidence that, if the student were to return to school at or after the length of one academic term (90 school days), he/she would pose a risk to public health or safety. The superintendent will issue a written decision indicating whether the petition is granted or denied within eleven (11) school business days, but not later than twenty (20) school business days, of the date of the petition's recorded delivery to the student or his/her parent(s) or guardian(s). The decision must include a description of all rights and procedures for appeal under WAC 392-400-310 and -315.

f. If the petition is granted, the student or his/her parent(s) or guardian(s) may appeal the decision to the District's Board of Directors within ten (10) school business days.

G. Provisions Applicable to Emergency Removal

1. A student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the designated school authority if there is good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school staff, or an immediate and continuing threat of substantial disruption of the class, subject, activity or educational process of the student's school.

2. The removal will continue only until: (a) the danger or threat ceases; or (b) the designated school authority acts to impose corrective action.

3. The designated school authority will meet with the student as soon as reasonably possible, but in no case later than the commencement of the school day following the removal, and take or initiate appropriate corrective action.

4. Prior to or at the time the student is returned to a class, subject, or activity from which he/she was removed, the designated school authority will notify the teacher or administrator who removed the student of the action taken or initiated.

H. Provisions Applicable to Emergency Expulsions

1. A student may be expelled immediately in emergency situations by the superintendent or his/her designee if there is good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to other students or school staff, or an immediate and continuing threat of substantial disruption to the educational process.

2. An emergency expulsion must end or be converted to another form of corrective action by the superintendent or his/her designee within ten (10) school days

from the date of the student's emergency expulsion. When an emergency expulsion is converted to another form of corrective action, the notice and due process rights applicable to that form of corrective action must be provided.

3. The student and his/her parent(s) or guardian(s) will be notified of the emergency expulsion and of their opportunity for a hearing by: (a) hand-delivering a written notice to the parent(s) or guardian(s) within twenty-four (24) hours of the emergency expulsion, and by documenting delivery of the notice by obtaining the signature of the parent(s) or guardian(s) acknowledging receipt or the written certification of the person making the delivery; or (b) by certified letter(s) deposited in the mail within twenty-four (24) hours of the emergency expulsion, with reasonable attempts made to notify the student and his/her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible.

4. Such written and oral notice must be provided in the predominant language of the student or his/her parent(s) or guardian(s) and specify:

a. The reasons that the student's presence poses an immediate and continuing danger to students or school staff or an immediate and continuing threat of substantial disruption of the educational process;

b. The date on which the emergency expulsion began and will end;

c. The right of the student or his/her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible;

d. That a written or oral hearing request must be received by the designated District employee on or before the third school business day after receipt of the notice;

e. If a request is not received within three (3) school business days, the emergency expulsion may continue for up to a total of ten (10) school days; and

f. The emergency expulsion may be converted to an expulsion, long-term or short-term suspension, or other corrective action within ten (10) school days of imposition of the emergency expulsion, and that notice of the converted action and an opportunity to request a hearing or grieve the converted action will be provided.

I. Provisions Applicable to Corrective Action for Unexcused Absences and Tardiness

1. A student with one or more unexcused absences who is subject to compulsory attendance pursuant to Chapter 28A.225 RCW may be subject to corrective action that is reasonably calculated to modify the student's conduct. If the District imposes corrective action for one or more unexcused absences, it must:

a. Provide notice to the student's parent(s) or guardian(s) in writing in English or, if different, the primary language of the parent(s) or guardian(s), that

the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

b. Schedule a conference or conferences with the parent(s) or guardian(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, and to determine, by appropriate means, whether the student should be made a focus of concern for placement in special programs designed for his or her educational success; and

c. Take steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s) or guardian(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

2. A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

a. The student's attendance or participation is related to the instructional objectives or goals of the particular subject or course;

b. The student's attendance or participation has been identified by the teacher pursuant to District policy as a basis for grading, in whole or in part, in the particular subject or course; and

c. The circumstances pertaining to the student's inability to attend school have been taken into consideration, including whether the tardiness or absences are directly related to the student's disability under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, or the Individuals with Disabilities Education Act.

3. No student will be long-term suspended or expelled as a consequence for unexcused absences or tardiness.

III. PROCEDURES FOR CONTESTING CORRECTIVE ACTIONS

A. Grievance Procedure for Discipline and Short-Term Suspensions

Any student or parent/guardian who disagrees with the imposition of discipline or a short-term suspension has the right to an informal meeting with the building principal or designee for the purpose of resolving the grievance. The employee whose action is being grieved will be notified of the initiation of such a grievance as soon as reasonably possible. During this meeting, the student and parent(s) or guardian(s) will be subject to questioning by the principal or designee and will be entitled to question school staff involved in the matter being grieved.

After this school-level grievance meeting, if the issue is not resolved, the student or parent/guardian, upon giving two (2) school business days' prior notice to the

superintendent's office, will have the right to present a written and/or oral grievance to the superintendent or designee.

If the issue is not resolved at that level, the student or parent/guardian, upon giving two (2) school business days' prior notice to the superintendent's office, will have the right to present a written and/or oral grievance to the Board of Directors during the Board's next regular meeting. The Board will notify the student and parent/guardian of its response to the grievance within ten (10) school business days after the date of the meeting.

The discipline or short-term suspension will continue during the grievance procedure unless the principal or his/her designee elects to postpone the action.

B. Hearing Process for Long-Term Suspensions, Expulsions, and Emergency Expulsions

Any student or parent/guardian who disagrees with the imposition of a long-term suspension or expulsion may request a hearing to contest the action. The office of the superintendent must receive requests for a hearing within three (3) school business days of receipt of the notice imposing the corrective action. If a timely request for a hearing is received, the District will schedule a hearing to commence within three (3) school business days (two (2) school business days for emergency expulsions) after the date upon which the hearing request was received by the District.

The student will have the right to be represented by legal counsel, question and confront witnesses, present an explanation of the alleged misconduct, and make such relevant showings by way of witnesses and the introduction of evidence as desired.

Both the student and the District representative will have the right to inspect in advance of the hearing any documentary and other physical evidence the other party intends to introduce at the hearing.

The hearing officer assigned by the District to hear the case will not be a witness in the case, and the truth of the allegations will be determined solely on the basis of the evidence presented at the hearing.

Either a tape-recorded or verbatim record of the hearing will be made. The hearing officer will make a written decision setting forth the findings of fact, conclusions, and the nature and duration of the corrective action to be imposed, if any. For long-term suspensions and expulsions, this written decision will be provided to the student's legal counsel or, if none, to the student and his/her parent(s) or guardian(s). For emergency expulsions, the decision must: (1) be issued within one school business day after the date that the hearing concludes; (2) be provided to the student and the student's parent(s), guardian(s), and legal counsel, if any, by depositing a certified letter in the mail; (3) set forth whether the immediate and continuing danger to students or school staff or immediate and continuing threat of substantial disruption of the educational process has ended; and (4) state whether the emergency expulsion will be converted to another form of corrective action.

Unless an appeal is taken, any long-term suspension or non-emergency expulsion decided upon by the hearing officer may be imposed as of the fourth school business day following receipt of the hearing officer's decision.

C. Appeal of a Hearing Officer's Decision Imposing Long-Term Suspension, Expulsion, or Emergency Expulsion

Any student or parent/guardian may appeal a hearing officer's decision imposing a long-term suspension, expulsion, or emergency expulsion to the Board of Directors. Notice indicating that the student desires to appeal the hearing officer's decision must be submitted orally or in writing to the office of the superintendent or the office of the hearing officer within three (3) school business days after the date of receipt of the hearing officer's decision.

If a timely appeal is taken to the Board, the suspension or non-emergency expulsion may be imposed for up to ten (10) consecutive school days during the appeal period, or until the appeal is decided, whichever is the shortest period. Any days that the student is suspended or expelled before the appeal is decided will apply to the term of the suspension or expulsion imposed, if any, and will not limit or extend the term of the suspension or expulsion. Any student suspended who returns to school before the appeal is decided will be given opportunity to make up assignments and tests missed by reason of the suspension if the assignments or tests have a substantial effect upon the student's semester grade(s), or failure to complete such assignments or tests would preclude the student from receiving credit for the course(s).

If a timely notice of appeal is received, the Board will schedule and hold an informal conference to review the matter within ten (10) school business days after the date of receipt of such appeal notice. The purpose of this meeting will be to meet and confer with the parties in order to decide the most appropriate means of disposing of the appeal.

At that meeting, the student, parent/guardian, or legal counsel will be given the right to be heard and will be granted the opportunity to present such witnesses and testimony as the Board deems reasonable. The Board will agree to one of the following procedures prior to adjournment or recess:

1. Study the hearing record or other materials submitted and render its decision within ten (10) school business days after the date of the informal conference;
2. Schedule and hold a meeting to hear further arguments based on the record before the Board and render its decision within fifteen (15) school business days after the date of the informal conference; or
3. Schedule and hold a meeting within ten (10) school business days after the date of the informal conference for the purpose of hearing the case de novo.

In the event the Board elects to hear the appeal de novo, the student will have the same rights as those applicable to the hearing before the hearing officer.

The appeal to the Board will be conducted in accordance with WAC 392-400-310, -315, and -320. Any decision by the Board to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student will be made only by those Board members who have heard or read the evidence, and only by Board members who have not acted as witnesses in the matter and only by a majority vote at a meeting at which a quorum of the Board is present.

An appeal from a decision of the Board will be to the courts. The Board may decide to postpone the corrective action pending such appeal.

IV. READMISSION DURING EXPULSION OR SUSPENSION

Any student who has been suspended or expelled will 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 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:

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

The principal or Superintendent will consider the application and advise the parent and student of the decision in writing within seven (7) school days of the receipt of such application. Readmission may be contingent upon any reasonable condition proposed by the principal or Superintendent. The readmission process is separate and distinct from any reengagement meetings conducted by the District as required by state law, Chapter 28A.600 RCW.

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