

Procedure - Classroom Management, Discipline and Corrective Action,

Definitions

- **“Behavioral violation”** means a student’s behavior that violates ESD 112’s discipline policies.
- **“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 action that results in missed instruction for a brief duration when:
 - (a) ESD 112 personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
 - (b) the student remains under the supervision of ESD 112 personnel during such brief duration.
- **“Corrective action”** means discipline, classroom exclusion, suspension, emergency expulsion, or expulsion.
- **“Culturally responsive”** has the same meaning as “cultural competency” in RCW 28A.410.270.
- **“Discipline” and “other forms of discipline”** mean all forms of corrective action used in response to 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. .
- **“Discretionary discipline”** means any disciplinary action taken in response to student misconduct that violates the rules, policies, or procedures adopted by the board of directors, other than the misconduct listed in one or more of the categories in this procedure set forth below in the section entitled “Suspension, Expulsions, and Discretionary Discipline.” Discretionary discipline cannot include long-term suspension or expulsion.
- **“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 an emergency removal from a program for up to, but not exceeding, ten (10) consecutive school days from the student’s current school placement by the superintendent or designee. An emergency expulsion requires the superintendent or designee to have good and sufficient reason to believe that the student’s presence poses an immediate and continuing danger to other students or ESD 112 staff or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of corrective action within ten (10) school days from the date of the emergency removal from a program. If ESD 112 converts the emergency expulsion to another form of corrective action, it must provide notice and an explanation of due process rights to the student and parent/guardian.
- **“Expulsion”** means a denial of attendance for a period of time up to but no longer than length of an academic term (as defined by the board of directors) from the time the student is removed from his/her current program placement by the superintendent or designee. An expulsion may not be for an indefinite period of time and may not be imposed as a form of discretionary discipline. An expulsion may be extended beyond the length of an academic term if: 1) ESD 112 staff petitions the superintendent for an extension; and 2) the superintendent authorizes the extension pursuant to the superintendent of public instruction’s rules adopted for this purpose (see Petition for Extension of Length of Expulsion below). An expulsion may also include a denial of admission to, or entry upon, real or personal property that is owned, leased, rented, or controlled by ESD 112.
- **“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.
- **“Parent”** means a biological, adoptive, or foster parent, or a guardian generally authorized to act as parent or specifically authorized to make education decisions. The definition of parent does not include the state, if the student is a ward of the state. When 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 or if a judicial decree or order identifies a specific person or persons. See WAC 392-172A-01125.

- **"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.
- **"School day"** means a calendar day, except school holidays, on which enrolled students are afforded the opportunity to be engaged in educational activity planned, supervised, and conducted by or under the supervision of certificated staff, and on which day all or any portion of enrolled students participate in such educational activity.
- **"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.
 - **Short-term suspension** means suspension for any portion of a calendar day up to and not exceeding ten (10) consecutive school days.
 - Long-term suspension** means a suspension that exceeds ten (10) consecutive school days. A long-term suspension may not exceed the length of an academic term, as defined by the school board, cannot be imposed beyond the school year in which the alleged misbehavior occurs, and may not be imposed except for the offenses listed below in the section entitled 'Suspension, Expulsions, and Discretionary Discipline.

Superintendent authority

The superintendent will have the authority to discipline, suspend, or expel students. The superintendent will:

- Identify the conditions under which staff may exclude a student from his or her class; and
- Designate which staff members have the authority to initiate or to impose discipline, suspensions, or expulsions.

No student will 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 ESD 112 program and/or sponsored activities or any other aspect of the educational process.

No form of discipline will be enforced in such a manner as to prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

Notification of suspensions of students eligible for special education services

The superintendent or designee will notify special education staff of any suspensions to be imposed on a student who is currently eligible for special education services or any student who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days, the superintendent or designee will notify relevant special education staff so that ESD 112 can ensure compliance with special education discipline procedures.

Fundamental rights

When administering discipline under this chapter, ESD 112 must not:

- (1) Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;
- (2) Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;
- (3) Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;
- (4) Unlawfully interfere in a student's pursuit of an education while in the custody of ESD 112; or
- (5) Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by an educational agency without due process of law.

Rights and responsibilities of certificated staff

Certificated staff will have the right to:

- Expect students to comply with ESD 112 rules;
- Develop and/or review program rules relating to student conduct and behavioral expectations at least once each year. Program rules will be consistent with ESD 112 rules relating to student conduct;
- Receive any complaint or grievance regarding corrective action of students. Certificated staff will 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;
- Use such reasonable action as is necessary to protect himself/ herself, a student, or others from physical abuse or injury;
- Staff have the right to exclude any student from the staff member's classroom, instructional area, or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements of WAC 392-400-335 and the section below (see **Classroom Exclusions**).

Certificated staff will have the responsibility to:

- Observe the rights of students;
- Supervise student behavior and enforce the rules of student conduct fairly, consistently, and without discrimination. Any infractions will be reported orally and in writing to the superintendent or designee as soon as possible, regardless of any corrective actions taken by the teacher;
- Maintain good order in the classroom, in the hallways, or other common areas, and on buses (i.e., during field trips);
- Maintain accurate attendance records and report all cases of truancy;
- Set an appropriate example of personal conduct and avoid statements that may be demeaning or personally offensive to any student or group of students; and
- 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 are being employed in the classroom.

Restrictions on Corrective Action

- **Educational Services**

ESD 112 will not suspend the provision of educational services as a disciplinary action, nor will ESD 112 suspend the provision of educational services to a student in response to behavioral violations.

- ESD 112 will provide the student the opportunity to receive educational services during a suspension, expulsion, or emergency expulsion. The educational services must enable the student to:
 - Continue to participate in the general education curriculum;
 - Meet the educational standards established within the program; and
 - Complete subject, grade-level, and graduation requirements.Such services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

When providing a student the opportunity to receive educational services under this section, the ESD 112 must consider:

- Meaningful input from the student, parents, and staff
- 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.

For students subject to suspension or emergency expulsion up to five (5) days, ESD 112 must provide at least the following:

- Course work, including any assigned homework, from all of the student's regular subjects or classes;

- Access to ESD 112 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 subject to suspension or emergency expulsion for six (6) to ten (10) consecutive school 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;
 - An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and
 - Access to ESD 112 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. ESD 112 personnel will make a reasonable attempt to contact the student or parents within three (3) 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 staff) about the student's academic progress.
- For students subject to expulsion or suspension for more than ten (10) consecutive school days, a ESD 112I will make provisions for educational services in accordance with WAC 392-121-107.

Unexcused absences and tardiness

Students will not be suspended or expelled from a program for absences or tardiness.

Language Assistance

ESD 112 will ensure that notices and communications required in connection with any corrective action are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

Corporal Punishment

ESD 112 staff may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

- The use of reasonable physical force by ESD 112 personnel, or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, ESD 112 personnel, or property;
- Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or

Restraint and Isolation

ESD 112 staff may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

Student discipline

ESD 112 will administer student discipline to maintain a safe and supportive environment that is conducive to student learning.

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

- Provide due process and ensure fairness and equity in administration;
- Implement the policy and procedure in a culturally responsive manner;
- Responds to the needs and strengths of students ;
- Facilitate collaboration between ESD 112 personnel, students, and families ;
- Provide a safe and supportive learning environment for all students

No form of discipline will be administered in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements. Appeal procedures have been established in

order to provide for an opportunity for every corrective action to be reviewed by someone in authority and to instill confidence among students and parents as to the essential fairness of staff.

Grievance and appeal process for student discipline

Any parent/guardian or student who is aggrieved by the imposition of discipline will have the right to an informal conference with the superintendent or designee the employee will be notified of the grievance as soon as reasonably possible.

At such conference, the student and parent/guardian will be subject to questioning by the superintendent or designee.

After exhausting this remedy, the parent/guardian and student will have the right, upon two (2) school business days' prior notice, to present a written and/or oral grievance to the superintendent or designee.

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days' prior notice, have the right to present a written or oral grievance to the board during its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for considering the grievance. The board will notify the parent and student of its response to the grievance within ten (10) business days after the date when the grievance was presented. The disciplinary action will continue notwithstanding implementation of the grievance procedure, unless the superintendent, or board elects to postpone such action.

Classroom Exclusions

ESD 112 staff may exclude a student from the teacher'sal process while the student is under the staff member's immediate supervision. ESD 112t may authorize other personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of ESD 112's discipline policy. The personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing threat of material and substantial disruption of the educational process.

A classroom exclusion may be administered for all or any portion of the balance of the day in which the student was excluded from the student's classroom, instructional area, or activity area. When a student is excluded from the student's classroom, instructional area, or activity area for longer than the balance of the day, ESD 112 will provide the student and the student's family notice and due process for a suspension, expulsion, or emergency expulsion, as appropriate. A student may not be removed from program during a an exclusion unless ESD 112 provides such notice and due process for a suspension, expulsion, or emergency expulsion.

A student may be removed immediately from a class by authorized personnel without first attempting other forms of corrective action provided that the student's presence poses an immediate and continuing danger to other students or staff.

Suspensions, Expulsions, and Discretionary Discipline

Suspensions (including long-term suspensions) and expulsions may be imposed for any of the following student behaviors:

1. Having a firearm on ESD 112 property or ESD 112 transportation in violation of RCW 28A.600.420;
2. Any of the following offenses listed in RCW 13.04.155, including:
 1. 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;
- 2. 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;
 - 3. inhaling toxic fumes in violation of chapter 9.47A RCW;
 - 4. any controlled substance violation of chapter 69.50 RCW;
 - 5. any liquor violation of RCW 66.44.270;
 - 6. any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
 - 7. 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;
 - 8. any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
 - 9. any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation; and
 - 10. any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti;
- 3. Two or more violations of the following within a three-year period
 - 1. criminal gang intimidation in violation of RCW 9A.46.120;
 - 2. gang activity on ESD 112 grounds in violation of RCW 28A.600.455;

3. willfully disobeying ESD 112 personnel in violation of RCW 28A.635.020; and
 4. defacing or injuring ESD 112 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.

For student behaviors—including specific offenses contained in Policy 3240 and procedure 3240P—that do not fall within one or more of the categories listed above, ESD 112 may only impose discretionary discipline as defined in this procedure. ESD 112 may not impose long-term suspension or expulsion as a form of discretionary discipline, but may impose other sanctions up to and including short-term suspension in a manner consistent with this procedure.

Short-term suspension

Conditions and limitations

The nature and circumstances of the student conduct violation must reasonably warrant a short-term suspension. As a general rule, no student will be suspended for a short 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.

No student in grades kindergarten through fourth grade will be suspended for more than a total of ten (10) school days during any single semester or trimester and no loss of academic grades or credit will be imposed by reason of the suspension.

No student in fifth grade and above will be suspended for more than a total of fifteen (15) school days during any single semester or ten school days during any single trimester.

Continuation of educational services

ESD 112 will not suspend the provision of educational services during a period of short-term suspension and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of a short-term suspension. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

The superintendent or designee will notify special education staff of any short-term suspensions to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that short-term suspensions may cumulatively or consecutively exceed ten school (10) days, (see Procedure 2161P, Special Education and Related Services for Eligible Students, Discipline section) the superintendent or designee will notify relevant special education staff so that the district can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

Exceptional misconduct

A student may be short-term suspended for exceptional misconduct, other than absenteeism, when such misconduct is of such frequent occurrence or is so serious in nature and/or is so serious in terms of disruption to the operation of the program that immediate suspension is warranted. In cases of exceptional misconduct, ESD 112 may impose a short-term suspension without first attempting alternative forms of corrective action.

Prior notice and conference

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

- An oral or written notice of the charges;
- An oral or written explanation of the evidence in support of the allegation(s); AND

- An oral or written explanation of the short-term suspension that ESD 112 may impose.

The student will be provided an opportunity to present his/her explanation of the ESD 112 allegation(s).

If the short-term suspension is to exceed one (1) calendar day, the superintendent or designee will notify the student's parent/guardian of the reason for the suspension and its duration either orally or by U.S. mail as soon as reasonably possible. The notice will also address the parent/guardian's right to an informal conference pursuant to WAC 392-400-255 and the fact that the district may reduce the student's suspension as a result of such conference.

Grievance and appeal process for short-term suspension

Any parent/guardian or student who is aggrieved by the imposition of a short-term suspension will have the right to an informal conference with the superintendent or designee for resolving the grievance. At such conference, the student and parent will be subject to questioning by the superintendent and will be entitled to question staff involved in the matter being grieved.

The parent/guardian and student after exhausting this remedy will have the right, upon two (2) business days' prior notice, to present a written and/or oral grievance to the superintendent.

If the grievance is not resolved, the parent/guardian and student, upon two (2) business days' prior notice, will have the right to present a written or oral grievance to the board at its next regular meeting, or at a meeting held within 30 days, whichever is earlier. Such a meeting is not subject to the Open Public Meetings Act, and need to be noticed or open to the public.

The board will notify the parent/guardian and student of its response to the grievance within ten (10) business days after the date when the grievance was presented. The short-term suspension will continue notwithstanding implementation of the grievance procedure, unless the superintendent, or board elects to postpone such action.

Readmission

ESD 112 will allow any student who has been short-term suspended to make application for readmission at any time in accordance with district policy and procedure. (See also **Readmission Application Process and Reengagement**, below)

Emergency expulsion

Limitations

An emergency expulsion may not be imposed solely for the purposes of investigating student conduct.

The superintendent or a designee may immediately expel and remove a student from school prior to a hearing without other forms of corrective action if the superintendent or designee has good and sufficient reason to believe that the student's presence poses:

- An immediate and continuing danger to students or staff; OR
- An immediate and continuing threat of substantial disruption of the educational process.

Such emergency expulsion must end or be converted to another form of corrective action within ten (10) days of the date of the expulsion. If ESD 112 converts an emergency expulsion to another form of corrective action, ESD 112 will provide the student and/or parents/guardians with notice and due process rights appropriate to the new corrective action.

Notice of hearing

ESD 112 will notify the student and his/her parents/guardians of the emergency expulsion and of their opportunity for a hearing by:

- Hand-delivery of written notice within twenty-four hours of expulsion OR
- Certified letter mailed within twenty-four hours of the expulsion (reasonable attempts to contact the parents/guardians by phone or in person will also be made as soon as reasonably possible).

ESD 112's written and oral notice of emergency expulsion and opportunity for hearing will:

- Be provided in a language the student and/or a parent/guardian can understand, if other than English;
- Specify the alleged reasons that the student's presence poses an immediate and continuing danger to students, staff, or poses an immediate and continuing threat of substantial disruption of the educational process.
- Set forth the date on which the emergency expulsion began and when it will end;
- Set forth the right of the student and/or his or her parents/guardians to a hearing for purposes of contesting the allegations as soon as is reasonably possible; and
- Set forth the facts that:
 - A written or oral request for hearing must be received by a designated ESD 112 employee or his or her office on or before the end of the third business day after receipt of the notice of opportunity for hearing; AND
 - If the request is not received within three business days, then the right to a hearing may be deemed waived and the emergency expulsion may be continued, if deemed necessary, for up to ten (10) school days from the date of the student's emergency expulsion from program without any further opportunity for the student or his or her parent/guardian to contest it.

Prehearing and hearing

If ESD 112 receives a request for hearing within three (3) school business days after receipt of notice, ESD 112 will immediately schedule and give notice of a hearing to commence as soon as reasonably possible and no later than the second business day after receipt of the request for hearing.

The student and his/her parents/guardians have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that ESD 112 intends to introduce at hearing;
- Question and confront witnesses
- Explain the alleged misconduct;
- Present relevant affidavits, exhibits, and witnesses.

ESD 112 and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting quasi-judicial hearings. Either a tape-recorded or verbatim record of the hearing will be made.

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 hearing officer finds that during the hearing a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct;
- A conclusion as to whether the student's immediate and continuing danger to students and/or staff OR immediate and continuing threat of substantial disruption of the educational process giving rise to the emergency expulsion has terminated; AND

- A conclusion as to whether the emergency expulsion shall be converted to another form of corrective action or stand as imposed.

Within one (1) business day after the date upon which the hearing concludes, the hearing officer will issue the decision and ESD 112 will provide notice of such decision to the student and the student's parents/guardians and legal counsel, if any, by depositing a letter in certified U.S. mail.

If the hearing officer concludes in his/her decision that the emergency expulsion shall be converted to another form of corrective action, ESD 112 must provide notice of all due process rights to the student and parent/guardian for the appropriate corrective action. For appeals from a hearing officer decision regarding an emergency expulsion, see **Appeals of long-term suspension and expulsion**, below.

Long-term suspension

Conditions and limitations

ESD 112 may not impose a long-term suspension unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be long-term suspended for violation of school district rules provided that the long-term suspension does not exceed the length of an academic term as defined by the board. A long-term suspension may not be imposed as a form of discretionary discipline, as defined in this procedure.

The nature and circumstances of the violation must reasonably warrant a long-term suspension. As a general rule, no student will be long-term suspended 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.

No student in grades kindergarten through fourth grade will be long-term suspended during any single semester or trimester and no loss of academic grades or credit will be imposed by reason of the suspension.

No student in fifth grade and above will be long-term suspended in a manner that causes the student to lose academic grades or credit for longer than one semester or trimester during the same school year.

The superintendent or designee will notify special education staff of any long-term suspension to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days, the superintendent or designee will notify relevant special education staff so that ESD 112 can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

Exceptional misconduct

A student may be long-term suspended for exceptional misconduct, other than absenteeism, when such misconduct is of such frequent occurrence or is so serious in nature and/or is so serious in terms of disruptive effect on the operation of the program that an immediate resort to a long-term suspension is warranted. In cases of exceptional misconduct, a long-term suspension may be imposed without first attempting alternative forms of corrective action. The superintendent will recommend for board approval, the nature and extent of the corrective actions which may be imposed as a consequence of exceptional misconduct. (See Procedure 3240P). An exception may be granted by an administrator and/or hearing officer when warranted by extenuating circumstances.

Notice of hearing

Prior to imposing a long-term suspension, ESD 112 will provide the student and/or his/her parents/guardians a written notice of opportunity for hearing. The notice will be delivered in person or by certified mail. The notice will:

- Be provided in a language the student and his or her parents/guardians can understand, if other than English;
- Specify the alleged misconduct and ESD 112 rule(s) alleged to have been violated;
- Set forth the proposed long-term suspension;

- Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- Set forth the facts that:
 - A written or oral request for hearing must be received by on or before the end of the third business day after the notice is received; and
 - If such a request is not received within that period, the hearing will be deemed waived and the proposed long-term suspension may be imposed without further opportunity for the student and/or their parent/guardian to contest it.

The student and/or his or her parents/guardians must request a hearing within three (3) school business days after receipt of the notice of opportunity for hearing. The request may be provided in writing or orally, but must be provided to the district employee specified in the notice or their office. If a request for hearing is not received within the required period, the district may deem the right to hearing waived and the long-term suspension may be imposed.

Pre-hearing and hearing

If a request for hearing is received within three (3) business days after receipt of notice, the school district will schedule a hearing to begin within three (3) business days after the date of receiving the request.

The student and parent/guardian have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that ESD 112 intends to introduce at hearing;
- Question and confront witnesses
- Explain the alleged misconduct; and
- Present relevant affidavits, exhibits, and witnesses.

ESD 112 and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing. Either a tape-recorded or verbatim record of the hearing will be made.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting administrative hearings.

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 hearing officer finds that during the hearing a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct; AND
- A conclusion as to whether the nature and duration of the proposed long-term suspension is appropriate or whether a lesser form of corrective action should be imposed.

The hearing officer will issue the decision and ESD 112 will provide notice of such decision to the student's legal counsel, or, if none, to the student's and his/her parents/guardians.

If the hearing officer decides that a long-term suspension is appropriate, the parent/guardian and student will have the right to appeal that decision to the board by filing a written or oral notice of appeal at the office of the superintendent or the hearing officer within three (3) business days after the date of receipt of the decision.

If a timely notice of appeal is not provided to ESD 112, the long-term suspension may be imposed as of the calendar day following expiration of the three (3) business day period

Readmission

Any student who has been long-term suspended will be allowed to make application for readmission at any time in accordance with ESD 112 policy and procedure.

Expulsion

Conditions and limitations

ESD 112 may not expel a student unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be expelled for a violation of school district rules, provided that the expulsion does not exceed the length of an academic term as defined by the school board. An emergency expulsion may not be imposed as a form of discretionary discipline, as defined in this procedure.

The nature and circumstances of the alleged violation must reasonably warrant the harshness of expulsion. No student will be expelled unless other forms of corrective action reasonably calculated to modify his or her conduct have failed or there is good reason to believe that other forms of corrective action would fail if used.

ESD 112 will make reasonable efforts to assist students in returning to an educational setting prior to, and no later than, the end date of the expulsion.

An expulsion may not exceed the length of the academic term unless:

The superintendent authorizes the extension in compliance with the superintendent of public instruction's rules adopted for this purpose (see **Petition for extension of expulsion** below). Once a student is expelled in compliance with ESD 112 policy, the expulsion will be brought to the attention of appropriate local and state authorities, including, but not limited to, juvenile authorities acting pursuant to the Basic Juvenile Court Act, so that such authorities may address the student's educational needs.

Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, ESD 112 premises, transportation, or areas of facilities while being used exclusively by ESD 112, will be expelled from school for not less than one calendar year pursuant to RCW 28A.600.420 with notification to parents/guardians and law enforcement. The superintendent may modify the expulsion of a student on a case-by-case basis.

Firearm Exception

In accordance with RCW 28A.600.420, ESD 112 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 ESD 112 premises, transportation, or areas of facilities while being used exclusively by ESD 112. The superintendent may modify the expulsion on a case-by-case basis.

ESD 112 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 ESD 112 premises, transportation, or areas of facilities while being used exclusively by ESD 112.

These provisions do not apply to:

- Any student while engaged in military education authorized by ESD 112 in which rifles are used;
- Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by ESD 112; or
- Any student while participating in a rifle competition authorized by ESD 112

Notice of hearing

Prior to the expulsion of a student, ESD 112 will provide the student and/or his/her parents/guardians a written notice of opportunity for hearing. The notice will be delivered in person or by certified mail. The notice will:

- Be provided in a language the student and his or her parents/guardians can understand, if other than English;

- Specify the alleged misconduct and the ESD 112 rule(s) alleged to have been violated;
- Set forth the proposed expulsion;
- Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- Set forth the facts that:
 - A written or oral request for hearing must be received on or before the end of the third business day after the notice is received; and
 - If such a request is not received within that period, the hearing will be deemed waived and the proposed long-term suspension may be imposed without further opportunity for the student and/or their parent/guardian to contest it.

Prehearing and hearing

If a request for hearing is received within three (3) business days after receipt of notice, the ESD 112 will schedule a hearing to begin within three (3) business days after the date of receiving the request.

The student and parent/guardian have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that ESD 112 intends to introduce at hearing;
- Question and confront witnesses
- Explain the alleged misconduct;
- Present relevant affidavits, exhibits, and witnesses.

ESD 112 and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing. Either a tape-recorded or verbatim record of the hearing will be made.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting quasi-judicial hearings.

The hearing is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the hearing will be held without public notice and without public access unless the student(s) and/or the parent(s)/guardian(s) or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, ESD 112 will comply with the Family Educational Rights and Privacy Act (FERPA) in regard to 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 hearing officer finds that during the hearing a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct; AND
- A conclusion as to whether the expulsion is appropriate OR whether a lesser form of corrective action should be imposed.

The hearing officer will issue the decision and ESD 112 will provide notice of such decision to the student's legal counsel, or, if none, to the student's and his/her parents/guardians.

The student and parent/guardian will have the right to appeal the hearing officer's decision to the board by filing a written or oral notice of appeal at the office of the superintendent or the hearing officer within three (3) business days after the date of receipt of the decision. If a timely notice of

appeal is not provided to ESD 112, the expulsion may be imposed as of the calendar day following expiration of the three (3) business day period.

If a timely notice of appeal is received, see **Appeal Process for Long-Term Suspension or Expulsion**, below.

Readmission

Any student who has been expelled will be allowed to make application for readmission at any time in accordance with ESD 112 policy and procedure.

Appeal process for long-term suspension and expulsion

If a timely notice of appeal is received, the long-term suspension or expulsion may be imposed during the appeal period if:

- The long-term suspension or **nonemergency** expulsion is imposed for no more than ten (10) consecutive days or until the appeal is decided, whichever is the shortest period.
- Any days that the student is suspended or expelled before the appeal is decided are applied to the term of suspension or expulsion and will not limit or extend the term of the suspension or extend the term of suspension or expulsion; and
- A suspended student who returns to program before the appeal is decided will be provided the opportunity upon return to make up assignments and tests missed by reason of suspension if:
 - Such assignments or tests have a substantial effect on the student's semester or trimester grade or grades; OR
 - Failure to complete such assignment or tests would result in denial of course credit.

The board will schedule and hold a meeting to informally review the matter within ten (10) school business days from receipt of such appeal. The purpose of the meeting will be to confer with the parties in order to decide upon the most appropriate means of handling the appeal. At that time the student, parent/guardian, and/or 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.

Prior to adjournment, the board will agree to one of the following procedures:

- Study the hearing record or other materials submitted and record its findings within ten (10) business days; OR
- Schedule and hold a special meeting to hear further arguments on the case and record its findings within fifteen (15) business days; OR
- Hear and try the case de novo before the board within ten (10) school business days.

Any decision by the board to impose or to affirm, reverse or modify the imposition of suspension or expulsion upon a student will be made only by:

- Those board members who have heard or read the evidence;
- Those board members who have not acted as a witness in the matter; AND
- A majority vote at a meeting at which a quorum of the board is present.

Within thirty (30) days of receipt of the board's final decision, any parent and student desiring to appeal any action upon the part of the board regarding the suspension or expulsion may serve a notice of appeal upon the board and file such notice with the Superior Court Clerk of the County.

Readmission Application Process

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 program from which he/she has been suspended/expelled, the student will submit a written application to the superintendent, who will recommend admission or non-admission. If a student wishes admission to another program, he/she will submit the written application to the superintendent. The application will include:

- Reasons the student wants to return and why the request should be considered;
- Evidence which 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/guardian of the decision within seven (7) days of the receipt of such application

Reengagement Meeting and Plan

For any student who has been subjected to a long-term suspension or expulsion, ESD 112 will convene a reengagement meeting with the student and their parent(s)/guardian(s) to discuss a plan to reengage the

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