
**Student Behavior, Rules of Conduct,
Restorative Practices, and Discipline**

TABLE OF CONTENTS

| | |
|--|-----------|
| A. Introduction | 3 |
| B. Definitions | 4 |
| 1. Behavioral Violation | 4 |
| 2. Classroom Exclusion | 4 |
| 3. Culturally Responsive | 4 |
| 4. Discipline | 4 |
| 5. Discretionary Discipline | 4 |
| 6. Disruption of the Educational Process | 4 |
| 7. Emergency Expulsion | 4 |
| 8. Expulsion..... | 4 |
| 9. Length of an Academic Term | 4 |
| 10. Nondiscretionary Discipline | 4 |
| 11. Other Forms of Discipline | 5 |
| 12. Parent | 5 |
| 13. Restorative Practices | 5 |
| 14. Rules of Conduct | 5 |
| 15. School Business Day | 5 |
| 16. School Board..... | 5 |
| 17. School Day | 5 |
| 18. Suspension | 5 |
| C. General Concepts Applicable to Restorative Practices and Discipline | 6 |
| 1. Restorative Practices | 6 |
| 2. Discipline..... | 6 |
| 3. Personnel Responsible | 7 |
| 4. Alternative Settings and Modification of Discipline | 7 |
| 5. Individual Factors | 7 |
| 6. Referral for Criminal Prosecution..... | 8 |
| 7. Fundamental Rights | 8 |
| 8. Language Assistance | 8 |
| D. Specific Rules of Conduct and Standard Range of Action for Behavioral Violations | 9 |
| 1. Specific Rules of Conduct..... | 9 |
| 2. Range of Action and Use of Professional Judgment | 9 |
| 3. Special Education and Section 504 | 9 |
| E. Other Forms of Discipline– Conditions and Procedures | 9 |
| 1. Progressive Discipline | 9 |
| 2. Examples of Other Forms of Discipline | 9 |
| 3. Grievance Process..... | 9 |
| 4. School Meals..... | 9 |
| F. Classroom Exclusions – Conditions and Procedures | 10 |
| 1. Authority to Administer Classroom Exclusions | 10 |
| 2. Prior Use of Other Forms of Discipline | 10 |
| 3. Limitations on Classroom Exclusions | 10 |
| 4. Notice Requirements | 10 |
| 5. Grievance Process | 11 |

| | |
|--|-----------|
| G. Suspensions – Conditions and Procedures | 11 |
| 1. General Conditions | 11 |
| 2. In–School and Short-Term Suspensions..... | 12 |
| 3. Long–Term Suspensions..... | 12 |
| 4. Notice, Grievance, and Reentry Process..... | 13 |
| I. <i>Initial Hearing with Student</i> | 13 |
| II. <i>Notice to Student and Parent</i> | 13 |
| III. <i>Optional Conference with Principal</i> | 14 |
| IV. <i>Appeal from In-School and Short–Term Suspension</i> | 14 |
| V. <i>Appeal from Long–Term Suspension</i> | 15 |
| VI. <i>Review and Reconsideration of Appeal Decision</i> | 17 |
| VII. <i>Reengagement Meeting and Plan</i> | 18 |
| VIII. <i>Petition for Readmission</i> | 19 |
| H. Expulsions – Conditions and Procedures | 19 |
| 1. General Conditions..... | 19 |
| 2. Expulsion..... | 20 |
| 3. Emergency Expulsion..... | 21 |
| 4. Notice, Grievance, and Reentry Process for non–emergency Expulsions | 21 |
| I. <i>Initial Hearing with Student</i> | 21 |
| II. <i>Notice to Student and Parent</i> | 22 |
| III. <i>Optional Conference with Principal</i> | 22 |
| IV. <i>Appeal from Expulsion</i> | 23 |
| V. <i>Review and Reconsideration of Appeal Decision</i> | 25 |
| VI. <i>Reengagement Meeting and Plan</i> | 26 |
| VII. <i>Petition for Readmission</i> | 27 |
| VIII. <i>Petition to Extend Expulsion</i> | 27 |
| 5. Notice, Grievance, and Reentry Process for Emergency Expulsions..... | 29 |
| I. <i>Notice to Student and Parent</i> | 29 |
| II. <i>Optional Conference with Principal</i> | 29 |
| III. <i>Appeal from Emergency Expulsion</i> | 30 |
| IV. <i>Review and Reconsideration of Appeal Decision</i> | 32 |
| I. Educational Services During Disciplinary Exclusions | 32 |
| 1. Educational Services, Generally | 32 |
| 2. Notice..... | 33 |
| 3. Exclusions for Up to Five Days..... | 33 |
| 4. Exclusions for Six to Ten Days..... | 33 |
| 5. Long–Term Suspensions and Expulsions | 34 |
| J. Behavior Agreements | 35 |
| 1. Authorization | 35 |
| 2. General | 35 |
| 3. Reengagement Meetings and Educational Services | 35 |
| 4. Duration | 35 |
| 5. Subsequent Behavioral Violations | 35 |
| K. Comparison Chart | 36 |
| L. District Transportation | 37 |
| 1. General Rules | 37 |
| 2. Specific Procedure for Issuance of Citations | 37 |
| 3. Student Obligation to Attend School | 38 |
| 4. Grievance Procedure..... | 38 |
| 5. Section 504 and Special Education | 38 |
| M. Rules of Conduct | 39 |
| 1. Discretionary Discipline | 39 |
| 2. Non–Discretionary Discipline | 42 |

PROCEDURE

A. Introduction

This Procedure implements the Board's Policy of focusing on responsible, respectful and safe student behavior. The Procedure describes how the District tries to balance the needs of students who violate Rules of Conduct, the needs of those affected by such behavior, and the needs of the overall school community. Such balancing is based on the requirement in RCW 28A.600.020(1) that student discipline rules be "interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere."

This Procedure addresses Rules of Conduct. It also provides that individual schools may have their own Rules of Conduct, which are adopted by the School Board and incorporated here. Students who violate the Rules of Conduct may be subject to Restorative Practices and/or Discipline.

The school district will ensure that all communications (whether oral or written), hearings, recordings, and records are provided in a language the student and Parent understand, which may require language assistance for a student and Parent with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

There are a wide variety of Restorative Practices. Examples of Restorative Practices may include, but are not limited to:

- Relationship building;
- Affective statements;
- Restorative conferences;
- Community building circles;
- Restorative dialogues/making agreements;
- Apologies;
- Repairing harm circles;
- Mediation; and/or
- Restitution

There are five categories of Discipline, each is discussed in detail in this Procedure:

- Other Forms of Discipline (i.e. Discipline other than Classroom Exclusion, Suspension, Expulsion, or Emergency Expulsion);
- Classroom Exclusion;
- Suspension (in-school, short-term, and long-term);
- Expulsion; and
- Emergency Expulsion.

Students, and their Parent, are entitled to certain procedural and substantive due process rights when they receive Discipline. Those rights vary depending on the type of Discipline imposed, and they are described more fully in this Procedure. The use of Restorative Practices is a collaborative process and is based on the willingness of participation by the individual(s). Thus, the use of Restorative Practices is generally not subject to the appeal process.

This Procedure also classifies Behavioral Violations in terms of seriousness. Behavioral Violations of certain less serious rules will result in "Discretionary Discipline." For Behavioral Violations of those rules, Long-Term Suspension and Expulsion are not permitted. Behavioral Violations of other more serious rules will result in "Non-Discretionary Discipline." For those violations, Suspensions and Expulsions are allowed even if other forms of Discipline may not have previously been imposed.

B. Definitions

1. **Behavioral Violation** means a student's behavior that violates the school district's discipline policy or Rules of Conduct.
2. **Classroom Exclusion** means the exclusion of a student from a classroom or instructional or activity area for Behavioral Violations, subject to the requirements outlined in this Procedure. Classroom Exclusion does not include actions that result in missed instruction for a brief duration when: (a) a teacher or other school personnel attempts other forms of Discipline to support the student in meeting behavioral expectations; and (b) the student remains under the supervision of the teacher or other school personnel during such brief duration.
3. **Culturally Responsive** includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and Parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.
4. **Discipline** means any action taken by the school district in response to Behavioral Violations.
5. **Discretionary Discipline** means Discipline imposed by a school district official for student behavior that violates Rules of Conduct. Discretionary Discipline does not include Discipline taken in response to the violations and offenses listed under Non-Discretionary Discipline. No student may be Long-Term Suspended or Expelled for Discretionary Discipline offenses.
6. **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.
7. **Emergency Expulsion** means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial Disruption of the Educational Process.
8. **Expulsion** means a denial of admission to the student's current school placement in response to a Behavioral Violation.
9. **Length of an Academic Term** means ninety (90) school days from the time the student is removed from their current school placement.
10. **Non-Discretionary Discipline** means Discipline imposed by a school district official when a student engages in any of the following:
 - I. A violation of RCW 28A.600.420 (Student bringing firearm onto school property);
 - II. An offense in RCW 13.04.155 (violent offense, sex offense, inhaling of toxic fumes, controlled substance or liquor violation, general firearm offenses, assault, kidnapping, harassment, or arson);
 - III. Two or more violations of RCW 9A.46.120 (Criminal gang intimidation); RCW 9.41.280 (Dangerous weapon on school grounds); RCW 28A.600.455 (Gang activity on school

grounds); RCW 28A.635.020 (Refusal to comply with order to leave school grounds); or RCW 28A.635.060 (Defacing school property) within a three-year period; or

IV. Behavior that adversely impacts the health or safety of other students or educational staff.

11. Other Forms of Discipline means actions 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.

12. Parent includes both the singular (parent) and the plural (parents), and means:

I. A biological or adoptive parent of a child;

II. A foster parent;

III. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state;

IV. An individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare;

V. A surrogate parent who has been appointed in accordance with WAC 392-172A-05130;

VI. Or any of the situations described in WAC 392-172A-01125(2-3).

13. Restorative Practices means practices based on principles that emphasize the importance of positive relationships as central to building community and involve processes that restore relationships when harm has occurred.

14. Rules of Conduct are behavior rules adopted by the School Board and individual schools intended to: (1) maintain a school environment where students are responsible, respectful and safe; and (2) help students behave in ways that contribute to academic achievement and school success. Rules of Conduct are applicable:

I. During any school activity conducted on or off campus whether or not such activity is during the School Day; and

II. To student actions off of school grounds that materially, substantially and negatively affect or interfere with the educational process (including but not limited to actions while engaged in district sanctioned transportation).

15. School Business Day means any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the superintendent is open to the public for business. A School Business Day concludes upon the closure of the superintendent's office for the calendar day.

16. School Board means the governing board of directors of the schooldistrict.

17. School Day means any day or partial day that students are in attendance at school for instructional purposes.

- 18. Suspension** means a denial of attendance in response to a Behavioral Violation from any subject or class, or from any full schedule of subjects or classes, but not including Classroom Exclusions, Expulsions, or Emergency Expulsions.
- I. **In-school Suspension** means a Suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten (10) consecutive School Days.
 - II. **Short-term Suspension** means a Suspension in which a student is excluded from school for up to ten (10) consecutive School Days.
 - III. **Long-term Suspension** means a Suspension in which a student is excluded from school for more than ten (10) consecutive School Days.

C. General Concepts Applicable to Restorative Practices and Discipline

1. **Restorative Practices.** When broadly and consistently implemented, Restorative Practices proactively build a school community based on cooperation, mutual understanding, trust and respect as well as promote and strengthen positive school culture and enhance pro-social relationships within the school community. Restorative Practices are based on the willing participation of the individual and support from the district.

With Restorative Practices, all members of the school community share the responsibility of building and sustaining a positive school environment based on strong relationships and recognizes their role as a positive contributing member of the school community.

Restorative Practices promote building respectful and trusting relationships as the foundation for teaching and learning while providing meaningful opportunities for students to develop self-discipline and positive behaviors in a caring, supportive environment.

A restorative approach sees conflict or misbehavior as an opportunity for students to learn about the consequences of their actions, to develop empathy with others, and experience how to make amends in such a way as to strengthen the community bonds that may have been damaged. It views conflict primarily through the lens of the harm caused to people and relationships and emphasizes the priority to meet the needs of those affected by this harm.

Restorative Practices are expected when considering the imposition of Discipline, including exclusionary action. Examples of Restorative Practices may include, but are not limited to, mediation, apologies, relationship building, affective statements, community building circles, restorative dialogues/making agreements, repairing harm circles, restorative conferences. Restorative Practices could take the form of: (a) alternatives to or interventions in lieu of Discipline; and/or (b) supplemental action taken along with other Discipline.

Restorative Practices are a collaborative process and are neither required nor appropriate in every student misconduct situation.

Restorative Practices are not to be used in lieu of Long-Term Suspension or Expulsion or for Non-Discretionary Discipline. Restorative Practices may, however, be used in conjunction with such action.

2. **Discipline.** School personnel will make every reasonable attempt to involve Parent and students in the resolution of Behavioral Violations for which Discipline may be administered.

The District will not suspend the provision of educational services to a student as Discipline.

A student may be excluded from a particular classroom or instructional or activity area during Discipline. However, the district will provide an opportunity for a student to receive educational services while the Discipline is imposed.

3. **Personnel Responsible.** The following district personnel are charged with creating Restorative Practices and imposing Discipline: All adults, including contractors and volunteers, authorized or designated by law, the School Board, teachers, and building/program administrators who supervise student activities.
4. **Alternative Settings and Modification of Discipline.** Nothing in this Procedure prevents the District from providing educational services to a student in an alternative setting or modifying Discipline on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Examples of alternative settings include alternative high schools, administrative transfers pursuant to Policy and Procedure 3131, one-on-one tutoring, and online learning.
5. **Individual Factors.** When determining Restorative Practices or Discipline, the district should consider the behavior and the circumstances surrounding the behavior. Examples of individual factors to consider include, but are not limited to:
 - Mental illness or undiagnosed disabilities;
 - Appropriateness of the student's placement or setting;
 - Whether the student is or has been a victim of bullying behaviors or classroom environments;
 - Family situations such as involvement in foster care, domestic violence, homelessness, poverty, recent death of a loved one, or immigration status;
 - Substance abuse or addiction;
 - The student's disciplinary history;
 - The student's age and ability to understand consequences;
 - The student's expression of remorse or any subsequent remedial steps;
 - Whether the student was acting in self-defense;
 - Whether there was any effort to address the student's behavior using positive, preventive methods prior to the incident at issue;
 - The egregiousness of the student's conduct and whether it placed students or staff at serious risk of emotional or physical harm;
 - Whether other interventions, such as positive behavior supports and Restorative Practices, can adequately address the behavior at issue while enabling the student to remain in school, and whether such interventions have been tried before with this particular student;
 - Any other relevant circumstances, including whether the student should have been identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973;
 - Admitted or self-reported conduct;
 - If the student is honest and/or willing to be forthcoming before, during, or after the district's investigation;
 - Restitution to district or victim of misconduct;
 - Student's intent or motivation;
 - Severity of the violation (e.g., possession of a large amount of illicit drugs or of more harmful/addictive drugs versus possession of a small amount of drugs or less harmful/addictive drugs);
 - If intent existed to use, consume, or distribute a prohibited substance on school grounds, district-provided transportation, or at school activities;

- If the student attempted to solicit, involve, or incite others to engage in prohibited behavior;
- For weapons violations, the student offers credible evidence that he or she had the weapon for legitimate purposes away from school and unintentionally brought the weapon to school;
- Conduct is motivated by actual or perceived gang rivalry or affiliation;
- Prior assault(s), threat(s), harassment, or bullying by the student against the same victim;
- Significant damage or impact in cost or extent;
- Conduct is motivated by or involves disrespect toward perceived race, color, national origin, gender, sexual orientation, gender expression, disability, protected status, or any similar actual or perceived characteristic of a victim or victims;
- Evidence of sophistication, preplanning or premediated conduct;
- Lewd, obscene, or profane language or conduct related to the violation;
- Retaliation toward participants in investigation;
- If the misconduct involved possession of a “weapon,” as defined under school policy, whether the “weapon” in question was brandished or employed as a weapon or in an otherwise threatening fashion.

Not all individual factors will exist in any certain situation and nothing in this Procedure is intended to or shall require the consideration of any particular factor.

- 6. Referral for Criminal Prosecution.** The District is committed to providing a safe and productive learning environment. A standardized approach has been developed to deal with students who engage in school-based misconduct that is also a misdemeanor or gross misdemeanor offense. Guidelines for Campus Resource Officers have been developed to align practices in response to what criminal offenses result in an arrest by referral or custodial arrest.
- 7. Fundamental Rights.** When administering discipline under this procedure, the school district will not:
- I. 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;
 - II. 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;
 - III. 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;
 - IV. Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or
 - V. Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by the school district without due process of law.
- 8. Language Assistance.** As noted in the Introduction to this procedure, the school district will ensure that all communications (whether oral or written), hearings, recordings, and records

are provided in a language the student and Parent understand, which may require language assistance for a student and Parent with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

D. Specific Rules of Conduct and Standard Range of Action for Behavioral Violations

- 1. Specific Rules of Conduct:** Rules of Conduct are described in the separate Rules of Conduct document. Principal or designee shall confer with certificated staff at least once per year to develop and/or review Rules of Conduct to be used in each school.

In addition to the Rules of Conduct referenced above, principal or designee will also annually publish and make available to students, parents and staff Rules of Conduct for their individual schools, and written procedures for administering Restorative Practices or Discipline. Pursuant to the Drug-Free Schools and Communities Act (Amendments of 1989), students and parents will be given annual notice of the standard of conduct the district requires regarding controlled substance and alcohol use, and a statement of the Discipline for violations of that standard.

- 2. Range of Action and Use of Professional Judgment:** For violations of each rule of conduct listed in the Rules of Conduct, there is a range of actions that may be taken by school administrators, including a wide variety of Restorative Practices and/or Discipline. This Procedure contemplates that school administrators will use their professional judgment along with Individual Factors. The administrator's judgment will consider and balance the duty to maintain order and discipline for a safe school environment, the appropriate action needed to address the student's misconduct, and each student's' long-term educational success.
- 3. Special Education and Section 504:** This Procedure will be read in conjunction with Policy and Procedure 2160 and 2161 with regard to students who are eligible for special education services or who qualify under Section 504.

E. Other Forms of Discipline – Conditions and Procedures

- 1. Other Forms of Discipline.** As a general rule, school personnel should administer or consider Other Forms of Discipline before administering Classroom Exclusions, Suspensions, or Expulsions.
- 2. Examples of Other Forms of Discipline.** Administering Other Forms of Discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035 and available on the Office of Superintendent of Public Instruction's website. Some examples include, but are not limited to, oral or written reprimands, lunch detention, exclusion from after-school and extracurricular activities, removal or citations from district transportation (Section L, below), mediation, after-school detention, in-school interventions, alternative placements, and/or Saturday school.
- 3. Grievance Process.** Any Parent or student who disagrees with the imposition of Other Forms of Discipline will have the right to an informal conference with the principal or designee. At that conference, the student may share the student's perspective and explanation regarding the Behavioral Violation. After the informal conference, the principal or designee will make a final, non-appealable decision regarding the imposition of Other Forms of Discipline.
- 4. School Meals.** The district will not administer any Discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

F. Classroom Exclusions – Conditions and Procedures

- 1. Authority to Administer Classroom Exclusions.** The following personnel may administer a Classroom Exclusion:
 - I. *Teacher Authority.* A teacher may exclude a student from the teacher's classroom or instructional or activity area for Behavioral Violations that disrupt the educational process while the student is under the teacher's immediate supervision.
 - II. *Other School Personnel Authority.* A principal may authorize other school personnel to exclude a student from a classroom or instructional or activity area for Behavioral Violations of the district's discipline policy.
- 2. Prior Use of Other Forms of Discipline.** The teacher or other school personnel will 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 danger to other students or school personnel, or an immediate and continuing threat of material and substantial Disruption of the Educational Process.
- 3. Limitations on Classroom Exclusion.**
 - I. *Duration of Classroom Exclusion.* A Classroom Exclusion may be administered for all or any portion of the balance of the School Day in which the student was excluded from the student's classroom or instructional or activity area. If a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the School Day, the school district will provide notice and due process for a Suspension, Expulsion, or Emergency Expulsion.
 - II. *Removal from School.* A student may not be removed from school during a Classroom Exclusion unless the school district provides notice and due process for a Suspension, Expulsion, or Emergency Expulsion.
 - III. *Assignments and Tests.* The school district will provide the student an opportunity to make up any assignments and tests missed during the Classroom Exclusion.
- 4. Notice Requirements.** Following a Classroom Exclusion:
 - I. *Notice to Principal.* The teacher or other school personnel will report the Classroom Exclusion, including the Behavioral Violation that led to the Classroom Exclusion, to the principal or designee as soon as reasonably possible.
 - II. *Notice to Parent.* The teacher, principal, or designee will notify the student's Parent regarding the Classroom Exclusion as soon as reasonably possible.
 - III. *Emergency Circumstances.* When a teacher or school personnel administers a Classroom Exclusion on the grounds that the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial Disruption of the Educational Process:
 - a. The teacher or other school personnel will immediately notify the principal or designee; and

- b. The principal or designee will meet with the student as soon as reasonably possible and administer appropriate Discipline.
5. **Grievance Process.** Any Parent or student who disagrees with the imposition of a Classroom Exclusion will have the right to an informal conference with the principal or designee. At that conference, the student may share the student's perspective and explanation regarding the Behavioral Violation. After the informal conference, the principal or designee will make a final, non–appealable decision regarding the imposition of a Classroom Exclusion.

G. Suspensions – Conditions and Procedures

1. **General Conditions.** The school district adheres to the following general conditions when administering Suspensions:
 - I. *Parent Involvement.* The school district will provide for early involvement of Parent in efforts to support students in meeting Behavioral Expectations, and will make every reasonable attempt to involve the student and Parent in the resolution of Behavioral Violations.
 - II. *Considerations.* Before administering any Suspension, the school district will consider the student's individual circumstances and the nature and circumstances of the Behavioral Violation to determine whether the Suspension, and the length of the exclusion, is warranted.
 - III. *Completing Academic Requirements.* The school district will not suspend the provision of educational services to a student in response to Behavioral Violations, or administer Discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.
 - IV. *Opportunity to Receive Educational Services.* The school district will provide an opportunity for students to receive educational services during a Suspension.
 - V. *Reporting.* The principal or designee will report all Suspensions, and the Behavioral Violation that led to each Suspension, to the school district superintendent or designee within twenty-four hours after the administration of the Suspension.
 - VI. *Reentry.* After Suspending a student, the school district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible and allow the student to petition for readmission at anytime.
 - VII. *Absences and Tardiness.* The school district will not suspend a student from school for absences or tardiness.
 - VIII. *Access to School District Property.* When administering a Suspension, the school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.
 - IX. *End Date.* A Suspension may not be for an indefinite period of time and will have an end date. If the school district enrolls a student in another program or course of study during a Suspension, the district may not preclude the student from returning to the student's regular educational setting following the end date of the Suspension, unless:
 - a. The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810 (exclusion for protection of a victim); or

- b. The student is otherwise precluded under law from returning to the student's regular educational setting.

2. In-School and Short-Term Suspensions

- I. *Other Forms of Discipline.* Before administering a Short-Term or In-School Suspension, school personnel will first attempt one or more Other Forms of Discipline to support the student in meeting behavioral expectations.
- II. *Length of Exclusion.* The school district will not administer a Short-Term or In-School Suspension beyond the school year in which the Behavioral Violation occurred.
- III. *Grade-Level Limitations.*
 - a. The school district will not administer a Short-Term or In-School Suspension for a student in kindergarten through fourth grade for more than ten (10) cumulative School Days during any single semester; and
 - b. The school district will not administer a Short-Term or In-School Suspension for a student in grades five (5) through twelve (12) for more than fifteen (15) cumulative School Days during any single semester.
- IV. *School Personnel.* When administering an In-School Suspension, school personnel will ensure that they:
 - a. Are physically in the same location as the student to provide direct supervision during the duration of the in-school Suspension; and
 - b. Are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.

3. Long-Term Suspensions

- I. *Other Forms of Discipline.* Before administering a Long-Term Suspension, school personnel will consider one or more Other Forms of Discipline to support the student in meeting behavioral expectations.
- II. *Required Consulting with Superintendent/Designee.* The building principal or designee should consult with the superintendent or designee prior to administering a Long-Term Suspension.
- III. *Limitations.* The school district will only administer a Long-Term Suspension:
 - a. For Non-Discretionary Discipline offenses; and
 - b. After the school district has determined that, if the student returned to school before completing a Long-Term Suspension:
 - i. The student would pose an imminent danger to students or school personnel; or
 - ii. The student would pose an imminent threat of material and substantial Disruption of the Educational Process.

- IV. *Length of Exclusion.* A Long-Term Suspension may not exceed 90 school days. The school district will not administer a Long-Term Suspension beyond the school year in which the Behavioral Violation occurred.
- V. *Grade-Level Limitations.* Except for a violation of WAC 392-400-820 (firearm violation), the school district will not administer a Long-Term Suspension for any student in kindergarten through fourth grade.

4. Notice and Grievance Process

I. Initial Hearing with Student.

- a. Informal Hearing. Before administering any Suspension, the principal or designee will conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee will provide the student with:
 - i. Notice of the student's violation of the school district's discipline policy;
 - ii. An explanation of the evidence regarding the Behavioral Violation;
 - iii. An explanation of the Discipline that may be administered; and
 - iv. An opportunity for the student to share the student's perspective and provide explanation regarding the Behavioral Violation.
- b. Parent Participation for Short-Term and In-School Suspensions. At an initial hearing in which the principal or designee is considering administering a Short-Term or In-School Suspension, the principal or designee will provide the student an opportunity for the student to contact the student's Parent.
- c. Parent Participation for Long-Term Suspensions. At an initial hearing in which the principal or designee is considering administering a Long-Term Suspension, the principal or designee will make a reasonable attempt to contact the student's Parent to provide an opportunity for Parent to participate in the initial hearing in person or by telephone.
- d. Administrative Decision. Following the initial hearing, the principal or designee will inform the student of the decision regarding the Behavioral Violation, including the date on which any Suspension will begin and end.

II. Notice to Student and Parent.

- a. Initial Notice. Before administering any Suspension, the school district will attempt to notify the student's Parent, as soon as reasonably possible, regarding the Behavioral Violation.
- b. Written Notice. No later than one (1) School Business Day following the initial hearing with the student, the school district will provide written notice of the Suspension to the student and Parent in person, by mail, or by email. The written notice will include:
 - i. A description of the student's behavior and how the behavior violated the school district's policy;

- ii. The duration and conditions of the Suspension, including the dates on which the Suspension will begin and end;
- iii. The Other Forms of Discipline that the school district considered or attempted, and an explanation of the district's decision to administer the Suspension.
- iv. The opportunity to receive educational services during the Suspension;
- v. The student's and Parent's right to an informal conference with the principal or designee;
- vi. The student's and Parent's right to appeal the Suspension, including where and to whom the appeal will be requested; and
- vii. For a Long-Term Suspension, the opportunity for the student and Parent to participate in a reengagement meeting.

III. Optional Conference with Principal.

- a. Requesting a Conference. If the student or Parent disagree with the school district's decision to suspend the student, the student or Parent may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- b. Time Limit. The principal or designee will hold the conference within three (3) School Business Days after receiving the request, unless otherwise agreed to by the student and Parent.
- c. Conference. During the informal conference, the principal or designee will provide the student and Parent the opportunity to:
 - i. Share the student's perspective and explanation regarding the Behavioral Violation;
 - ii. Confer with the principal or designee and school personnel involved in the incident that led to the Suspension; and
 - iii. Discuss other forms of Discipline that may be administered.
- d. Right to Appeal. The informal conference does not limit a student's or Parent's right to appeal the Suspension, participate in a reengagement meeting, or petition for readmission.

IV. Appeal from In-School and Short-Term Suspensions.

- a. Requesting an Appeal. A student or Parent may appeal a Suspension to the school district superintendent or designee orally or in writing.
- b. Time Limit. A student's or Parent's appeal must be received by the school district no later than five (5) School Business Days from the date the school district provided the student or Parent with written notice of the Suspension.
- c. Appeal. The superintendent or designee will provide the student and Parent the

opportunity to share the student's perspective and explanation regarding the Behavioral Violation orally or in writing.

- d. Appeal decision. The superintendent or designee will deliver a written appeal decision to the student and Parent in person, by mail, or by email within two (2) School Business Days after receiving the appeal. The written decision will include:
 - i. The decision to affirm, reverse, or modify the Suspension;
 - ii. The duration and conditions of the Suspension, including the dates on which the Suspension will begin and end;
 - iii. The educational services the school district will offer to the student during the Suspension; and
 - iv. Notice of the student's and Parent's right to request review and reconsideration of the appeal decision, including where and to whom to make the request.

V. *Appeal from Long-Term Suspensions.*

- a. Requesting an Appeal. A student or Parent may appeal a Suspension to the school district superintendent or designee orally or in writing.
- b. Time Limit. A student's or Parent's appeal must be received by the school district no later than five (5) School Business Days from the date the school district provided the student or Parent with written notice of the Suspension.
- c. Notice. Within one (1) School Business Day after receiving the appeal request, unless otherwise agreed to by the student and Parent, the superintendent or designee will provide the student and Parent written notice in person, by mail, or by email of:
 - i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and Parent's rights to inspect the student's education records;
 - iv. The student's and Parent's rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
 - v. The student's and Parent's rights under (i) of this subsection; and
 - vi. Whether the school district will offer to hold a reengagement meeting before the appeal hearing.
- d. Reengagement. Before the appeal hearing, the student, Parent, and school district may agree to hold a reengagement meeting and develop a reengagement plan (see Section G(4)(VII), below). The student, Parent, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.
- e. Status Quo Pending Appeal. If the student or Parent request an appeal, the school district may temporarily continue to administer the Suspension during the appeal period subject to the following requirements:

- i. The school district may temporarily continue to administer the Suspension for no more than ten (10) consecutive School Days from the initial hearing or until the appeal is decided, whichever is earlier;
 - ii. Any days that the student is temporarily suspended before the appeal is decided will be applied to the term of the student's Suspension and may not extend the term of the student's Suspension;
 - iii. If the student who is temporarily suspended returns to school before the appeal is decided under this section, the school district will provide the student an opportunity to make up assignments and tests missed during the Suspension upon the student's return.
- f. Appeal Hearing. The school district will hold an appeal hearing within three (3) School Business Days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or Parent.
- g. Presiding Officials. The School Board may designate the superintendent, a hearing officer, or a discipline appeal council, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's Behavioral Violation or decision to suspend or expel the student and will be knowledgeable about the rules in this Procedure and of the school district's discipline policy.
- h. Evidence and Witnesses.
 - i. Upon request, the student, Parent, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or Parent will make the information available as soon as reasonably possible, but no later than the end of the School Business Day before the appeal hearing.
 - ii. Upon request, the student and Parent may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the School Business Day before the appeal hearing.
 - iii. If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
 - (1) The district made a reasonable effort to produce the witness; and
 - (2) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- i. Student and Parent rights. During the appeal hearing, the student and Parent have the right to:
 - i. Be represented by legal counsel;
 - ii. Question witnesses;
 - iii. Share the student's perspective and provide explanation regarding the Behavioral Violation; and

- iv. Introduce relevant documentary, physical, or testimonial evidence.
- j. Recording of Hearing. The appeal hearing will be recorded by manual, electronic, or other type of recording device. The school district will provide the recording to the student or Parent upon request.
- k. Appeal Decision. The presiding official(s) will base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and Parent in person, by mail, or by email within three (3) School Business Days after the appeal hearing. The written decision will include:
 - i. The findings of fact;
 - ii. A determination whether:
 - (1) The student's behavior violated the school district's discipline policy;
 - (2) The Behavioral Violation reasonably warrants the Suspension and the length of the Suspension; and
 - (3) The Suspension is affirmed, reversed, or modified;
 - iii. The duration and conditions of the Suspension, including the dates on which the Suspension will begin and end;
 - iv. Notice of the student's and Parent's right to request review and reconsideration of the appeal decision, including where and to whom to make the request; and
 - v. Notice of the opportunity to participate in a reengagement meeting and the contact information for the person who will coordinate scheduling of the reengagement meeting.

VI. Review and Reconsideration of Appeal Decision (All Suspension Categories).

- a. Requesting Review. The student or Parent may request that the School Board or discipline appeal council review and reconsider the school district's appeal decision. The student or Parent may request the review orally or in writing.
- b. Time Limit. A student's or Parent's request for review must be received by the school district no later than ten (10) School Business Days from the date the school district provided the student or Parent with the written appeal decision.
- c. Review Procedure.
 - i. In reviewing the school district's decision, the School Board or discipline appeal council will consider all documentary and physical evidence related to the Behavioral Violation, any records from the appeal, relevant state law, and the school district's discipline policy.
 - ii. The School Board or discipline appeal council may request to meet with the student or Parent, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

- iii. The decision of the School Board or discipline appeal council will be made only by board or council members who were not involved in the Behavioral Violation, the decision to suspend the student, or the appeal decision. If the discipline appeal council presided over the appeal, the decision will be made by the School Board.
- d. Decision. The School Board or discipline appeal council will provide a written decision to the student and Parent in person, by mail, or by email within ten (10) School Business Days after receiving the request for review and reconsideration. The written decision will identify:
 - i. Whether the School Board or discipline appeal council affirms, reverses, or modifies the Suspension;
 - ii. The duration and conditions of the Suspension, including the dates on which the Suspension will begin and end; and
 - iii. For Long-Term Suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

VII. Reengagement Meeting and Plan

- a. Reengagement Meeting. When the school district administers a Long-Term Suspension, the district will convene a reengagement meeting with the student and Parent to discuss a plan to reengage the student. Before convening a reengagement meeting, the school district will communicate with the student and Parent to schedule the meeting time and location. The reengagement meeting will occur:
 - i. Within twenty calendar days of the start of the student's Long-Term Suspension, but no later than five (5) calendar days before the student returns to school; or
 - ii. As soon as reasonably possible, if the student or Parent request a prompt reengagement meeting.
- b. Reengagement Plan. The school district will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district will consider:
 - i. The nature and circumstances of the incident that led to the student's Suspension;
 - ii. As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
 - iii. Shortening the length of time that the student is suspended;
 - iv. Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
 - v. Supporting the student, Parent, or school personnel in taking action to remedy the circumstances that resulted in the Suspension and preventing similar circumstances from recurring.

- c. Documentation. The school district will document the reengagement plan and provide a copy of the plan to the student and Parent.
- d. Student and Parent Rights. Reengagement meetings do not replace an appeal hearing or a petition for readmission.

VIII. Petition for Readmission

- a. General. Any student who has been suspended may apply for readmission at any time. If a student desires to be readmitted to the school from which he/she has been suspended, the student will submit a written application to the principal/designee, 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:
 - i. Reasons the student wants to return and why the request should be considered;
 - ii. Evidence which supports the request; and
 - iii. A supporting statement from the Parent or others who may have assisted the student.
- b. Decision. The principal/designee or superintendent/designee, depending on the content of the petition, will inform the student and Parent, either orally or in writing, of the decision within seven (7) School Days of the receipt of such application.
- c. Non–Appealable. A petition for readmission does not carry separate due process rights, and the decision cannot be appealed.

H. Expulsions

- 1. **General Conditions**. The school district adheres to the following general conditions when administering Expulsions:
 - I. *Parent Involvement*. The school district will provide for early involvement of Parent in efforts to support students in meeting Behavioral Expectations, and will make every reasonable attempt to involve the student and Parent in the resolution of Behavioral Violations.
 - II. *Considerations*. Before administering any Expulsion, the school district will consider the student's individual circumstances and the nature and circumstances of the Behavioral Violation to determine whether the Expulsion, and the length of the exclusion, is warranted.
 - III. *Completing Academic Requirements*. The school district will not suspend the provision of educational services to a student in response to Behavioral Violations, or administer Discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.
 - IV. *Opportunity to Receive Educational Services*. The school district will provide an opportunity for students to receive educational services during an Expulsion.

- V. *Reporting*. The principal or designee will report all Expulsions, and the Behavioral Violation that led to each Expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the Expulsion.
- VI. *Reentry*. After expelling a student, the school district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible and allow the student to petition for readmission at any time.
- VII. *Absences and Tardiness*. The school district will not expel a student from school for absences or tardiness.
- VIII. *Access to School District Property*. When administering an Expulsion, the school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.
- IX. *End date*. An Expulsion may not be for an indefinite period of time and will have an end date. If the school district enrolls a student in another program or course of study during an Expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the Expulsion, unless:
 - a. The school district superintendent or designee grants a petition to extend a student's Expulsion;
 - b. The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810 (exclusion for protection of a victim); or
 - c. The student is otherwise precluded under law from returning to the student's regular educational setting.

2. Expulsion

- I. *Other Forms of Discipline*. Before administering an Expulsion, school personnel will consider one or more Other Forms of Discipline to support the student in meeting behavioral expectations.
- II. *Required Consulting with Superintendent/Designee*. The building principal or designee should consult with the superintendent or designee prior to administering an Expulsion.
- III. *Limitations*. The school district will only administer an Expulsion:
 - a. For Non–Discretionary Discipline offenses; and
 - b. After the school district has determined that, if the student returned to school before completing an Expulsion, the student would pose an imminent danger to students or school personnel.
- IV. *Length of Exclusion*. An Expulsion may not exceed the 90 school days, unless the principal or designee petitions the school district superintendent for extension of an expulsion, and the petition is granted.
- V. *Grade-Level Limitations*. Except for violations of WAC 392-400-820 (firearm violations), the school district will not administer an Expulsion for any student in kindergarten through fourth grade.

3. Emergency Expulsion

- I. *Sufficient Cause.* The school district may immediately remove a student from the student's current school placement if school personnel have sufficient cause to believe that the student's presence poses:
 - a. An immediate and continuing danger to other students or school personnel; or
 - b. An immediate and continuing threat of material and substantial Disruption of the Educational Process.
- II. *Determination of Immediate and Continuing Threat of Disruption.* For purposes of this section, an immediate and continuing threat of material and substantial Disruption of the Educational Process means:
 - a. The student's behavior results in an extreme Disruption of the Educational Process that creates a substantial barrier to learning for other students across the School Day; and
 - b. School personnel have exhausted reasonable attempts at administering Other Forms of Discipline to support the student in meeting behavioral expectations.
- III. *Time Limit.* An Emergency Expulsion may not exceed ten (10) consecutive School Days. An Emergency Expulsion will end or be converted to another form of Discipline within ten (10) School Days from the start of the Emergency Expulsion.
- IV. *Conversion.* If the school district converts an Emergency Expulsion to a Suspension or Expulsion, the district will:
 - a. Apply any days that the student was Emergency Expelled before the conversion to the total length of the Suspension or Expulsion; and
 - b. Provide the student and Parent notice and due process.
- V. *Reporting.* All Emergency Expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, will be reported to the district superintendent or designee within twenty-four hours after the start of the Emergency Expulsion.

4. Notice, Grievance, and Reentry Process for non-emergency Expulsions.

- I. *Initial Hearing with Student.*
 - a. Informal Hearing. Before administering any Expulsion, the principal or designee will conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee will provide the student with:
 - i. Notice of the student's violation of the school district's discipline policy;
 - ii. An explanation of the evidence regarding the Behavioral Violation;

- iii. An explanation of the Discipline that may be administered; and
 - iv. An opportunity for the student to share the student's perspective and provide explanation regarding the Behavioral Violation.
- b. Parent Participation. At an initial hearing in which the principal or designee is considering administering an Expulsion, the principal or designee will make a reasonable attempt to contact the student's Parent to provide an opportunity for Parent to participate in the initial hearing in person or by telephone.
- c. Administrative Decision. Following the initial hearing, the principal or designee will inform the student of the decision regarding the Behavioral Violation, including the date on which any Expulsion will begin and end.

II. Notice to Student and Parent.

- a. Initial Notice. Before administering any Expulsion, the school district will attempt to notify the student's Parent, as soon as reasonably possible, regarding the Behavioral Violation.
- b. Written Notice. No later than one (1) School Business Day following the initial hearing with the student, the school district will provide written notice of the Expulsion to the student and Parent in person, by mail, or by email. The written notice will include:
- i. A description of the student's behavior and how the behavior violated the school district's policy;
 - ii. The duration and conditions of the Expulsion, including the dates on which the Expulsion will begin and end;
 - iii. The Other Forms of Discipline that the school district considered or attempted, and an explanation of the district's decision to administer the Expulsion.
 - iv. The opportunity to receive educational services during the Expulsion;
 - v. The student's and Parent's right to an informal conference with the principal or designee;
 - vi. The student's and Parent's right to appeal the Expulsion, including where and to whom the appeal will be requested; and
 - vii. The opportunity for the student and Parent to participate in a reengagement meeting.

III. Optional Conference with Principal.

- a. Requesting a Conference. If the student or Parent disagree with the school district's decision to expel the student, the student or Parent may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- b. Time Limit. The principal or designee will hold the conference within three (3) School Business Days after receiving the request, unless otherwise agreed to by the student and Parent.

- c. Conference. During the informal conference, the principal or designee will provide the student and Parent the opportunity to:
 - i. Share the student's perspective and explanation regarding the Behavioral Violation;
 - ii. Confer with the principal or designee and school personnel involved in the incident that led to the Expulsion; and
 - iii. Discuss other forms of Discipline that may be administered.
- d. Right to Appeal. The informal conference does not limit a student's or Parent's right to appeal the Expulsion, participate in a reengagement meeting, or petition for readmission.

IV. Appeal from Expulsion.

- a. Requesting an Appeal. A student or Parent may appeal an Expulsion to the school district superintendent or designee orally or in writing.
- b. Time Limit. A student's or Parent's appeal must be received by the school district no later than five (5) School Business Days from the date the school district provided the student or Parent with written notice of the Expulsion.
- c. Notice. Within one (1) School Business Day after receiving the appeal request, unless otherwise agreed to by the student and Parent, the superintendent or designee will provide the student and Parent written notice in person, by mail, or by email of:
 - i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and Parent's rights to inspect the student's education records;
 - iv. The student's and Parent's rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
 - v. The student's and Parent's rights under (i) of this subsection; and
 - vi. Whether the school district will offer to hold a reengagement meeting before the appeal hearing.
- d. Reengagement. Before the appeal hearing, the student, Parent, and school district may agree to hold a reengagement meeting and develop a reengagement plan (see Section H(4)(VI), below). The student, Parent, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.
- e. Status Quo Pending Appeal. If the student or Parent request an appeal, the school district may temporarily continue to administer the Expulsion during the appeal period subject to the following requirements:
 - i. The school district may temporarily continue to administer the Expulsion for no more than ten (10) consecutive School Days from the initial hearing or until the

appeal is decided, whichever is earlier;

- ii. Any days that the student is temporarily expelled before the appeal is decided will be applied to the term of the student's Expulsion and may not extend the term of the student's Expulsion;
 - iii. If the student who is temporarily expelled returns to school before the appeal is decided under this section, the school district will provide the student an opportunity to make up assignments and tests missed during the Expulsion upon the student's return.
- f. Appeal Hearing. The school district will hold an appeal hearing within three (3) School Business Days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or Parent.
- g. Presiding Officials. The School Board may designate the superintendent, a hearing officer, or a discipline appeal council, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's Behavioral Violation or decision to expel the student and will be knowledgeable about the rules in this Procedure and of the school district's discipline policy.
- h. Evidence and Witnesses.
- i. Upon request, the student, Parent, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or Parent will make the information available as soon as reasonably possible, but no later than the end of the School Business Day before the appeal hearing.
 - ii. Upon request, the student and Parent may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the School Business Day before the appeal hearing.
 - iii. If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
 - (1) The district made a reasonable effort to produce the witness; and
 - (2) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- i. Student and Parent rights. During the appeal hearing, the student and Parent have the right to:
- i. Be represented by legal counsel;
 - ii. Question witnesses;
 - iii. Share the student's perspective and provide explanation regarding the Behavioral Violation; and
 - iv. Introduce relevant documentary, physical, or testimonial evidence.

- j. Recording of Hearing. The appeal hearing will be recorded by manual, electronic, or other type of recording device. The school district will provide the recording to the student or Parent upon request.
- k. Appeal Decision. The presiding official(s) will base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and Parent in person, by mail, or by email within three (3) School Business Days after the appeal hearing. The written decision will include:
 - i. The findings of fact;
 - ii. A determination whether:
 - (1) The student's behavior violated the school district's discipline policy;
 - (2) The Behavioral Violation reasonably warrants the Expulsion and the length of the Expulsion; and
 - (3) The Expulsion is affirmed, reversed, or modified;
 - iii. The duration and conditions of the Expulsion, including the dates on which the Expulsion will begin and end;
 - iv. Notice of the student's and Parent's right to request review and reconsideration of the appeal decision, including where and to whom to make the request; and
 - v. Notice of the opportunity to participate in a reengagement meeting and the contact information for the person who will coordinate scheduling of the reengagement meeting.

V. *Review and Reconsideration of Expulsion Appeal Decision.*

- a. Requesting Review. The student or Parent may request that the School Board or discipline appeal council review and reconsider the school district's appeal decision. The student or Parent may request the review orally or in writing.
- b. Time Limit. A student's or Parent's request for review must be received by the school district no later than ten (10) School Business Days from the date the school district provided the student or Parent with the written appeal decision.
- c. Review Procedure.
 - i. In reviewing the school district's decision, the School Board or discipline appeal council will consider all documentary and physical evidence related to the Behavioral Violation, any records from the appeal, relevant state law, and the school district's discipline policy.
 - ii. The School Board or discipline appeal council may request to meet with the student or Parent, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - iii. The decision of the School Board or discipline appeal council will be made only by board or council members who were not involved in the Behavioral Violation,

the decision to expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the decision will be made by the School Board.

- d. Decision. The School Board or discipline appeal council will provide a written decision to the student and Parent in person, by mail, or by email within ten (10) School Business Days after receiving the request for review and reconsideration. The written decision will identify:
 - i. Whether the School Board or discipline appeal council affirms, reverses, or modifies the Expulsion;
 - ii. The duration and conditions of the Expulsion, including the dates on which the Expulsion will begin and end; and
 - iii. Notice of the opportunity to participate in a reengagement meeting.

VI. Reengagement Meeting and Plan

- a. Reengagement Meeting. When the school district administers an Expulsion, the district will convene a reengagement meeting with the student and Parent to discuss a plan to reengage the student. Before convening a reengagement meeting, the school district will communicate with the student and Parent to schedule the meeting time and location. The reengagement meeting will occur:
 - i. Within twenty calendar days of the start of the student's Expulsion, but no later than five (5) calendar days before the student returns to school; or
 - ii. As soon as reasonably possible, if the student or Parent request a prompt reengagement meeting.
- b. Reengagement Plan. The school district will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district will consider:
 - i. The nature and circumstances of the incident that led to the student's Expulsion;
 - ii. As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
 - iii. Shortening the length of time that the student is expelled;
 - iv. Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
 - v. Supporting the student, Parent, or school personnel in taking action to remedy the circumstances that resulted in the Expulsion and preventing similar circumstances from recurring.
- c. Documentation. The school district will document the reengagement plan and provide a copy of the plan to the student and Parent.
- d. Student and Parent Rights. Reengagement meetings do not replace an appeal

hearing or a petition for readmission.

VII. Petition for Readmission

- a. General. Any student who has been expelled may apply for readmission at any time. If a student desires to be readmitted to the school from which he/she has been expelled, the student will submit a written application to the principal/designee, 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:
 - i. Reasons the student wants to return and why the request should be considered;
 - ii. Evidence which supports the request; and
 - iii. A supporting statement from the Parent or others who may have assisted the student.
- b. Decision. The principal/designee or superintendent/designee, depending on the content of the petition, will inform the student and Parent, either orally or in writing, of the decision within seven (7) School Days of the receipt of such application.
- c. Non–Appealable. A petition for readmission does not carry separate due process rights, and the decision cannot be appealed.

VIII. Petition to Extend Expulsion

- a. Petition. When risk to public health or safety warrants extending a student's Expulsion, the principal or designee may petition the school district superintendent or designee for authorization to exceed the 90-day limitation on an Expulsion. The petition must inform the superintendent or designee of:
 - i. The Behavioral Violation that resulted in the Expulsion and the public health or safety concerns;
 - ii. The student's academic, attendance, and discipline history;
 - iii. Any nonacademic supports and behavioral services the student was offered or received during the Expulsion;
 - iv. The student's academic progress during the Expulsion and the educational services available to the student during the Expulsion;
 - v. The proposed extended length of the Expulsion; and
 - vi. The student's reengagement plan.
- b. Time Limit. The principal or designee may petition to extend an Expulsion only after the development of a reengagement plan and before the end of the Expulsion. For violations of WAC 392-400-820 (firearm violations), the principal or designee may petition to extend an Expulsion at any time.

- c. Notice. The school district will provide written notice of the petition to the student and Parent in person, by mail, or by email within one (1) School Business Day from the date the superintendent or designee received the petition. The written notice will include:
 - i. A copy of the petition;
 - ii. The student's and Parent's right to an informal conference with the school district superintendent or designee to be held within five (5) School Business Days from the date the district provided written notice to the student and Parent; and
 - iii. The student's and Parent's right to respond to the petition orally or in writing to the school district superintendent or designee within five (5) School Business Days from the date the district provided written notice.

- d. Written Decision. The school district superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after 90 school days, the student would pose a risk to public health or safety. The school district superintendent or designee must deliver a written decision to the principal, the student, and the student's Parent in person, by mail, or by email within ten (10) School Business Days after receiving the petition.
 - i. If the petition is granted, the written decision must include:
 - (1) The date on which the extended Expulsion will end;
 - (2) The reason that, if the student were to return before the initial Expulsion end date, the student would pose a risk to public health or safety; and
 - (3) Notice of the student's or Parent's right to request review and reconsideration of the appeal decision under subsection (e) of this section, including where and to whom to make the request.
 - ii. If the petition is not granted, the written decision must identify the date on which the Expulsion will end.

- e. Review and Reconsideration.
 - i. Requesting review. The students or Parent may request that the School Board or discipline appeal council review and reconsider the decision to extend the student's Expulsion. The student or Parent may request the review orally or in writing.
 - ii. Time limit. A student's or Parent's request must be received by the school district no later than ten (10) School Business Days from the date the school district provided the student or Parent with the written decision under subsection (d), above.
 - iii. Review procedure.
 - (1) The School Board or discipline appeal council may request to meet with the student or Parent or the principal to hear further arguments and gather additional information.

- (2) The decision of the School Board or discipline appeal council may be made only by board or council members who were not involved in the Behavioral Violation, the decision to expel the student, or the appeal decision.
- iv. Decision. The School Board or discipline appeal council must provide a written decision to the student and Parent in person, by mail, or by email within ten (10) School Business Days after receiving the request for review and reconsideration. The written decision must identify:
 - (1) Whether the School Board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's Expulsion; and
 - (2) The date on which the extended Expulsion will end.
- f. Duration. Any extension of an Expulsion may not exceed 90 schooldays.
- g. Annual Reporting. The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

5. Notice and Grievance Process for Emergency Expulsions.

I. Notice to Student and Parent.

- a. Initial Notice. After an Emergency Expulsion, the school district will attempt to notify the student's Parent, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial Disruption of the Educational Process.
- b. Written Notice. Within twenty-four (24) hours after an Emergency Expulsion, the school district will provide written notice of the Emergency Expulsion to the student and Parent in person, by mail, or by email. The written notice will include:
 - i. The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial Disruption of the Educational Process;
 - ii. The duration and conditions of the Emergency Expulsion, including the dates on which the Emergency Expulsion will begin and end;
 - iii. The opportunity to receive educational services during the Emergency Expulsion;
 - iv. The student's and Parent's right to an informal conference with the principal or designee; and
 - v. The student's and Parent's right to appeal the Emergency Expulsion, including where and to whom the appeal will be requested.

II. Optional Conference with Principal.

- a. Requesting a Conference. If the student or Parent disagree with the school district's decision to administer an Emergency Expulsion, the student or Parent may request

an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

- b. Time Limit. The principal or designee will hold the conference within three (3) School Business Days after receiving the request, unless otherwise agreed to by the student and Parent.
- c. Conference. During the informal conference, the principal or designee will provide the student and Parent the opportunity to share the student's perspective and explanation regarding the events that led to the Emergency Expulsion.
- d. Right to Appeal. The informal conference does not limit a student's or Parent's right to appeal the Emergency Expulsion.

III. Appeal from Emergency Expulsion.

- a. Requesting an Appeal. A student or Parent may appeal an Emergency Expulsion to the school district superintendent or designee orally or in writing.
- b. Time Limit. A student's or Parent's appeal must be received by the school district no later than three (3) School Business Days from the date the school district provided the student or Parent with written notice of the Expulsion.
- c. Notice. Within one (1) School Business Day after receiving the appeal request, unless otherwise agreed to by the student and Parent, the superintendent or designee will provide the student and Parent written notice in person, by mail, or by email of:
 - i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and Parent's rights to inspect the student's education records;
 - iv. The student's and Parent's rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing; and
 - v. The student's and Parent's rights under (g) of this subsection.
- d. Appeal Hearing. The school district will hold an appeal hearing as soon as reasonably possible, but no later than two (2) School Business Days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or Parent.
- e. Presiding Officials. The School Board may designate the superintendent, a hearing officer, or a discipline appeal council, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's Behavioral Violation or decision to emergency expel the student and will be knowledgeable about the rules in this Procedure and of the school district's discipline policy.
- f. Evidence and Witnesses.
 - i. Upon request, the student, Parent, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or Parent will make

the information available as soon as reasonably possible, but no later than the end of the School Business Day before the appeal hearing.

- ii. Upon request, the student and Parent may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the School Business Day before the appeal hearing.
 - iii. If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
 - (1) The district made a reasonable effort to produce the witness; and
 - (2) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- g. Student and Parent rights. During the appeal hearing, the student and Parent have the right to:
- i. Be represented by legal counsel;
 - ii. Question witnesses;
 - iii. Share the student's perspective and provide explanation regarding the Behavioral Violation; and
 - iv. Introduce relevant documentary, physical, or testimonial evidence.
- h. Recording of Hearing. The appeal hearing will be recorded by manual, electronic, or other type of recording device. The school district will provide the recording to the student or Parent upon request.
- i. Appeal Decision. The school district will provide a written decision to the student and parents in person, by mail, or by email within one (1) School Business Day after the appeal hearing. The written decision will include:
- i. The findings of fact;
 - ii. A determination of whether the student's presence continues to pose:
 - (1) An immediate and continuing danger to students or school personnel; or
 - (2) An immediate and continuing threat of material and substantial disruption of the educational process.
 - iii. Whether the school district will end the Emergency Expulsion or convert the Emergency Expulsion to a Suspension or Expulsion. If the school district converts the Emergency Expulsion to a Suspension or Expulsion, the district will provide the student and parents notice and due process; and
 - iv. Notice of the student's and Parent's right to request review and reconsideration of the appeal decision, including where and to whom to make the request.

IV. Review and Reconsideration of Appeal Decision.

- a. Requesting Review. The student or Parent may request that the School Board or discipline appeal council review and reconsider the school district's appeal decision. The student or Parent may request the review orally or in writing.
- b. Time Limit. A student's or Parent's request for review must be received by the school district no later than five (5) School Business Days from the date the school district provided the student or Parent with the written appeal decision.
- c. Review Procedure.
 - i. In reviewing the school district's decision, the School Board or discipline appeal council will consider all documentary and physical evidence related to the Behavioral Violation, any records from the appeal, relevant state law, and the school district's discipline policy.
 - ii. The School Board or discipline appeal council may request to meet with the student or Parent, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - iii. The decision of the School Board or discipline appeal council will be made only by board or council members who were not involved in the events that led to the Emergency Expulsion, the decision to emergency expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the decision will be made by the School Board.
- d. Decision. The School Board or discipline appeal council will provide a written decision to the student and Parent in person, by mail, or by email within five (5) School Business Days after receiving the request for review and reconsideration. The written decision will identify:
 - i. Whether the School Board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:
 - (1) An immediate and continuing danger to students or school personnel; or
 - (2) An immediate and continuing threat of material and substantial Disruption of the Educational Process.
 - ii. If the Emergency Expulsion has not yet ended or been converted, whether the school district will end the Emergency Expulsion or convert the Emergency Expulsion to a Suspension or Expulsion. If the school district converts the Emergency Expulsion to a Suspension or Expulsion, the district will provide the student and Parent notice and due process.

I. Educational Services During Disciplinary Exclusions

1. Educational Services, Generally.

- I. The school district will not suspend the provision of educational services to a student in response to Behavioral Violations.
- II. During the Suspension, Expulsion, or Emergency Expulsion of a student, the school

district will provide the student the opportunity to receive educational services. The educational services will enable the student to:

- a. Continue to participate in the general education curriculum;
- b. Meet the educational standards established within the district; and
- c. Complete subject, grade-level, and graduation requirements.

III. When providing a student the opportunity to receive educational services under this section, the school district will consider:

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

IV. The school district may provide educational services to the student in an alternative setting. An alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received without the exclusionary Discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

2. Notice. As soon as reasonably possible after administering a Suspension or Expulsion, the school district will provide written notice to the student and parents about the educational services the district will provide. The school district will provide the written notice in person, by mail, or by email. The notice will include:

- I. A description of the educational services that will be provided; and
- II. The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section.

3. Exclusions for Up to Five Days. For students subject to Suspension or Emergency Expulsion for up to five (5) consecutive School Days, the school district will provide at least the following:

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

4. Exclusions for Six to Ten Days. For students subject to Suspension or Emergency Expulsion for six (6) to ten (10) consecutive School Days, the school district will provide at

least the following:

- I. Course work, including any assigned homework, from all of the student's regular subjects or classes;
 - II. Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three (1) School Business Days following the start of the Suspension or Emergency Expulsion and periodically thereafter until the Suspension or Emergency Expulsion ends to:
 - a. Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and
 - b. Communicate with the student, Parent, and the student's teacher(s) about the student's academic progress.
 - III. An opportunity for the student to make up any assignments and tests missed during the period of Suspension or emergency expulsion.
- 5. Long-Term Suspensions and Expulsions.** For students subject to Expulsion or Suspension for more than ten (10) consecutive School Days, the school district will provide educational services in the form of a 'course of study' as defined in WAC 392-121-107. Course of Study includes:
- I. Instruction - Teaching/learning experiences conducted by school district staff as directed by the administration and the board of directors, or teaching/learning experiences conducted by charter school staff as directed by the charter school administration and charter School Board, inclusive of intermissions for class changes, recess and teacher/Parent-guardian conferences that are planned and scheduled by the district or charter school for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.
 - II. Alternative learning experience program.
 - III. One-on-one tutoring
 - IV. On-line learning
 - V. Ancillary service.
 - VI. Work based learning
 - VII. Running start
 - VIII. Transition Program.
 - IX. Technical college enrollment.
 - X. Dropout reengagement program
 - XI. Or other course of study

J. Behavior agreements.

- 1. Authorization.** Pursuant to WAC 392–400–815, the School Board authorizes school officials to enter into behavior agreements pursuant to this Procedure.
- 2. General.** The school district may enter into behavior agreements with students and Parent in response to Behavioral Violations, including agreements to reduce the length of a Suspension conditioned on the participation in treatment services, agreements in lieu of Suspension or Expulsion, or agreements holding a Suspension or Expulsion in abeyance.
- 3. Reengagement Meetings and Educational Services.** Behavior agreements do not waive a student's opportunity to participate in a reengagement meeting or receive educational services.
- 4. Duration.** The duration of behavior agreements will not exceed 90 school days.
- 5. Subsequent Behavioral Violations.** Nothing in this section precludes the school district from administering Discipline for Behavioral Violations that occur after the district enters into an agreement with the student and Parent.

K. Comparison Chart.

The chart on the following page is intended as a guide to help compare Classroom Exclusions, Suspensions, and Expulsions.

Comparison Chart

| | Classroom Exclusion | Short Term or In-School Suspension | Long Term Suspension | Expulsion | Emergency Expulsion |
|--------------------------------------|--|--|---|--|---|
| Duration | <ul style="list-style-type: none"> Up to the remainder of the school day. | <ul style="list-style-type: none"> 10 consecutive school days or less. | <ul style="list-style-type: none"> More than 10 consecutive school days (up to 90 school days.) Can't extend beyond school year. | <ul style="list-style-type: none"> More than 10 consecutive school days (up to 90 school days.) Can extend beyond current school year. | <ul style="list-style-type: none"> Must end or be converted within 10 school days. |
| Grade Limitations | <ul style="list-style-type: none"> No limitations. | <ul style="list-style-type: none"> Grades K-4: No more than 10 cumulative school days per trimester or semester. Grades 5-12: No more than 10 cumulative days per trimester or 15 cumulative school days per semester. | <ul style="list-style-type: none"> Not available for K-4. | <ul style="list-style-type: none"> Not available for K-4 (unless firearm offense.) | <ul style="list-style-type: none"> No limitations. |
| Pre-Conditions | <ul style="list-style-type: none"> Must attempt other form(s) of discipline unless student's presence poses and immediate & continuing danger or risk of substantial disruption. Must identify violation from Rules of Conduct in 3240P. | <ul style="list-style-type: none"> Must consider individual circumstances. Must attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Must identify violation from Rules of Conduct in 3240P. Conduct Informal Initial Hearing ("IIH"). At IIH, student must be notified of behavioral violation, evidence of violation, discipline that may be administered, and given opportunity to share perspective and provide explanation for violation. At IIH, must give <i>student</i> opportunity to notify parent. Attempt parent notice and then impose suspension. | <ul style="list-style-type: none"> Must consider individual circumstances. Must consider other forms of discipline to support the student in meeting behavioral expectations. Must identify violation from Rules of Conduct in 3240P. Conduct Informal Initial Hearing ("IIH"). At IIH, student must be notified of behavioral violation, evidence of violation, discipline that may be administered, and given opportunity to share perspective and provide explanation for violation. At IIH, <i>principal/designee</i> must make reasonable attempt to contact parent and provide opportunity to participate. Attempt parent notice and then impose suspension/expulsion. | <ul style="list-style-type: none"> Student behavior poses either: (a) an immediate and continuing danger; or (b) an immediate and continuing threat of substantial disruption. Need not identify a violation from Rules of Conduct in 3240P.. Note: For emergency expulsions, "substantial disruption" means "the student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day and school personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations." | |
| Post Conditions | <ul style="list-style-type: none"> Parent/Principal notice as soon as reasonably possible. Immediate notice to principal when student poses immediate and continuing danger or risk of substantial disruption (and principal/designee must meet as soon as reasonably possible to impose discipline.) Give student a chance to share their perspective and explain. Let student make up tests and assignments. | <ul style="list-style-type: none"> Report to Superintendent/Designee within 24 hours. Right to Informal Conference with principal/designee within 3 days of request. Student has 5 school business days to appeal orally or in writing. Written notice of suspension required within one school day of Informal Initial Hearing. Issue the written in-school or short-term suspension notice within 1 day of the IIH. Allowed to apply for readmission. Right to appeal to school board within ten days of initial appeal being decided. | <ul style="list-style-type: none"> Report to Superintendent/Designee within 24 hours. Right to Informal Conference with Principal/designee w/in 3 days of request. Allowed to apply for readmission. Student has 5 school business days to appeal orally or in writing. (If student does appeal, written notice of appeal hearing must be provided to student/parent within 1 day.) Written notice of suspension or expulsion required within 1 school day of IIH. Allowed to apply for readmission. Right to appeal to school board within ten days of appeal being decided. | <ul style="list-style-type: none"> Attempt to notify parents as soon as reasonably possible and provide reason the student's presence posed risk of danger/disruption. Written notice to parents within 24 hours. Notify Superintendent within 24 hours and provide reason the student's presence posed risk of danger/disruption. Optional Informal Conference w/in 3 days of request. Allow for appeal to superintendent (and later appeal to school board.) If converted to suspension or expulsion, must provide new notice and due process rights. | |
| Petition to Extend | <ul style="list-style-type: none"> Not Available. | <ul style="list-style-type: none"> Not available. | <ul style="list-style-type: none"> Not available. | <ul style="list-style-type: none"> Available. | <ul style="list-style-type: none"> Not available. |
| Reengagement Meeting and Plan | <ul style="list-style-type: none"> N/A | <ul style="list-style-type: none"> Not Required. | <ul style="list-style-type: none"> Required within 20 calendar days of expulsion, and within 5 days of return to school. (However, meeting must take promptly upon parent/student request.) | | <ul style="list-style-type: none"> Not Required. |

L. District Transportation

1. **General Rules.** Students who violate Rules of Conduct while participating in school transportation may be subjected to Restorative Practices and Discipline. In addition, such transportation-related violations will be subject to the specific procedures of this Section.

As a general rule, drivers will use interventions before issuing citations to students. After a third intervention, a Citation 1 will be issued by the driver as described below.

In cases of more severe behavior, a citation may be issued or other Discipline taken without three prior interventions. Any time a driver deems it necessary, the driver may stop the bus and request of dispatch a response by a school district security officer and/or the appropriate law enforcement personnel for assistance.

A Student Transportation Referral shall be issued to the student and Parent for misconduct. Examples of the type of behavior warranting a referral include but are not limited to:

- Creating a safety hazard;
- Acting violent, such as fighting;
- Possessing a weapon; or
- Inappropriate touching.

A citation shall be issued to the student and Parent for disruptive and inappropriate conduct. The consequences for disruptive and inappropriate conduct that result in a citation will be integrated into each teacher's class accountability plan. Examples of disruptive and inappropriate conduct include but are not limited to:

- Swearing or disrespectful language
- Threatening other students
- Failing to follow directions
- Taking other's belongings
- Exchanging gifts or other belongings
- Eating on the bus

There may be appropriate classroom incentives for appropriate bus conduct. If bus personnel want to establish an incentive system that is individual to each bus/student, this shall be coordinated with the teachers involved. Bus drivers and paraprofessionals are expected to maintain a professional relationship with students transported at all times. When composing the bus seating chart, all behavior intervention/designed instruction/preschool/ABLE teachers whose students are being transported shall be consulted and approve the seating chart.

Meetings between bus drivers/aides and school officials may be scheduled through the transportation liaison

The transportation contractor may be reimbursed by students/Parent for damage to school buses. Restitution may be considered as an option when appropriate.

2. **Specific Procedure for Issuance of Citations:** The bus driver/contractor office designee shall issue Citations at the time of the violation or as soon as reasonably possible. The Citation will be delivered to the contractor's Operation Dept. The Contractor's Field Support Specialist will send the citations by e-mail to the appropriate school.

The school principal/designee is responsible for implementing the appropriate Discipline called for by any Citation as described below. It is also the principal/designee's responsibility to communicate with the District Transportation Department by email any Discipline taken (i.e., loss of bus ridership, Parent contact).

The contractor's Operation Department shall submit a summary of Citations to the District Transportation Coordinator monthly. The District Transportation Department will consult with the school principal/designee concerning Citations that may warrant loss of bus riding privileges.

The order of Citations is as follows:

Citation 1 -- Warning: Principal or designee will contact the Parent.

Citation 2 -- Loss of riding privileges for 3-5 School Days: Principal/designee will contact the Parent and implement the loss of riding privileges. In lieu of 3-5 day loss of riding privileges, the principal/designee may use a restorative practice (ex: student completes a research paper on bus safety, letter of apology to bus driver, mediation, etc.).

Note: After the student returns, Transportation Intervention Specialist will meet with the student and go over correct busing rules and procedures.

Citation 3 -- Loss of riding privileges for up to 20 School Days: Principal/designee will contact the Parent. In lieu of an up to 20-day loss of riding privileges, principal/designee may choose to hold a meeting with the bus driver, transportation manager, Parent and student to conduct a mediation and complete a formal conduct success plan. At this time, the team may refer the student to Child Study Team for further determinations.

Note: Principal and/or designee and Transportation Manager will meet with the Parent and student regarding student conduct on the bus.

Citation 4 -- Loss of riding privileges for the remainder of the school year: Principal/designee will contact the Parent. Parent may request a reinstatement of bus privileges to the transportation manager at any time, upon the implementation of outside interventions such as medical intervention, counseling and/or other evaluations.

Note: In cases of Non-Discretionary Discipline, a student may be subject to loss of ridership or other immediate action.

3. **Student Obligation to Attend School:** A student who loses bus ridership privileges shall continue to fulfill all school attendance requirements. Parent are responsible for the transportation of their son/daughter to school when the student is prohibited from riding the school bus as a result of disciplinary actions taken under this procedure.
4. **Grievance Procedure:** Citations are considered Other Forms of Discipline. Accordingly, students who wish to grieve transportation-related discipline will be provided with the opportunity to share the student's perspective and explanation regarding the behavioral violation to the principal or designee.
5. **Section 504 and Special Education:** The procedures set forth above will be read in conjunction with Policy and Procedure 2160 and 2161 with regard to students who are eligible for special education services or who qualify under Section 504.

RULES OF CONDUCT

These rules for student conduct have been adopted by the administration and the School Board to protect the health and safety of all and to safeguard the educational mission of the district, school, and student. The district's rules apply to all campuses of the district at all times, to all district or school sponsored activities whether held on school property. These rules also apply to out-of-district programs, including Running Start, etc.

The district believes that when students engage in unwanted behavior(s) Restorative Practices hold the potential to:

- Understand the harm caused by the misconduct
- Identify and respond to the needs of the person harmed and the person who caused harm
- Encourage accountability and responsibility to the school community
- Reintegrate the student who caused harm in the school community
- Foster rich learning opportunities
- Build trust, respect, and relationships
- Establish mutual understanding
- Strengthen school culture
- Increase Parent partnerships
- Promotes equitable input from all stakeholders

Restorative Practices will be considered in all circumstances and could take the form of: (a) alternatives to or interventions in lieu of Discipline; and/or (b) supplemental action taken along with Disciplines.

Restorative Practices are neither required nor appropriate in every student misconduct situation.

Full restitution shall be required for actual damages/injury caused by any misconduct, and school administrators have the authority to impose fines and costs associated with the investigation, clean up etc., as appropriate, in addition to the other sanctions outlined here.

For behaviors that fall within the definition of more than one offense (even if one or more offenses are Discretionary and another or others are Nondiscretionary), school administrators retain the authority to charge whichever offense or offenses the administrator deems most appropriate.

DISCRETIONARY DISCIPLINE OFFENSES

The Rules of Conduct in this section are deemed Discretionary Discipline offenses.

1. Academic dishonesty/plagiarism -- Knowingly submitting the work of others represented as the student's own, cheating, or assisting another student in doing so, or using unauthorized sources.

2. Bullying -- Unwanted behavior (other than conduct that falls within the definition of a Nondiscretionary Discipline offense) that (1) involves a real or perceived power imbalance and is repeated, or has the potential to be repeated, over time; or (2) is a violation of Policy/Procedure 3207 (Harassment, Intimidation or Bullying). See RCW 28A.300.285; WAC 392-190-0555 to 059.

3. Discriminatory Harassment/Discrimination -- Conduct or communication (other than conduct that falls within the definition of a Nondiscretionary Discipline offense) that (1) is intended to be harmful, humiliating, or physically threatening and shows hostility toward a person or persons

based on their real or perceived sex, race, creed, religion, color, national origin, sexual orientation, gender identity, gender expression, veteran or military status, disability, or use of a trained dog guide or service animal; or (2) is a violation of Policy/Procedure 3210 (Nondiscrimination). See RCW 28A.300.285; RCW 28A.642; WAC 392-190-0555 to 059.

4. Disruptive Conduct – Conduct that materially and substantially interferes with the educational process (other than conduct that falls within the definition of a Nondiscretionary Discipline offense), including:

- Profane or obscene conduct or words
- Possession or distribution of inappropriate visual or written materials
- Hazing
- Pulling false alarms or engaging in other similar conduct
- Forgery
- Misuse of social media
- Copyright violations
- Dress code violations
- Bicycle and other transportation safety violations
- Violations of driving/parking rules
- Violations of technology, telecommunication and network use rules
- Verbal or physical aggression.

5. Failure to Cooperate – Failure to comply with or follow reasonable, lawful directions or requests of administrators, teachers, or staff (other than conduct that falls within the definition of a Nondiscretionary Discipline offense), including:

- Non-compliance
- Defiance
- Insubordination
- Disrespect of authority
- Misrepresentation/Lying

6. Illicit Medication: Use, possession, or distribution of any prescription or over-the-counter medication (e.g., aspirin, cough syrups, caffeine pills, nasal sprays) on school grounds or at school sponsored activities (other than use, possession, or distribution that falls within the definition of a Nondiscretionary Discipline offense).

A contract may be developed to allow up to fifty percent (50%) of any Suspension held in abeyance, if the student successfully complies with the terms and conditions of the contract.

7. Fighting without Major Injury -- Participation in an incident involving physical violence, where there is no major injury (other than those that fall within the definition of a Nondiscretionary Discipline offense). (Does not include verbal confrontations, tussles, or other minor confrontations).

A major injury is when one or more students, school personnel, or other persons on school grounds *require professional medical attention*. Examples of major injuries include stab or bullet wounds, concussions, fractured or broken bones, or cuts requiring stitches.

8. Multiple minor accumulated incidents -- Discipline for culmination of multiple minor infractions that both occurred throughout the school year and individually would not rise to the severity of meriting a short-term or long-term Suspension or expulsion.

9. Other Behavior

a. Aiding/Abetting - Any student who encourages or aids and abets others in violating these Rules of Conduct

b. Gambling -- Playing cards, dice, or games of chance for money or other items of value.

c. Gang Activity – Engaging in gang activity as a member of a gang while on school grounds (other than activity that falls within the definition of a Nondiscretionary Discipline offense). "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes. See RCW 28A.600.455.

d. Trespass -- Being in an unauthorized location under school jurisdiction (other than trespass that falls within the definition of a Nondiscretionary Discipline offense).

e. Destruction of Property – Destroying property owned or possessed by another (other than destruction that falls within the definition of a Nondiscretionary Discipline offense). Note: Under RCW 28A.635.060(1), the school district may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the district, a contractor of the district, an employee, or another student until the pupil or the pupil's Parent or guardian has paid for the damages. If a student has been suspended or expelled, the student may not be readmitted until the student or Parent or legal guardian has made payments in full, or until the superintendent directs otherwise. If the property damaged is a school bus owned and operated by the district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or Parent or legal guardian has made payment in full or until directed otherwise by the superintendent.

When the pupil or guardian are unable to pay for the damages, the school district will provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcript of the pupil shall be released. The Parent or guardian of the pupil is liable for damages as otherwise provided by Washington State law.

Possession of another person's or district property, regardless of value, without the person's permission with the intent to deprive the owner of such property. As part of the Discipline, restitution will usually be required.

10. Sexual Harassment -- Conduct or communication (other than activity that falls within the definition of a Nondiscretionary Discipline offense) that is: (1) intended to be sexual in nature, unwelcome by the targeted person(s), and with the potential to deny or limit another student(s) ability to participate in or benefit from a school's education program; or (2) a violation of Policy/Procedure 3205 (Sexual Harassment of Students Prohibited). See RCW 28A.640; WAC 392-190-056-058.

11. Sexually Inappropriate Conduct -- Obscene acts or expressions, whether verbal or non-verbal (other than conduct that falls within the definition of a Nondiscretionary Discipline offense).

12. Theft or Possession of Stolen Property -- Taking or knowingly being in possession of district property or property of others without permission (other than conduct that falls within the definition of a Nondiscretionary Discipline offense).

13. Tobacco/Electronic Smoking Devices -- Possession, use, distribution or sale of tobacco products or the violation of school district tobacco policy, including violation regarding electronic smoking devices.

14. Unexcused Absences or Tardiness – A student may be subject to Discipline for absences or tardiness that are not excused. However, the district will not suspend or expel a student from school for absences or tardiness.

NONDISCRETIONARY DISCIPLINE OFFENSES

The Rules of Conduct in this section are deemed Nondiscretionary Discipline offenses. HB 1541, Section 105(4) – (7); RCW 28A.600.015; WAC 392-400-245; WAC 392-400-260.

1. Alcohol -- A liquor violation under RCW 66.44.270, including possessing, consuming, acquiring, selling, giving, or otherwise supplying liquor.

A contract may be developed to allow up to fifty percent (50%) of any Suspension held in abeyance, if the student successfully complies with the terms and conditions of the contract.

2. Bullying –Behaviors that involve a real or perceived power imbalance and are repeated, or have the potential to be repeated, over time; and that:

(1) Fall within the definition of harassment in RCW 9A.46.020:

“A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

- (i) To cause bodily injury immediately or in the future to the person threatened or to any other person;
- (ii) To cause physical damage to the property of a person other than the actor;
- (iii) To subject the person threatened or any other person to physical confinement or restraint; or

(iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety;

and

(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, the sending of an electronic communication);

Or

(2) Fall within the definition of one or more of the offenses listed in RCW 9A.46:

- Harassment (RCW 9A.46.020);
- Malicious harassment (RCW 9A.36.080);
- Telephone harassment (RCW 9.61.230);
- Assault in the first degree (RCW 9A.36.011);
- Assault of a child in the first degree (RCW 9A.36.120);
- Assault in the second degree (RCW 9A.36.021);
- Assault of a child in the second degree (RCW 9A.36.130);
- Assault in the fourth degree (RCW 9A.36.041);
- Reckless endangerment (RCW 9A.36.050);
- Extortion in the first degree (RCW 9A.56.120);

- Extortion in the second degree (RCW 9A.56.130);
- Coercion (RCW 9A.36.070);
- Burglary in the first degree (RCW 9A.52.020);
- Burglary in the second degree (RCW 9A.52.030);
- Criminal trespass in the first degree (RCW 9A.52.070);
- Criminal trespass in the second degree (RCW 9A.52.080);
- Malicious mischief in the first degree (RCW 9A.48.070);
- Malicious mischief in the second degree (RCW 9A.48.080);
- Malicious mischief in the third degree (RCW 9A.48.090);
- Kidnapping in the first degree (RCW 9A.40.020);
- Kidnapping in the second degree (RCW 9A.40.030);
- Unlawful imprisonment (RCW 9A.40.040);
- Rape in the first degree (RCW 9A.44.040);
- Rape in the second degree (RCW 9A.44.050);
- Rape in the third degree (RCW 9A.44.060);
- Indecent liberties (RCW 9A.44.100);
- Rape of a child in the first degree (RCW 9A.44.073);
- Rape of a child in the second degree (RCW 9A.44.076);
- Rape of a child in the third degree (RCW 9A.44.079);
- Child molestation in the first degree (RCW 9A.44.083);
- Child molestation in the second degree (RCW 9A.44.086);
- Child molestation in the third degree (RCW 9A.44.089);
- Stalking (RCW 9A.46.110);
- Cyberstalking (RCW 9.61.260);
- Residential burglary (RCW 9A.52.025);
- Violation of a temporary, permanent, or final protective order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
- Unlawful discharge of a laser in the first degree (RCW 9A.49.020);
- Unlawful discharge of a laser in the second degree (RCW 9A.49.030);
- Criminal gang intimidation (RCW 9A.46.120).

3. Destruction of Property/Vandalism – An offense listed under RCW 9A.46 (harassment), RCW 9A.48 (arson, reckless burning, malicious mischief), or RCW 9A.36 (including malicious harassment) that involves the intentional damage of school property or the property of others.

Note: Under RCW 28A.635.060(1), the school district may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the district, a contractor of the district, an employee, or another student until the pupil or the pupil's Parent or guardian has paid for the damages. If a student has been suspended or expelled, the student may not be readmitted until the student or Parent or legal guardian has made payments in full, or until the superintendent directs otherwise. If the property damaged is a school bus owned and operated by the district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or Parent or legal guardian has made payment in full or until directed otherwise by the superintendent.

When the pupil or guardian are unable to pay for the damages, the school district will provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcript of the pupil shall be released. The Parent or guardian of the pupil is liable for damages as otherwise provided by Washington State law.

Possession of another person's or district property, regardless of value, without the person's

permission with the intent to deprive the owner of such property. As part of the Discipline, restitution will usually be required.

4. Discriminatory Harassment –Harassment offenses include Nondiscretionary bullying offenses except that, for the behavior to be considered discriminatory harassment, the behavior will also be motivated by a person’s protected status as listed in Policy 3210.

Thus, discriminatory harassment includes any such conduct or communication (i.e., motivated by a person’s protected status as listed in Policy 3210) that falls within the same definition of bullying, but that is also motivated by a person’s protected status as listed in Policy 3210.

5. Illicit Drugs (Not Marijuana) – Any violation of controlled substance law under RCW 69.50 not involving marijuana, including unlawful use, cultivation, manufacture, distribution, sale, solicitation, purchase, possession, transportation, or importation of any controlled drug or narcotic substance.

A contract may be developed to allow up to fifty percent (50%) of any Suspension held in abeyance, if the student successfully complies with the terms and conditions of the contract.

6. Marijuana --Any violation of the controlled substances law under chapter 69.50 RCW involving marijuana, including unlawful use, cultivation, distribution, sale, solicitation, purchase, possession, transportation of cannabis or violation of other district drug policy.

A contract may be developed to allow up to fifty percent (50%) of any Suspension held in abeyance, if the student successfully complies with the terms and conditions of the contract.

7. Behavior that causes an adverse impact on the health or safety of other students or staff.
– HB 1541 (Section 105(6) (d)); RCW 28A.600.015.

8. Other Behavior

a. Any offense in RCW 13.04.155 not otherwise listed.

Extortion/Coercion -- Obtaining or attempting to obtain money or property by violence or threat of violence, or forcing or attempting to force a person to do something against his/her will by force or threat of force.

Threat -- Any communication or action which creates a reasonable fear of bodily harm.

Note: It is expected that a student should first retreat from any threat of harm and/or contact an adult staff member for assistance before engaging in any type of physical response to an assault. However, an administrator may decide not to subject a student to Discipline or punishment (or may decide to subject a student to a lesser form of Discipline or punishment) if, following a reasonable investigation, the administrator determines that all of the following are true:

- a) A student who is being assaulted or witnesses another student being assaulted acts in a manner that is defensive and protective of himself/herself or others;
- b) The student is acting in a manner that a building administrator determines is reasonable and/or necessary in light of the circumstances; and
- c) The student did not instigate, provoke, or promote the violence by his or her words or conduct immediately prior to the assault.

A reasonable physical response to an assault may include holding the assailant's hands or arms to prevent the assault, or pulling two fighting students apart and holding them until adult staff can arrive and intervene.

b. Inhaling toxic fumes under chapter 9.47A RCW;

c. Two or more violations of the following within a three-year period:

Criminal gang intimidation. RCW 9A.46.120.

Possessing dangerous weapons on school facilities. RCW 9A.41.280.

Engaging in gang activity as a member of a gang while on school grounds. RCW 28A.600.455. "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

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

Defacing or injuring school property. RCW 28A.635.060.
See RCW 28A.600.020; HB 1541, Section 106(5)(a).

d. Violation of the following:

RCW 9A.44.132: Failure to register as a sex offender if the person has been convicted of failing to register prior to June 10, 2010, on at least one prior occasion.

RCW 9A.64.020: Incest.

Felony violation of chapter 9.68A RCW: Sexual exploitation of children] other than RCW 9.68A.080 (reporting minors engaged in sexually explicit conduct).

Felony under chapter 9A.28 RCW: Criminal attempt, solicitation, or conspiracy to commit such crimes.

Felony violation of RCW 9A.44.132(1): Failure to register as a sex offender if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion.

Any felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection.

Any felony with a finding of sexual motivation.

Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense.

9. Serious Bodily Injury to Special Education Student -- An incident, specific to students who are eligible for special education services, that results in the serious bodily injury as defined in 18 U.S.C. Section (1365(h)(3) (bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty). See HB 1541, Section 105(6)(b); RCW 13.04.155.

10. Sexual Harassment – Sexual harassment is like discriminatory harassment and bullying except that, for the behavior to be considered sexual harassment, the behavior will also include sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals. The term ‘sexual’ includes ‘gender-directed’ conduct or communication. Policy 3205; RCW 28A.640.020; WAC 392-190-056

Nondiscretionary sexual harassment offenses are:

Offenses listed under RCW 9A.36 (Assault)

Any sex offense listed under RCW 9.94A.030(47)

A felony that is a violation of chapter 9A.44 RCW (sex offenses, including rape, child molestation, sexual misconduct with a minor, indecent liberties, sexually violating human remains, voyeurism)

Sexual offenses listed in RCW 9A.46 (Harassment).

11. Violence with Major Injury -- Any behavior that includes a major injury (requiring professional medical attention) and is listed or referenced in RCW 13.04.155, including:

- Any violent offense listed in RCW 9.94A.030(55)
- Assault, drive by shooting, reckless endangerment, promoting suicide attempt, coercion, malicious harassment, failure to summon assistance (RCW 9A.36)
- Homicide (RCW 9A.32)
- Malicious Harassment (RCW 9A.46)
- Kidnapping (RCW 9A.40)
- Sex Offenses, rape, child molestation (RCW 9A.44)
- Arson, reckless burning, criminal street gang tagging and graffiti (RCW 9A.48)
- Robbery (RCW 9A.56)

HB 1541, Section 105(6)(b).

A major injury is when one or more students, school personnel, or other persons on school grounds require professional medical attention. Examples of major injuries include stab or bullet wounds, concussions, fractured or broken bones, or cuts requiring stitches.

12. Violence Without Major Injury – Any behavior that does not include a major injury (requiring professional medical attention) and is listed in RCW 13.04.155, including:

- Any violent offense listed in RCW 9.94A.030(55)
- Assault, drive by shooting, reckless endangerment, promoting suicide attempt, coercion, malicious harassment, failure to summon assistance (RCW 9A.36)
- Homicide (RCW 9A.32)

- Malicious Harassment (RCW 9A.46)
- Kidnapping (RCW 9A.40)
- Sex Offenses, rape, child molestation (RCW 9A.44)
- Arson, reckless burning (RCW 9A.48)
- Robbery (RCW 9A.56)

HB 1541, Section 105(6)(b).

13. Weapons and Firearms

Firearms – Carrying a firearm onto, or having possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools. RCW 28A.600.420; HB 1541, Section 105(6)(a).

Firearm is defined by RCW 9.41.010 and 18 U.S.C. 921, and includes:

Any weapon (including zip guns, starter guns, and flare guns) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive;

- The frame or receiver of any handgun, shotgun, or rifle;
- Any firearm muffler or firearm silencers;
- Any destructive device, which includes:
 - a) any explosive, incendiary, or poison gas (such as: bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or similar device;
 - b) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;
 - c) any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

'Other weapon' is defined as:

- Anything used as a weapon that is not classified as a handgun, rifle/shotgun, knife/dagger, or other firearm.
- Examples include chains, pipes, razor blades or similar instruments with sharp cutting edges; ice picks, pointed instruments (pencils, pens); nun-cha-ka sticks; brass knuckles; stars; billy clubs; tear gas guns; electrical weapons (stun guns); BB or pellet guns; and explosives or propellants.

See 18 U.S.C. 921 (Gun Free Schools Act).

For firearm violations, expulsion shall be imposed for not less than one year (12 months) under RCW 28A.600.420 and an expulsion shall be imposed for up to one year if the student acts with malice as defined under RCW 9A.04.110 and displays a device that appears to be

a firearm. The district superintendent or the superintendent's designee is authorized to modify the expulsion of a student on a case-by-case basis.

Even where a student has been suspended or expelled for a firearm violation, the District may provide educational services to the student in an alternative setting. See RCW 28A.600.420(4).

Weapons -- Any violation of RCW 9.41, including:

Carrying onto, or possessing on, school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (1) Any dangerous weapon as defined in RCW 9.41.250;
- (2) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (3) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- (4) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;
- (5) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

See RCW 9.41.280. Any violation of the above by elementary or secondary school students constitutes grounds for expulsion in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's Parent or guardian regarding any allegation or indication of such violation.

Manufacturing, selling, or disposing of or possessing any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife.

"Spring blade knife" means any knife, including a prototype, model, or other sample, with a blade that is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement. A knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires physical exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife is not a spring blade knife.

Furtively carrying with intent to conceal any dagger, dirk, pistol, or other dangerous weapon;

Using any contrivance or device for suppressing the noise of any firearm unless the suppressor is legally registered and possessed in accordance with federal law;

Except as expressly allowed by RCW 9.41, carrying, exhibiting, displaying, or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

Violating RCW 9.36.045 (drive by shooting)

RCW 28A.600.420; RCW 13.04.155(1)(f); RCW 9.41 (Firearms and Dangerous Weapons) HB 1541, Section 105(6)(a) & (b).

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