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**Student Behavior, Rules of Conduct, Restorative Practices  
and Corrective Actions**

**TABLE OF CONTENTS**

<b>A. Introduction.....</b>	<b>1</b>
<b>B. Definitions.....</b>	<b>1</b>
1. Corrective Action	
2. Discipline	
3. Discretionary and non-discretionary discipline	
4. Emergency removal	
5. Emergency expulsion	
6. Exceptional misconduct	
7. Expulsion	
8. Major injury	
9. Nondiscretionary discipline	
10. Reengagement meeting	
11. Reengagement plan	
12. Restorative Practices	
13. Rules of Conduct	
14. School business day	
15. School day	
16. Suspension	
<b>C. General Concepts Applicable to Restorative Practices and Imposition of Corrective Action.....</b>	<b>6</b>
1. Restorative Practices	
2. Corrective Action	
a. Effort to contact parents	
b. Providing educational services	
3. Personnel Responsible	
4. Student Disciplinary Boards	
5. Alternative Settings and Modification of Corrective Action	
6. Individual Factors	
7. Referral for Criminal Prosecution	
<b>D. Specific Rules of Conduct and Standard Range of Action for Violations.....</b>	<b>8</b>
1. Specific Rules of Conduct	
2. Range of Action and Use of Professional Judgment	
3. Special Education and Section 504	
<b>E. Specific Procedures and Conditions Applicable to Corrective Action.....</b>	<b>9</b>
1. Discipline .....	<b>9</b>
a. Progressive discipline	
b. Detention and in-school intervention as discipline	

c. Grievance process for discipline	
2. Emergency removal.....	11
3. Short term suspension.....	11
a. Conditions and Limitations	
b. Notice and opportunity to explain	
c. Grievance process	
d. Readmission	
e. Reporting	
4. Long-term suspension and non-emergency expulsion.....	12
a. Conditions and Limitations	
b. Notice	
c. Hearing	
d. Readmission	
e. Reengagement meeting and reengagement plan for long-term suspension and expulsion	
f. Reporting	
g. Petition for extension of expulsion	
5. Emergency expulsion.....	16
a. Conditions	
b. Notice	
c. Prehearing and hearing	
6. Appeals to the Board for long-term suspension, non-emergency expulsion and emergency expulsion.....	18
7. Readmission application process for all suspensions and expulsions.....	19
<b>F. Comparison chart.....</b>	<b>20</b>
<b>G. District Transportation.....</b>	<b>21</b>
1. General Rules	
2. Specific Procedure for Issuance of Citations	
3. Student Obligation to Attend School	
4. Applicability of Discipline Grievance Procedure	
5. Section 504 and Special Education	

## 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."

The Procedure addresses rules of conduct. It also provides that individual schools may have their own rules of conduct, which are adopted by the Board and incorporated here. Students who violate the rules of conduct may be subject to restorative practices and/or corrective action.

There are a wide variety of restorative practices. 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, and/or
- restitution

There are four types of corrective action:

- discipline,
- suspension (both short and long-term),
- expulsion (including emergency expulsions), and
- emergency removal from class, subject or activity.

Students who receive discipline, suspension or expulsion are entitled to certain procedural and grievance/appeal rights. Those rights are also described in this Procedure. Restorative practices and emergency removals are not considered discipline. They do not have grievance or appeal processes.

The Procedure also classifies violations of rules in terms of seriousness. Violations of certain less serious rules will result in "discretionary discipline". For violation of those rules, long-term suspension and expulsion are not permitted. Violations of other more serious rules are considered "exceptional misconduct" and "non-discretionary discipline" offenses. For those violations, suspensions are allowed even if other forms of corrective action may not have previously been imposed.

### B. Definitions

**1. Corrective Action** means discipline, suspension (short and long-term), expulsion (including emergency expulsion), or emergency removal from class, subject or activity.

**2. Discipline** means all forms of corrective action other than suspension, expulsion and emergency removal from class. Discipline includes the non-emergency exclusion of a student from any type of activity conducted by or on behalf of the school district and exclusion of a student from a class by a teacher or administrator for a period of time that does not exceed the balance of the immediate class or activity period, provided the student is in the custody of a district employee for the balance of such period.

**3. Discretionary and non-discretionary discipline** refers to corrective action for violation of Rules of Conduct set forth in the attached Rules of Conduct. These two terms are integrally related. "Discretionary discipline" means action taken for behavior that violates Rules of Conduct other than those Rules labeled as nondiscretionary discipline offenses. For example, discretionary discipline could be for minor disruptive behavior of the type that does not fall within non-discretionary discipline. Long term suspension and expulsion are not allowed for discretionary discipline. Nondiscretionary discipline offenses occur when a student engages in one of the following actions:

(a) RCW 28A.600.420 (Student bringing firearm onto school property)

(b) 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)

(c) 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

(d) Behavior that adversely impacts the health or safety of other students or educational staff.

Long-term suspension or expulsion may be used for nondiscretionary discipline offenses.

**4. Emergency removal** means a student's immediate removal from a class, subject or activity by a certificated teacher or an administrator or a school bus driver and sending of that student to the building principal or designee. Emergency removal occurs when a teacher or administrator has good and sufficient reason to believe that the student's presence poses: (a) an immediate and continuing danger to the student, other students or school staff; or (b) an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process.

**5. Emergency expulsion** means an emergency removal from school for up to, but not exceeding, ten (10) consecutive school days from the student's current school placement. An emergency expulsion requires the superintendent or designee to have good and sufficient reason to believe that the student's presence poses: (a) an immediate and continuing danger to other students or school staff; or (b) an immediate and continuing threat of substantial disruption of the educational process.

**6. Exceptional misconduct** means misconduct other than absenteeism which: (1) the district has judged, following consultation with an ad hoc citizens' committee, to be of such frequent occurrence, notwithstanding past attempts of district staff to control such misconduct through the use of other forms of corrective action, as to warrant an immediate resort to a suspension; (2) is so serious in nature or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term

suspension; and (3) is a nondiscretionary discipline offense.

The ad hoc citizens' committee shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

Exceptional misconduct and non-discretionary discipline offenses are deemed to be the same. Suspensions and expulsions may be used for such offenses. However, administrators are able to consider approved alternatives to suspension/expulsion even when a student engages in exceptional misconduct and non-discretionary discipline offenses.

The relationship between discretionary discipline, non-discretionary discipline and exceptional misconduct is described in the following table:

	Description	Short-term Suspend	Long-term Suspend or Expel	Requirements for Labeling
Nondiscretionary Discipline Offenses and Exceptional Misconduct Offenses	<p>1. Offenses, so serious in nature, of such frequent occurrence, and/or so disruptive as to warrant an immediate suspension without first attempting alternative forms of corrective action;</p> <p>AND</p> <p>2. Offenses listed in HB 1541 and described in the Rules of Conduct.</p> <p>*Non-discretionary offenses are also considered exceptional misconduct offenses (and vice versa).</p>	Yes	Yes	<p>1. District must label the offense as exceptional misconduct after consultation with ad hoc citizens' committee;</p> <p>AND</p> <p>2. Offense must be labeled as non-discretionary discipline under HB 1541 as described in the Rules of Conduct.</p>
Discretionary Discipline Offense	Violation of all Rules of Conduct other than non-discretionary offenses and other than exceptional misconduct offense.	Yes, but not for first offense	No	None

**7. Expulsion** means a denial of attendance for a period of time up to but no longer than one academic term defined by the school board as 90 school days from the time the student is removed from his/her current school placement (unless a longer period of time is warranted based on public health or safety and is authorized after petition to the superintendent). The District must indicate the end date. An expulsion may not be for an indefinite period of time. An expulsion may also include a denial of admission to, or entry upon, real or personal property that is owned, leased, or controlled by the district.

**8. Major injury** is when one or more person requires professional medical attention. Examples of major injuries include stab or bullet wounds, concussions, fractures or broken bones, or cuts requiring stitches.

**9. Non-discretionary discipline.** See above definition of “Discretionary discipline”.

**10. Reengagement meeting** means a meeting held between the district and the student and parent/guardian to discuss how to return a long-term suspended or expelled student to an educational setting as soon as possible. Return may include, but not be limited to, discussion of restorative practices.

**11. Reengagement plan** means a written plan developed between the district and a student and his/her parent or guardian to aid the student in taking the necessary steps to remedy the situation that led to the student’s suspension or expulsion and to return the student to the educational setting as soon as possible.

## **12. Restorative Practices**

Restorative Practices are 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. When broadly and consistently implemented, Restorative approaches 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.

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.

**13. Rules of Conduct** are behavior rules adopted by the 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:

- During any school activity conducted on or off campus whether or not such activity is during the school day; and
- 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).

Rules of Conduct are listed in the separate Rules of Conduct document and in each school's individual student handbook.

**14. School business day** means any calendar day except Saturdays, Sundays and any federal and school holidays upon which the office of the superintendent is open to the public for business. A school business day concludes upon the closure of the superintendent's office for the calendar day.

**15. School day** means a calendar day except school holidays on which enrolled students are engaged in educational activity which is planned, supervised and conducted by or under the supervision of certificated staff and on which day all or any portion of enrolled students participate in such educational activity.

**16. Suspension** means the denial of attendance for any single subject or class or for any full schedule of subjects or classes for a stated period of time. Suspension may also include denial of admission to, or entry upon, real and personal property that is owned, leased, or controlled by the district. By law, suspensions are technically not considered "discipline". Instead, they are a different type of corrective action.

- a) **Short-term suspension** means suspension for any portion of a calendar day up to and not exceeding ten (10) consecutive school days.
- b) **Long-term suspension** means a suspension that exceeds ten (10) consecutive school days but that does not exceed one academic term as defined by the school board.

### **C. General Concepts Applicable to Restorative Practices and Imposition of Corrective Action**

**1. Restorative Practices:** Restorative practices are expected when considering the imposition of corrective action, 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 corrective action; and/or (b) supplemental action taken along with other corrective action.

Restorative practices are not a separate form of corrective action. Thus, there is no grievance or appeal process for restorative practices. Restorative practices 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. Corrective Action

**a. Effort to contact parents:** When corrective action is imposed, a reasonable effort to contact parents or guardians will occur prior to, or at the time of the implementation of discipline, in addition to any written notice required by law.

**b. Providing educational services:** The District will not suspend the provision of educational services to a student as a corrective action. A student may be excluded from a particular classroom or instructional or activity area during corrective action. However, the district will provide an opportunity for a student to receive educational services while the corrective action is imposed.

**3. Personnel Responsible:** The following district personnel are charged with creating restorative practices and imposing corrective action: All adults, including contractors and volunteers, authorized or designated by law, the school board, teachers, and building/program administrators who supervise student activities.

**4. Student Disciplinary Boards:** The board recognizes that a student's behavior may also be positively influenced when an incident giving rise to restorative practices and corrective action is reviewed by a panel of the student's peers. The board may, in its discretion, authorize the establishment of one or more student disciplinary boards composed of students, which may also include teachers, administrators, parents or any combination thereof pursuant to WAC 392-400-220. The student disciplinary board may be authorized to prescribe reasonable and solution-focused restorative practices, discipline, and may recommend suspension or expulsion to the appropriate school authority. The school authority will be authorized to set aside or modify the student disciplinary board's recommendation.

**5. Alternative settings and modification of corrective action:** Nothing in this Procedure prevents the District from providing educational services to a student in an alternative setting or modifying a corrective action 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.

**6. Individual factors:** When determining restorative practices or corrective action, 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;
- Substantial disruption to learning of others caused by 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.

**7. Referral for Criminal Prosecution:** The District is committed to reducing student referral for criminal prosecution. Ongoing efforts are thus being undertaken to create a standardized approach when dealing with students engage in school based misconduct that is also a misdemeanor and gross misdemeanor offenses. Guidelines for Campus Resource Officers will be developed to align practices in response to what criminal offenses result in an arrest by referral or custodial arrest.

## D. Specific Rules of Conduct and Standard Range of Action for 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 practice or corrective action. 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 corrective action 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 corrective action. This Procedure contemplates that school administrators will use their professional judgment along with Individual Factors. The administrator's judgment must 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. Specific Procedures and Conditions Applicable to Corrective Action

### 1. Discipline

**a. Progressive discipline:** As a general rule, progressive discipline concepts shall be used when imposing discipline. Progressive discipline may include, but is not limited to, oral or written reprimands, lunch/recess detention, mediation, after-school detention, and/or Saturday school. Progressive discipline steps may be skipped or repeated depending on individual factors, in the judgment of the school administrator.

### **b. Detention and in-school intervention as discipline:**

#### Detention:

Before assigning detention, staff will inform the student of the specific conduct and rule violated. The student must be given an opportunity to respond prior to the detention.

Detention will not begin until a parent/guardian has been notified (except in the case of an adult student) to permit arrangements for the transportation of the student.

Students detained for corrective action will be supervised by district staff and engage in an academic task during the duration of the detention.

In-school intervention: Each school has the discretion to create an in-school intervention program. An in-school intervention program temporarily removes a student from his/her regular learning environment. However, the student shall work on classroom assignments. In-school intervention is designed to encourage learning.

When in-school intervention is used, the principal/designee will notify the student's parent/guardian of the reason for the in-school intervention and its duration. Notice will be either oral or by U.S. mail as soon as reasonably possible. It will be in the predominant language of the student and/or a parent/guardian, if other than English, when feasible. If not feasible, another form of meaningful communication will be provided. The notification will include the number of days the student is assigned to in-school intervention.

Suggested guidelines for in-school intervention are as follows:

- a) The student must agree to conditions specified by the school principal or designee.
- b) The student must work on classroom assignments at all times.
- c) The student must work on assignments in a separate location (on school property) from the student's regular class and/or classmates.
- d) The student will be denied the opportunity to participate in any school activities while in in-school intervention.
- e) The student and staff may develop a behavior contract that defines future expected behavior of the student. The student and his/her parents/guardians and a staff member will sign the contract.
- f) Additional inappropriate conduct may result in other corrective action.
- g) After a student is placed back into the regular classroom(s), the principal or designee will follow up on the student's progress. The student will be encouraged to maintain a relationship with the school counselor as a means of dealing with any problems that arise.
- h) Specific rules and building procedures for in-school interventions may be developed by the building principal or designee.

**c. Grievance process for discipline:** Any parent/guardian or student who disagrees with the imposition of discipline will have the right to an informal conference with the principal **or designee** for the purpose of resolving the grievance. An employee whose action is being grieved will be notified of the grievance as soon as reasonably possible.

At such conference the student and parent/guardian will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

After exhausting this remedy, the parent/guardian and student will have three (3) school business days to present a written and/or oral grievance to the superintendent or designee.

If the grievance is not resolved, the parent/guardian and student, have three (3) school business days to present a written or oral grievance to the board during its next regular meeting or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance. The board will notify the parent and student of its response to the grievance within

ten (10) school business days after the grievance was heard. The disciplinary action will continue during the grievance procedure unless the principal, superintendent or board decides otherwise.

Alternatively, the board may delegate its authority to hear and decide discipline and short-term suspension grievance appeals to a school district disciplinary appeal council established pursuant to WAC 392-400-310(1).

## **2. Emergency removal**

A student may be removed immediately from a class or subject by a teacher or administrator and sent to the principal or a designated school official, without first attempting corrective action, provided that the teacher or administrator has good and sufficient reason to believe that the student's presence poses: (a) an immediate and continuing danger to the student, other students or staff; or (b) an immediate and continuing threat of substantial disruption of the class, subject, or educational process of the student's school.

The removal will continue only until:

- 1) The danger or threat ceases; OR
- 2) The principal or designee acts to impose corrective action. The principal or designee will meet with the student as soon as reasonably possible following the removal and take or initiate appropriate corrective action. The meeting will take place no later than the beginning of the school day following the student's emergency removal. The teacher or administrator who removed the student will be notified of the action taken or initiated.

Emergency removal is not discipline and thus no grievance or appeal rights exist to contest the removal.

## **3. Short term suspension**

**a. Conditions and Limitations:** No student will be suspended for a short term unless another form of corrective action reasonably calculated to modify his/her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature; or unless the rule violation amounts to an exceptional misconduct and non-discretionary discipline offense.

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

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

Any student who has been short-term suspended will be provided the opportunity upon return to make up assignments and tests missed during the suspension if the assignments or tests have a substantial effect upon the student's grades or failure to complete such assignments or tests would result in denial of credit.

The principal or designee will notify special education staff and designated 504 administrator of any short-term suspensions to be imposed for a student who is:

(a) currently eligible for special education services; (b) might be deemed eligible for special education; (c) eligible for 504 accommodations; or (d) might be deemed eligible for 504. To the extent that short-term suspensions may cumulatively or consecutively exceed ten school (10) days, (see Procedure 2161P, Special Education and Related Services for Eligible Students, Discipline section) the principal or designee will notify special education staff so that the district can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

**b. Notice and opportunity to explain:** Prior to the short-term suspension of a student, the principal or designee will conduct a conference with the student and provide notice of the following:

- 1) An oral or written notice of the charges;
- 2) An oral or written explanation of the evidence in support of the allegation(s);  
AND
- 3) An oral or written explanation of the short-term suspension which may be imposed.

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

When a student is short-term suspended, the principal or designee will notify the student's parent/guardian of the reason for the suspension and its duration either orally or by U.S. mail as soon as reasonably possible in the predominant language of the student and/or a parent/guardian, if other than English, if feasible. If not feasible, another form of meaningful communication will be provided. The notice will also address the parent/guardian's right to an informal conference pursuant to WAC 392-400-255 and the fact that the suspension may be reduced as a result of such conference.

**c. Grievance process:** Any parent/guardian or student who disagrees with the imposition of a short-term suspension will have the right to an informal conference with the principal/designee for the purpose of resolving the grievance. At such conference the student and parent may be questioned by the principal/designee and will be entitled to question staff involved in the matter being grieved. The parent/guardian and student after exhausting this remedy will have three (3) school business days to present a written and/or oral grievance to the superintendent.

If the grievance is not resolved, the parent/guardian and student will have three (3) school business days to present a written or oral grievance to the board at its next regular meeting or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance.

The board will notify the parent/guardian and student of its response to the grievance within ten (10) school business days after the date when the grievance was heard. The short-term suspension will continue during the grievance procedure unless the principal or designee, superintendent or board decide otherwise.

**d. Readmission:** Any student who has been short-term suspended will be allowed to make application for readmission. (See also **Readmission Application Process**, below). The Readmission Application will be attached to any suspension or expulsion notice.

**e. Reporting:** Principal/designee will report all short-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the short-term suspension.

#### **4. Long-term suspension and non-emergency expulsion**

##### **a. Conditions and Limitations:**

###### Long-Term Suspension

As a general rule, no student will be long-term suspended unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature; or unless the rule violation amounts to exceptional misconduct and a nondiscretionary discipline offense.

The district will not impose a long-term suspension as a form of discretionary discipline.

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

No student will be suspended for longer than the length of an academic term, as defined by the school board in the Policy to be 90 school days.

A long-term suspension cannot cause the student to lose academic grades or credit in excess of one semester or trimester during the same school year and cannot be imposed beyond the school year in which the alleged misbehavior occurs.

A student may be excluded from a particular classroom or instructional or activity area for the period of suspension, but the school district will provide an opportunity for a student to receive educational services during a period of suspension.

###### Expulsion

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

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

An expulsion may not be imposed for an indefinite period of time, and (except for firearm violations per RCW 28A.600.420) may not exceed one academic term, as defined by the school board to be 90 school days, from the date of corrective action unless:

- (1) The school petitions the superintendent for an extension; AND
- (2) The superintendent authorizes the extension in compliance with the superintendent of public instruction's rules adopted for this purpose (**See Section Below Titled: Petition for Extension of Expulsion**).

Once a student is expelled, the expulsion will be brought to the attention of appropriate local and state authorities, including, but not limited to, juvenile authorities acting pursuant to the Basic Juvenile Court Act. Such authorities may then address the student's educational needs.

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

- 1) Be provided in the predominant language of the student and his or her parents/guardians, if other than English, if feasible. If not feasible, another form of meaningful communication will be provided;
- 2) Specify the alleged misconduct and the school district rule(s) alleged to have been violated;
- 3) Set forth the proposed length of the long-term suspension or expulsion;
- 4) Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- 5) Set forth the facts that:
  - a) A written or oral request for hearing must be received by (*insert designated staff member*) or their office on or before the end of the third school business day after the notice is received; and
  - b) If such a request is not received within that period, the hearing will be deemed waived and the proposed long-term suspension or expulsion may be imposed without further opportunity for the student and/or their parent/guardian to contest it.

Though not required, the district should provide a schedule of school business days with the notice.

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

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

The student and parent/guardian have the right to:

- 1) Be represented by legal counsel;
- 2) Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- 3) Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- 4) Explain the alleged misconduct; and
- 5) Present relevant affidavits, exhibits, and witnesses.

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

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct.

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

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

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

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

- 1) Findings of fact; AND
- 2) A conclusion as to whether the nature and duration of the proposed long-term suspension or expulsion is appropriate or whether a lesser form of corrective action should be imposed.

The hearing officer will issue the decision. The district or hearing officer will provide notice of such decision to the student's legal counsel. If there is no counsel, notice will be provided to the student and his/her parents/guardians.

If the hearing officer decides that a long-term suspension or expulsion is appropriate, the parent/guardian and student will have the right to appeal. The appeal is to the school board or school district disciplinary appeal council. Appeal is accomplished by filing a written or oral notice of appeal to the office of the superintendent or the hearing officer. The notice must be filed within three (3) school business days after the date of receipt of the decision.

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

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

**d. Readmission:** Any student who has been long-term suspended or expelled will be allowed to make application for readmission at any time in accordance with this Procedure. (See also Readmission Application Process, below). The Readmission Application will be attached to any suspension or expulsion notice.

**e. Reengagement meeting and reengagement plan for long-term suspension and expulsion**

A reengagement meeting must be convened within twenty (20) days of a long-term suspension or expulsion but no later than five (5) days before the student's reentry or reenrollment to school. The purpose of the meeting is to discuss a reengagement plan with the parent/guardian and the student.



The district must create a reengagement plan that:

- Is tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion.
- Aids the student in taking the necessary steps to remedy the situation that led to the suspension or expulsion.
- Provides families with access to and meaningful input on, and the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

In developing the reengagement plan, the district should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate.

A reengagement meeting conducted by the district involving the student and his/her parents/guardians is not intended to replace a petition for readmission.

**f. Reporting:** Principal/designee will report all long-term suspensions and expulsion and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the expulsion.

**g. Petition for extension of expulsion:** The principal or designee may petition the superintendent for authorization to exceed the limitation on an expulsion when warranted because of risk to public health and safety. The petition may be submitted any time after final imposition of the expulsion and prior to the end of the expulsion. The petition will include:

1. A detailed description of the student's misconduct, the school rules that were violated, and any health or safety concerns;
2. A detailed description of the student's academic, attendance and discipline history, if any;
3. A description of any lesser forms of corrective action that were considered and the reasons why they were rejected;
4. A description of all alternative learning experiences, vocational programs and/or other educational services that may be available to the student;
5. The proposed extended length of the expulsion;
6. Identification of special education services or accommodations pursuant to Section 504 of the Rehabilitation Act of 1973, if appropriate;
7. A proposed date for the reengagement meeting.

A copy of the petition will be delivered in person or by certified mail to the student and his/her parents/guardians in the predominant language of the student and/or his/her parents/guardians, if other than English, if feasible; Rights Act of 1964. If not feasible, another form of meaningful communication will be provided. The student and/or parents/guardians may submit a written or oral response to the petition within ten (10) school business days of receipt of the petition.

Within eleven (11) school business days, but no later than twenty (20) school business days from delivery of the petition to the student and parent/guardians, the superintendent will issue a written decision granting or denying the petition. The superintendent, in his/her discretion, may grant the petition if evidence exists that the student's return at or before one calendar year would pose a risk to public health or safety. The written decision will include a description of rights and procedures for appeal.

The student and/or parents/guardians may appeal the decision. Appeal is to the School Board. Appeal must be made within ten (10) school business days of receipt of the decision.

The district will report the number of petitions submitted, approved and denied to the office of the superintendent of public instruction annually.

## 5. Emergency expulsion

**a. Conditions:** A student may be immediately removed from school prior to a hearing if the superintendent or designee has good and sufficient reason to believe that the student poses:

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

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

**b. Notice:** The district will notify the student and his/her parents/guardians of the emergency expulsion and of their opportunity for a hearing by:

- 1) Hand-delivery of written notice within twenty-four hours of expulsion (school districts must document delivery of the notice by obtaining the signature of the student's parents/guardians acknowledging receipt or the written certification of the person making the delivery); OR
- 2) Certified letter mailed within twenty-four hours of the expulsion (reasonable attempts to contact the parents/guardians by phone or in person will also be made as soon as reasonably possible).

The district's written and oral notice of emergency expulsion and opportunity for hearing will:

- 1) Be provided in the predominant language of the student and/or a parent/guardian, if other than English, if feasible. If not feasible, another form of meaningful communication will be provided;
- 2) Specify the alleged reasons that the student's presence poses an immediate and continuing danger to students, school staff, or poses an immediate and continuing threat of substantial disruption of the educational process;
- 3) Set forth the date on which the emergency expulsion began and when it will end;
- 4) Set forth the right of the student and/or his or her parents/guardians to a

hearing for purposes of contesting the allegations as soon as is reasonably possible; and

5) Set forth the facts that:

- a) A written or oral request for hearing must be received by a designated school employee or his or her office on or before the end of the third school business day after receipt of the notice of opportunity for hearing; AND
- b) If the request is not received within three school business days, then the right to a hearing may be deemed waived and the emergency expulsion may continue, if deemed necessary, for up to ten (10) school days from the date of the student's emergency expulsion without any further opportunity to contest it.

Though not required, the district should provide a schedule of school business days.

The student and/or his or her parents/guardians must request a hearing within three (3) school business days after receipt of the notice of opportunity for hearing. The request may be provided in writing or orally, but must be provided to the district employee specified in the notice or their office. If a request for hearing is not received within the required period, the district may deem the right to hearing waived and the emergency expulsion may be imposed for up to ten (10) school days from the date of the expulsion from school.

**c. Prehearing and hearing:** If a request for hearing is received within three (3) school business days after receipt of notice, the school district will immediately schedule and give notice of a hearing to commence as soon as reasonably possible and no later than the second school business day after receipt of the request for hearing.

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

- 1) Be represented by legal counsel;
- 2) Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- 3) Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- 4) Explain the alleged misconduct;
- 5) Present relevant affidavits, exhibits, and witnesses.

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

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Either a tape-recorded or verbatim record of the hearing will be made. The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- 1) Findings of fact;
- 2) A conclusion as to whether the student's immediate and continuing danger to students and/or school staff OR immediate and continuing threat of substantial disruption of the educational process giving rise to the emergency expulsion has terminated; AND

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

Within one (1) school business day after the date upon which the hearing concludes, the hearing officer will issue the decision and the district will provide notice of such decision to the student and the student's parents/guardians and legal counsel orally if reasonably possible, and by depositing a letter in certified U.S. mail in the predominant language of the student and/or a parent/guardian, if other than English, if feasible. If not feasible, another form of meaningful communication will be provided.

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

## **6. Appeals to the Board for long-term suspension, non-emergency expulsion and emergency expulsion**

The Board may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. Members of such councils will be appointed by the board for fixed terms and shall consist of no less than three persons. If such a council is established, the student and/or his/her parents/guardians have the right to appeal the hearing officer decision to the board or the disciplinary appeal council.

If the Board does not delegate its authority and if a timely notice of appeal of the hearing officer decision is received, the long-term suspension or expulsion may be imposed during the appeal period as follows:

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

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

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

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

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

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

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

### 7. Readmission application process for all suspensions and expulsions

Any student who has been suspended or expelled will be allowed to make application for readmission at any time. If a student desires to be readmitted to the school from which he/she has been suspended/ expelled, the student will submit a written application to the principal/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:

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

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

### F. Comparison Chart

The following chart is intended as a guide to help compare suspensions and expulsions:

	<b>Short Term Suspension</b>	<b>Long Term Suspension</b>	<b>Expulsion</b>	<b>Emergency Expulsion</b>
Length	10 consecutive days or less	More than 10 consecutive days but not exceeding an academic term	More than 10 consecutive days but not exceeding an academic term	Must end or be converted within 10 days
Pre-conditions	1. Prior corrective action (other than suspension) was imposed for a similar offense; or 2. Labeled as both exceptional	Prior corrective action imposed for similar offense, unless labeled as exceptional misconduct by the District and labeled	1. Labeled as nondiscretionary discipline; and 2. Other forms of corrective action reasonably calculated to modify	Student’s behavior poses: (a) an immediate and continuing danger to other students or school staff; or

	misconduct by the District and nondiscretionary discipline by the Legislature.	as nondiscretionary discipline in HB 1541.	conduct have failed or there is good reason to believe that other forms of corrective action would fail.	(b) an immediate and continuing threat of substantial disruption.
Grade Limitation	All grades	All grades except K-4	All grades	All grades
Petition to Extend	Not available	Not Available	Available	Not available
Readmission	Allowed to apply for readmission	Allowed to apply for readmission	Allowed to apply for readmission	Allowed to apply for readmission
Reengagement Meeting and Plan	Not required	Required	Required	Not applicable
Appeal	Grievance process to principal/designee, superintendent, board	Appeal to Hearing Officer and then Board	Appeal to Hearing Officer and then Board	Appeal to Hearing Officer and then Board

## G. District Transportation

**1. General Rules:** Students who violate Rules of Conduct while participating in school transportation may be subjected to the restorative practices and corrective action discussed in this Procedure. In addition, such violations of Rules of Conduct will be subject to the specific procedures set forth in this Section.

As a general rule, drivers will use the progressive discipline concept of coaching students as an intervention. After a third intervention, a Citation 1 will be issued by the driver as described below.

In cases of exceptional misconduct, a citation may be issued or other corrective action taken without the three step intervention.

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.

The transportation contractor may be reimbursed by students/parents 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 corrective action 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 corrective action 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 exceptional misconduct, 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. Parents 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. Applicability of Discipline Grievance Procedure:** The discipline grievance procedure shall be applicable to Citations.

**5. Section 504 and Special Education:** The procedures set forth above must be read in conjunction Policy/Procedure 2160. A manifestation determination meeting must be held as applicable. If the conduct is a manifestation of the student's disability, accommodations must be added to the student's 504 plan and the student will return to ridership. If the student's conduct is not a manifestation of the student's disability, the student may be subjected to the same rules and procedures as any general education student.

The procedures for set forth above must also be read in conjunction with Policy/Procedure 2161 regarding special education students who are in a behavior intervention program, designed instruction placement or have a behavioral goal are an exception to the disciplinary consequences aforementioned. A manifestation determination meeting must be held as applicable.

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

- creating a safety hazard;
- is acting violent, such as fighting;
- possessing a weapon; or
- inappropriate touching.

A citation shall be issued to the student and parent/guardian for disruptive/inappropriate conduct. The consequences for disruptive/inappropriate conduct that result in a citation will be integrated into each teacher's class accountability plan. Examples of disruptive/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.



## 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 corrective action; and/or (b) supplemental action taken along with corrective actions.

Restorative practices are not a form of corrective action imposed upon a student. Thus, there is no separate grievance or appeal process for restorative practices. 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.

Prior to imposing corrective action when a student engages in such an offense, a school administrator will consider the following:

- Restorative practices;
- Individual factors;
- Alternative actions and settings; and
- Progressive discipline concepts;

**School administrators may not impose a short term suspension for a discretionary discipline offense unless another form of corrective action reasonably calculated to modify similar conduct has previously been imposed. This includes the following 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 parents 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 corrective action, 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** – Absences or tardiness that is not excused.

If corrective action for one or more unexcused absences/tardiness is used, the District must:

- (a) Provide notice to the student's parent/guardian in writing and by any other means necessary in English or the primary language of the parent/guardian. The notice must say that the student has failed to attend school without valid justification;
- (b) Schedule a conference(s) with the parents/guardians and the student. The conference(s) shall analyze the causes of the student's absences and determine whether the student would be appropriately placed in alternative educational options (as available) designed for his/her educational success; and
- (c) Take steps to reduce the student's absences. If deemed appropriate by district staff, those steps may include adjustments to the student's school program or assisting the parent/guardian in obtaining supplementary support.

Additionally, a student's academic grade or credit may only be adversely affected by reason of tardiness or unexcused absences if:

- (a) The student's attendance or participation is a requirement of the subject or course related to the instructional objectives or goals of the particular subject or course; (example: music, lab science, physical education);
- (b) The student's attendance or participation has been identified by the teacher pursuant to district policy as a basis for grading the subject or course; and
- (c) The circumstances pertaining to the student's inability to attend school have been taken into consideration, including whether the absences are directly related to a student's disability.

#### **NONDISCRETIONARY DISCIPLINE OFFENSES/EXCEPTIONAL MISCONDUCT OFFENSES**

The rules of conduct in this section are deemed nondiscretionary discipline offenses and exceptional misconduct offenses. HB 1541, Section 105(4) – (7); RCW 28A.600.015; WAC 392-400-245; WAC 392-400-260.

Prior to imposing corrective action when a student engages in such an offense, a school administrator should consider:

- Restorative practices;
- Progressive discipline concepts;
- Alternative actions and settings; and
- Individual Factors.

**However, because these offenses are more serious nondiscretionary discipline offenses and are deemed exceptional misconduct, school administrators may, in certain circumstances, impose a suspension or expulsion regardless of whether prior corrective action was imposed for a similar offense.**

**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 parents 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 corrective action, 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 must 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. Other Behavior

a. **Any offense in RCW 13.04.155 not otherwise listed.**

b. **Behavior that causes an adverse impact on the health and safety of other students or staff.** – HB 1541 (Section 105(6) (d)); RCW 28A.600.015. This includes, but is not limited to:

**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 corrective action or punishment (or may decide to subject a student to a lesser form or corrective action 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.

**c. Inhaling toxic fumes under chapter 9.47A RCW;**

**d. 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 9.41.280.

**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.**



**8. 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.

**9. Sexual Harassment** – Sexual harassment is like discriminatory harassment and bullying except that, for the behavior to be considered sexual harassment, the behavior must 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).

**10. 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.

**11. 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).

## 12. 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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