



# **SCHOOL BOARD ACTION REPORT**

**DATE:** May 21, 2019  
**FROM:** Denise Juneau, Superintendent  
**LEAD STAFF:** Erin Romanuk, Student Supports Supervisor, Discipline, 206-252-0822  
Patricia Sander, Executive Director, Coordinated School Health, 206-252-0705  
Wyeth Jessee, Chief of Student Support Services, 206-252-0067

**For Intro:** May 29, 2019  
**For Action:** June 12, 2019

1. **TITLE**

Approval of the *2019-2020 Student Rights & Responsibilities*

2. **PURPOSE**

The *Students Rights & Responsibilities* document contains rules and regulations for student behavior and is approved by the Board annually as per Policy No. 3200 - *Written Rules of Student Conduct*. This year's document contains changes which were necessary to become aligned with Chapter 392-400 of the Washington Administrative Code (WAC). OSPI (Office of Superintendent of Public Instruction) adopted final rules in August 2018 which significantly revised Chapter 392-400 of the WAC. Among the significant revisions include changes to discipline appeal procedures, clarity around educational services that a school must provide when a student is excluded from school, introduction of and definition of classroom exclusions, the requirement for schools to attempt and/or consider and document evidence based supports and interventions before imposing an exclusion, and the requirement for schools to hold an informal hearing before sending a student home from school for a behavioral violation.

3. **RECOMMENDED MOTION**

I move that the Board approve the *2019-2020 Student Rights & Responsibilities* document, as attached to the Board Action Report.

4. **BACKGROUND INFORMATION**

a. Background:

Prior to the new comprehensive disciplinary laws which need to be implemented fully in 2019-2020, Seattle Public Schools recognized the need to change disciplinary practices across the District. Since 2016, given the Board's focus on eliminating disproportionate discipline, increasing positive school climate, and implementation of a moratorium on out of school suspensions for elementary students for rule breaking, disruptive conduct, and disobedience, the Coordinated School Health department and the Behavior/Discipline office have brought substantial changes to the *SR&R*, moving the document from one of

compliance to one that speaks to the aspirations and values of Seattle Public Schools.

Significant changes were made to the *SR&R* document during the 2016-2017 and 2017-2018 school years. Only minor changes were made for the 2018-2019 school year due to the fact that key stakeholders and policy owners deemed it important to allow time for implementation of updated practices.

In addition, in June of 2016, OSPI began what would be a two-year rule making process based on the legislative mandates that were defined in House Bill 1541. Districts across the state have been waiting since June 2016 for the rule making process to be completed and final guidance to be given. Seattle Public Schools anticipated that full implementation of the new discipline laws would be required for the 2019-2020 school year.

An overview of the proposed changes is attached to this report.

b. Alternatives:

Keeping the *SR&R* from 2018-2019 is not recommended because the recommended changes are required by law. In addition, many of the changes are appropriate and necessary, and reflect continued District commitments as outlined in the 2019-2024 Strategic Plan.

c. Research:

Beginning in September 2016, a timeline for feedback was created and throughout the fall months of 2016 and winter months of 2017, meetings were held to gather feedback on the document. During the summer and fall of 2017, the community was actively engaged in the rewrite of School Board Policy No. 3240, *Student Behavior and Disciplinary Responses*. Their work included affirmation and additional feedback relating to changes to the *SR&R*.

Keeping the 2018-2019 edits narrow in scope allowed for continued implementation of previous years' changes to our response to behavior/discipline. Throughout this year, the District has had additional time to understand and better plan for the implementation of OSPI's final rules, which were issued in August 2018.

Consideration was also given to the 2019-2024 Strategic Plan, the Seattle School Board Resolution No. 2014/15-35 (This resolution eliminates out of school suspensions for students in kindergarten through fifth grade for disruptive conduct, rule breaking, and disobedience.) School Board Policy No. 3240 *Student Behavior and Disciplinary Responses*, School Board Policy No. 0030 *Ensuring Educational and Racial Equity*, and relevant discipline laws.

## 5. **FISCAL IMPACT/REVENUE SOURCE**

While the changes for the upcoming school year are now legislatively mandated, the District has been moving in this direction over the last three years in implementing disciplinary responses that are less disruptive to the student-school relationship and reduces or eliminates the loss of instructional time and out of school consequences.

At the beginning of the 2018-2019 school year, the Discipline and Legal departments

recommended to school leaders they no longer consider expulsion as an option for students in elementary schools. The adoption of the 2019-2020 SRR formalizes this recommendation into procedure. Due to the low incidents of expulsions at the elementary school level, the fiscal impact of this change is anticipated to be minimal.

The fiscal impact due to the changes to the appeal procedures will be absorbed by the Discipline Appeal Office through existing Hearing Officer contracts.

Finally, the recent shifts in the District’s discipline policies and procedures that were guided by the School Board, the Superintendent, the District’s goals, and key stakeholders that align with the mandated legislative changes relies on a shift in adult beliefs and practices. By continuing to offer currently funded professional development, coaching, and consultation to school staff and school leaders around behavior and discipline, the District will support the necessary changes in adult mindsets that allow for opportunities for students to maximize instructional time and increase academic outcomes.

Graphic design services from Publishing Services to format the SR&R is estimated to be \$480 (16 hours of work at \$30 an hour) from the Behavioral Health budget.

Translations of the updated SR&R and Basic Rules of Seattle Schools into seven (7) languages (Amharic, Chinese, Somali, Spanish, Tagalog, Tigrigna, and Vietnamese) are estimated to cost \$10,500 (25 hours of extra time at \$60 an hour per language (\$1500 x 7)) from the Behavioral Health budget.

Copies of the Basic Rules of Seattle Schools will be printed for the welcome packets each student receives at the beginning of the school year at an estimated cost of \$7,640 from the Behavioral Health budget.

Expenditure Options:  One-time  Annual  Multi-Year  N/A (annual is selected)

Revenue Options:  One-time  Annual  Multi-Year  N/A (not applicable is selected)

**6. COMMUNITY ENGAGEMENT**

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

- Not applicable
- Tier 1: Inform (inform is selected)
- Tier 2: Consult/Involve
- Tier 3: Collaborate

Over the past three years, the District in partnership with several community stakeholder groups collaborated to revise the SR&R (see the Equity Analysis section for the identified stakeholder groups). This year, the revisions were all driven by legislative requirements. In the SR&R revisions for the 2019-2020 school year, the Behavior/Discipline office was careful to not omit any of the work that community stakeholder groups put forward in the previous three years. It was

felt that the vision and aspirations created by the community stakeholder groups and District staff should not be altered but should be kept as an anchor for the document.

**7. EQUITY ANALYSIS**

Using extensive community engagement through an equity lens has been a strategy of the District to eliminate disproportionate discipline for African American males and other students of color furthest from educational justice. Over the last three years this lens has influenced substantial changes to the *SR&R*, adult beliefs and adult practices related to student behavior and disciplinary responses, and a significant rewrite of School Board Policy No. 3240 *Student Behavior and Disciplinary Responses*. Key stakeholders to these efforts included: students, parents, educators, school leaders, Team Child, the Washington State Governor’s Office of the Education Ombuds, the City of Seattle Race & Social Justice Community Roundtable’s Committee on Racial Disproportionality and Discipline, and participants at the Seattle Alliance for Black School Educators, “My Brother’s Keeper- A White House Initiative event.” This year’s changes have been discussed with key stakeholders such as Team Child and the Disproportionality in Discipline Committee.

In addition, the questions in the Racial Equity Analysis Tool guide the work of the Behavior/Discipline office on a daily basis. When conversations occur throughout the year with school leaders and other educators about behaviors, questions about how to identify and engage key stakeholders who could be impacted by these decisions and potential benefits and unintended consequences of decisions are surfaced and discussed.

**8. STUDENT BENEFIT**

Student behavior is closely associated with learning. Meaningful learning occurs in environments that are safe, positive, consistent, and predictable. By establishing a positive school climate that includes shared behavioral expectations and a common language for talking about expected behavior, students can focus on learning. The District has analyzed discipline data from the last three years and the data indicates that suspensions are decreasing.

**9. WHY BOARD ACTION IS NECESSARY**

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. 3200, Written Rules of Student Conduct, provides the Board shall approve this item  
(board policy number 3200 is selected)
- Other:

## **10. POLICY IMPLICATION**

Board Policy No. 3200, *Written Rules of Student Conduct*, includes the policy statement: “It is the policy of the Seattle School Board to adopt written rules regarding pupil conduct, discipline, and rights. To accomplish this objective, the Seattle School Board will annually approve a *Student Rights & Responsibilities* document pertaining to student rights, conduct, and corrective actions, updated by the superintendent.” The Policy also requires that “a condensed ‘*Basic Rules of Seattle Public Schools*’ flyer will be provided to all students and their parents at the beginning of each school year and when students newly enroll in Seattle Public Schools.”

Additionally, Board Policy No. 3240, *Student Behavior and Disciplinary Responses*, outlines that “shared behavioral expectations be maintained not only in the classroom, but on school property at all times. Therefore, it is expected that every student and staff shall follow the policies, rules, and regulations of Seattle Public Schools during the school day, during any school-sponsored activity held on or off school property, and on school-provided transportation.”

Board Policy No. 3240 also states that the foundation of Seattle Public Schools’ discipline policy is one of prevention and measurement of progress. The policy is grounded in the establishment of a positive school climate that is based on shared behavioral expectations and a common language for talking about expected behavior. The shared behavioral expectations are reaffirmed through an inclusive process that involves students, families, teachers, administrators, volunteers, and other staff (within a Positive Behavior Interventions and Supports (PBIS) framework). Should divergence from these shared expectations occur, behaviors will be addressed with a continuum of responses from positive communication through clear pathways for reengagement and reparation of harm.

## **11. BOARD COMMITTEE RECOMMENDATION**

This motion was discussed at the Curriculum and Instruction Policy Committee meeting on May 21, 2019. The Committee reviewed the motion and the item was moved forward to the full Board with recommendation for approval as amended.

## **12. TIMELINE FOR IMPLEMENTATION**

Upon final approval, the *SR&R* will be sent to the English Language Learners and International Services Department to obtain appropriate translations, sent to schools to allow them to include changes in their school documents and student handbooks that are printed over the summer, and uploaded on the District’s website. Video training modules will be developed over the summer to aid stakeholders in learning about the changes, and accompanying templates and documents will be created over the summer to support the implementation phase of the new pieces of legislation.

## **13. ATTACHMENTS**

- SR&R Proposed for 2019-2020 (Clean – for approval)
- Overview of Proposed Changes for 2019-2020 SR&R (for reference)
- SR&R Proposed for 2019-2020 (Redline – for reference)



# Student Rights and Responsibilities

2019 -2020

Seattle Public Schools is committed to making its online information accessible and usable to all people, regardless of ability or technology. Meeting web accessibility guidelines and standards is an ongoing process that we are consistently working to improve.

While Seattle Public Schools endeavors to only post documents optimized for accessibility, due to the nature and complexity of some documents, an accessible version of the document may not be available. In these limited circumstances, the District will provide equally effective alternate access.

For questions and more information about this document, please contact the following:

Erin Romanuk  
Student Support Services Supervisor, Coordinated School Health  
[evromanuk@seattleschools.org](mailto:evromanuk@seattleschools.org)

School Year 2019 -2020 Student Rights and Responsibilities final submission for approval. Included is the District mission, values and beliefs. This includes the District's commitment, school responsibilities, student rights and responsibilities. Disciplinary responses, procedures, protections and services are listed in detail.

# Seattle Public Schools

## Student Rights & Responsibilities 2019-2020



### SEATTLE SCHOOL BOARD

Rick Burke  
Zachary DeWolf  
Jill Geary  
Leslie Harris  
Eden Mack  
Betty Patu  
Scott Pinkham

### SUPERINTENDENT

Denise Juneau



## Mission

*Seattle Public Schools is committed to eliminating opportunity gaps to ensure access and provide excellence in education for every student.*

## Vision

*Every Seattle Public Schools' student receives a high-quality, world-class education and graduates prepared for college, career, and community.*

Seattle Public Schools (SPS) provides Equal Educational Opportunities and Equal Employment Opportunities and does not discriminate in any programs or activities on the basis of sex; race; creed; color; religion; ancestry; national origin; age; economic status; sexual orientation, including gender expression or identity; pregnancy; marital status; physical appearance; the presence of any sensory, mental, or physical disability; honorably discharged veteran or military status; or the use of a trained dog guide or service animal. SPS provides equal access to the Boy Scouts and other designated youth groups. For students and members of the public, the following employees have been designated to handle questions and complaints of alleged discrimination and may be reached by mail, by phone, or email as specified in the information below:

Seattle Public Schools, MS 32-149  
PO Box 34165  
Seattle, WA 98124-1166

For sex discrimination concerns, including sexual harassment (see Appendix H), contact:

Title IX Grievance Coordinator at  
(206)252-0637  
title.ix@seattleschools.org

For disability discrimination concerns contact:

ADA/Section 504 Grievance Coordinator  
at  
(206)252-0306  
accessibility@seattleschools.org

For all other types of discrimination, contact:

Student Civil Rights Compliance  
Coordinator at  
(206)252-0306  
OSCR@seattleschools.org

For employee questions about or requests for disability related accommodations and/or complaints of alleged discrimination, including sexual harassment (see Appendix G), contact:

Chief of Human Resources  
Seattle Public Schools  
MS 33-157  
PO Box 34165  
Seattle, WA 98124-1166

(206)252-0024

hreeoc@seattleschools.org





# CONTENTS

I.	District Commitments.....	pg 6
II.	School Responsibilities.....	pg 6
III.	Student Rights.....	pg 8
IV.	Student Responsibilities.....	pg 9
V.	Required Discipline Protections.....	pg 9
VI.	Student Behavioral Violation.....	pg 11
VII.	Disciplinary Responses.....	pg 20
VIII.	District Grievance Procedures and Appeal Rights.....	pg 27
IX.	School Board Appeal Rights.....	pg 31
X.	Educational Services.....	pg 33
XI.	Reengagement Services.....	pg 34
XII.	Additional Due Process Protections.....	pg 36
	Appendix A: Definitions.....	pg 38
	Appendix B: Discipline Protections for Special Education and Section 504 Students.....	pg 42
	Appendix C: Mitigating and Aggravating Factors.....	pg 45
	Appendix D: Other Forms of Discipline.....	pg 46
	Appendix E: Drug/Alcohol Mediation Form .....	pg 47
	Appendix F : Mediation Form.....	pg 48
	Appendix G: Nondiscrimination Notice.....	pg 49
	Appendix H: Reporting Sexual Harrassment.....	pg 50



Questions about the Student Rights and Responsibilities may be directed to the Discipline Office at [discipline@seattleschools.org](mailto:discipline@seattleschools.org) or **(206) 252-0820**; or

*Seattle Public Schools  
MS 31-177  
P.O. Box 34165  
Seattle, WA 98124-1165*

Inquiries will either be responded to directly or be referred to the appropriate school leader. School Board policies referred to in this document may be accessed at

<https://www.seattleschools.org/cms/One.aspx?portalId=627&pageId=15630>

## Positive Beliefs, Positive Relationships, Positive Learning, and Positive Partnerships in Seattle Public Schools

Meaningful learning occurs in environments that are safe, positive, consistent, and predictable. When the principles of cultural intelligence, safety, respect, honesty, accountability, and equity are exhibited throughout a system, trusting relationships result and excellence for each and every student can be achieved.

Seattle Public Schools is committed to furthering cultural intelligence that respects and values the diversity in schools and in classrooms across the district. This commitment serves to guide decisions in promoting fair and equitable treatment for all.

A safe and healthy school climate is important in promoting a sense of belonging and supporting excellence for each and every student. Positive school climates include:

- A vision based on shared beliefs, values, rituals, and stories that grow as part of the culture.
- Collaborative relationships and respectful interactions between students, families, and staff.
- Fair and equitable treatment that respects and values all cultures.
- A physical environment that is welcoming, safe, and accessible to all.
- Regular assessment and review of school climate survey by students, families, staff, and stakeholders.

In addition to a positive school climate, we understand that students at times may experience emotional and/or physical stressors. During these times, students are encouraged to share with a trusted adult at school, and staff are committed to supporting each student so that they are fully able to participate in the school day.

Sometimes additional counseling, support, and resources may be helpful. A number of community agencies offer assistance and information on health and human services available to King County residents. You may call

800-621-4636, 206-461-3610, or 211 for additional information.

Our Student Rights and Responsibilities sets forth the rules and regulations of Seattle Public Schools regarding student conduct. It is created in compliance with the requirements of state law and aligned with the Seattle Public Schools Strategic Plan. It references sections of the Washington Administrative Code (WAC) that govern use of corrective responses (i.e., discipline, suspension, and expulsion) for any student by a school district.

The foundation of Seattle Public Schools' discipline policy is one of prevention, by establishing a positive school climate that includes shared behavioral expectations and a common language for talking about expected behavior that is inclusive of students, families, teachers, administrators, volunteers, and other staff (within a Positive Behavior Interventions and Supports (PBIS) framework). Discipline procedures and strategies aim to maximize instructional time and reduce out of school consequences for behavior. This document applies to all students and is designed to educate all members of the educational community as to the rules, regulations, and due process procedures. We encourage families to review the Student Rights & Responsibilities with their student. It describes our expectations at school as well as what students can expect from adults at school.

The Seattle Public Schools also publishes "The Basic Rules of Seattle Public Schools" in flyer format and distributes it to all students at the beginning of each school year. All discipline documents may be found on the Seattle Public Schools website.

The Seattle School Board adopted these rules in June 2019. The Seattle School District follows the substantive and procedural due process rights guaranteed by the Office of Superintendent of Public Instruction under RCW 28A.600.015. See, WAC 392.400. A copy of the regulations may be requested by contacting the Discipline Appeals Office at 206-252-0820 or downloading the regulation at:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400>

## I. DISTRICT COMMITMENTS

### Seattle Public Schools recognizes:

- There is racial disproportionality in disciplinary responses within the district;
- Each situation involving discipline may be complex with underlying factors that requires staff to understand the function of students' behaviors;
- Mitigating and aggravating factors should influence the disciplinary decision-making process; and
- There is an impact when using exclusionary practices.

### 2019-24 Seattle Public Schools Strategic Plan Theory of Action:

WHEN WE FOCUS on ensuring racial equity in our educational system, unapologetically address the needs of students of color who are furthest from educational justice, and work to undo the legacies of racism in our educational system...

BY doing the following:

- Allocating resources strategically through a racial equity framework
- Delivering high-quality, standards-aligned instruction across all abilities and a continuum of services for learners
- Creating healthy, supportive, culturally responsive environments from the classroom to central office
- Directly and consistently working in partnership with families and communities who represent students of color who are furthest from educational justice; and
- Making clear commitments and delivering on them

THEN we will eliminate opportunity and achievement gaps and every student will receive a high-quality, world-class education.

### Seattle Public Schools staff is also committed to:

- Knowing, caring for, and establishing positive relationships with students;
- Supporting the whole child;
- Holding all students to high-expectations;
- Teaching the development of positive social, emotional, and behavioral skills in students;
- Using a variety of ways to shape behavior once harm has occurred, instead of relying on exclusionary practices;
- Implementing a disciplinary response that would be the least disruptive to the student-school relationship, which also maximizes instructional time;
- Partnering with families, other staff, and community-based organizations in the event that a disciplinary response has occurred; and
- Examining their own implicit bias, while working from a culturally trauma-responsive lens that utilizes verbal de-escalation skills in an effort to create conditions in our schools that allow students to be successful.

## II. SCHOOL RESPONSIBILITIES

School staff has a responsibility to:

- Create healthy, supportive, culturally responsive classroom and school environments;
- Know, care for, and establish positive relationships with students;
- Hold all students to high-expectations and provide quality and effective instruction;
- Model courteous and respectful treatment;
- Provide opportunities for student voices to be heard;

- Encourage family participation in the resolution of ongoing problems;
- Encourage the resolution of problems within the school setting;
- Reduce or eliminate the loss of instructional time and out of school consequences;
- Understand that the purpose of discipline is to support behavior change, not to punish; and
- Provide discipline that is intended to teach accountability and repair and restore relationships.

In addition to the above District rules, each school may adopt and distribute to each student rules that will govern a student's behavior in a particular school. When a student does not follow these school rules, he or she may be disciplined.



### III. STUDENT RIGHTS

As a member of the school community, students have the right to:

- *An orderly and safe classroom and school;*
- *A quality education with high expectations and appropriate support;*
- *Courteous and respectful treatment;*
- *Be listened to and have their voice heard;*
- *Equitable access to high-quality instruction, services, resources, and extracurricular activities;*
- *Be known and cared for at school; and*
- *Receive reasonable consequences and be given the opportunity to learn from mistakes.*

Fundamental Rights (WAC 392-400-805):

Additionally, as citizens, students have fundamental rights and schools may not unlawfully infringe on those rights:

- Freedom from Unlawful Discrimination
- Freedom of Speech
- Freedom of Press
- Freedom to Peaceably Assemble
- Freedom to Petition for a Redress of Grievances
- Freedom of Religion
- Freedom from Sectarian Control or Influence
- Freedom from Unreasonable Searches and Seizures (See Appendix A)
- Freedom to Pursue an Education While in the Custody of the District
- Right to Equal Educational Opportunity



## IV. STUDENT RESPONSIBILITIES

As a member of the school community, students should take personal responsibility to:

- Share with a trusted adult at the school when they are experiencing emotional and/ or physical stressors for the purpose of obtaining resources or support;
- Advocate for their educational, cultural, social, and emotional needs;
- Engage in mutually respectful dialogue with staff and other students;
- Accept reasonable consequences when failing to meet behavioral expectations and use the opportunity to learn from their mistakes;
- Attend School regularly and be prepared for all classes;
- Contribute to a safe and positive school climate;
- Respect and be mindful of the rights of others;
- Understand and follow "The Basic Rules of Seattle Public Schools" and individual school rules;
- Dress appropriately for school in ways that will not cause safety or health problems;
- Identify themselves to and follow the instructions of school staff; and
- Respect the property of others and the school. (See School Board Policy 3520)

## V. REQUIRED DISCIPLINE PROTECTIONS

### Student Eligible for Special Education and Section 504 (See Appendix B)

Students eligible for special education and Section 504 are at a greater risk for having disciplinary removals significantly interrupt their learning and impact academic outcomes.

When a school excludes a student eligible for special education or Section 504 from their current educational placement for disciplinary reasons, it must follow Washington State discipline rules that apply to all students (WAC 392-400), and it must also provide the student State and Federal discipline protections for disabled students.

Required discipline protections for a student eligible for special education or Section 504 include, when appropriate: functional behavioral assessments; behavior intervention plans; manifestation determination reviews; interim alternative educational placements for students who commit behavioral violations involving weapons, illegal drugs and/or serious bodily injury; protections for students not yet deemed eligible for special education or Section 504; and protections for students whose parent/guardian/family has revoked consent for special education but consented to Section 504 services.

These discipline protections govern whether and how a school may implement a disciplinary removal of a student eligible for special education or section 504 . See Appendix B: Required Discipline Protections for students eligible for special education and Section 504.



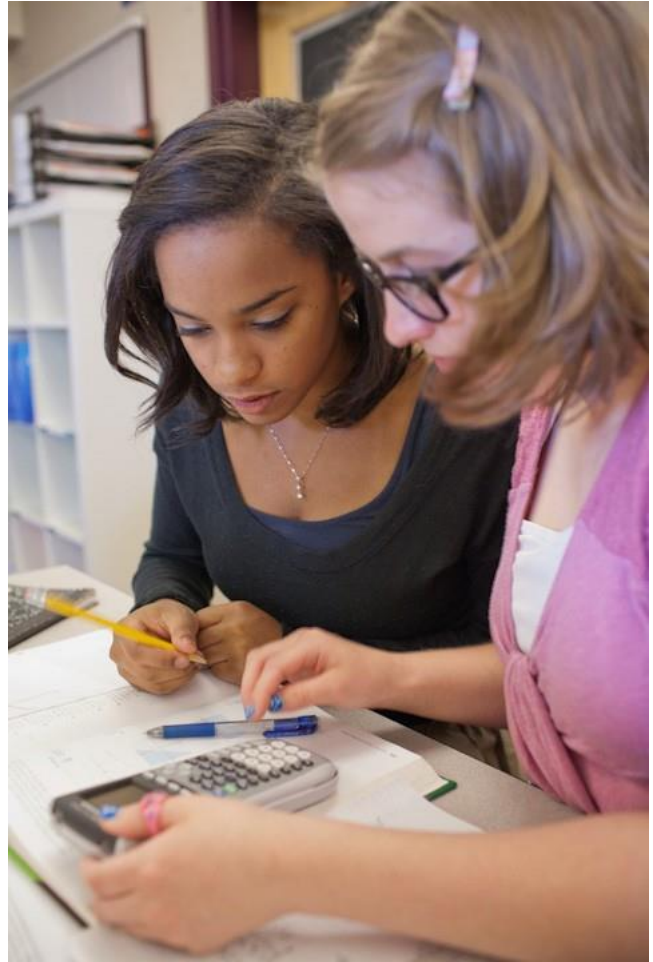
## Required Language Assistance: Students and Parents/Guardians/Families with Limited-English

Parents/guardians/families who do not speak, listen, read, or write English proficiently have a right to effective language assistance.

Washington State and Federal law require that schools communicate information to limited-English proficient parents/guardians/families in a language they can understand about any program, service, or activity that is called to the attention of parents/guardians/families who are proficient in English. This includes, but is not limited to, student discipline policies and procedures.

Schools must respond to a parent's/guardian's/family's request for language assistance. Schools need to remember that parents/guardians/families may be limited-English proficient even if their child is proficient in English.

Schools must provide translation and interpretation from appropriate and competent individuals and may not rely on students, siblings, friends, or untrained school staff to translate or interpret for parents/guardians/families.





## VI. STUDENT BEHAVIORAL VIOLATIONS

### **Arson**

Intentionally setting a fire or causing an explosion.

**Assault** (Please see Physical Aggression when determining the severity of the offense.)  
Being physically violent, using unwarranted force, or demonstrating the deliberate and immediate intent to be physically violent, toward another person, including domestic violence.

### **(Physical) Aggression**

A physical action that disrupts the school environment in an unsafe manner and/or unintentionally harms another person.

Appropriate for any student in circumstances when emotional regulation or maturity is insufficient to understand the consequences of the behavior.

**Bullying, Intimidation, or Harassment**<sup>1</sup> (Please see Inappropriate Language for elementary school students or incidents that have occurred only once)

Engaging in intentional, persistent or pervasive written, verbal, electronic, or physical bullying, intimidating, or harassing conduct that includes, but is not limited to, any of the following:

- for the purpose of embarrassing or denigrating another person;
- physically harms a person or damages the person's property;
- is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment;
- has the effect of substantially interfering with the student's education or adult's right to teach or manage student behavior; or
- has the effect of substantially disrupting the orderly operation of the school.

If any of the conduct detailed above is based on a person's membership in a protected class (sex; race; creed; color; religion; ancestry; national origin; age; economic status; sexual orientation, including gender expression or identity; pregnancy; marital status; physical appearance; the presence of any sensory, mental, or physical disability; honorably discharged veteran or military status; or the use of a trained dog guide or service animal) it would constitute discriminatory harassment.

The District will respond to off-campus student speech that causes or threatens to cause a substantial disruption on campus or interferes with the right of students to be secure and obtain their education. Substantial disruption includes, but is not limited to, significant interference with instruction, school operations or school activities, violent physical or verbal altercations between students, or a hostile environment that significantly interferes with a student's education.

---

<sup>1</sup> See, Malicious Harassment for harassing and intimidating behavior based on protected class or status. Also see, RCW 28A.300.285.

Conduct that may rise to the level of harassment, intimidation, or bullying may take many forms, including, but not limited to:

- Conducting electronic bullying, intimidation, and harassment, including, but not limited to, cyberbullying, on school grounds, during school activities, on school buses, or during the school day;
- Initiating students into a school, group, grade level, or office through persecuting, harassing, or coercive behaviors that cause or are likely to cause social or emotional harm (See also Hazing).

There is no requirement that the person actually possesses the characteristics that is the basis for the bullying, intimidation, or harassment.

### **Burglary**

Forced entry or remaining unlawfully in a district building or room in the building for the purpose of taking property. <sup>2</sup>

### **Computer Trespass, Tampering, and Misuse <sup>3</sup>**

Intentionally violating a school or Seattle Public Schools computer system or database.

### **Dangerous Weapons <sup>4</sup>**

Carrying a dangerous weapon onto, or possessing a dangerous weapon on, school property, school-provided transportation, areas of facilities being used exclusively as School District property, or at school-sponsored events or activities.

### **Disobedience** (Not an exclusionary response for K-5 students)

Flagrantly, purposefully, or repeatedly failing to comply with or follow the instructions of teachers and other school staff.

### **Disruptive Conduct** (Not an exclusionary response for K-5 students)

Flagrantly and substantially interfering with teaching or learning in the classroom, school activities, or extracurricular activities.

### **Distributing Alcoholic Beverages**

Distributing, sharing, or passing around alcoholic beverages, including any beverage with alcohol content.

### **Distributing Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs**

Distributing, sharing, or passing around illegal drugs, controlled substances, prescription or over-the-counter drugs, and/or drug paraphernalia including but not limited to pipes, handmade devices, electronic vapor devices or products containing an illegal drug.

### **Distributing Marijuana**

Distributing, sharing, or passing around marijuana, including but not limited to medical, home-grown, street or store purchased marijuana, marijuana concentrates, any food item with marijuana in it, and/or drug paraphernalia including but not limited to pipes, handmade devices, and electronic vapor devices or products containing a marijuana substance.

---

<sup>2</sup> See, Trespass for other purposes of being unlawfully present on District property or in District buildings.

<sup>3</sup> See, Disruptive Conduct for behavior with computers that is unintentional or otherwise does not rise to the level of Computer Trespass.

<sup>4</sup> See, Toy Guns and Toy Weapons for toys that do not appear to be real weapons.

### **Extortion, Blackmail, Coercion**

Obtaining money, property or other consideration by violence or threat of violence, or forcing someone to do something against his or her will by force or threat of violence.

### **False Alarm**

Activating a fire alarm or calling 911 for other than the intended purpose of the alarm.

### **False Reporting**

Knowingly reporting and (maliciously) falsely reporting or falsely corroborating misbehavior of others that did not occur, including spreading a false rumor maliciously.

### **False Threats**

Falsely reporting any type of bomb or person with a firearm in any school building or structure, on school grounds, on school-provided transportation, or at a school-sponsored function.

### **Fighting**

Engaging in or provoking mutual physical contact involving anger or hostility, including deliberately arranging a fight or willingly participating in such an arranged fight that creates substantial risk of serious physical injury to the participants.

### **Firearms**

Possessing a firearm on school property, school-provided transportation, areas of facilities being used exclusively as School District property, or at school-sponsored events or activities.

Any student who is determined to have carried a firearm onto, or to have possessed a firearm on, school district property, school-provided transportation, or areas or facilities while being used exclusively by public schools, shall be expelled from school for not less than one year, and law enforcement officials will be notified as required by RCW 28A.600.420 and RCW 9.41.280. Special disciplinary protections apply for students eligible for special education and Section 504. See Appendix B.

### **Fireworks, Explosives, Chemicals, and Incendiary Devices**

Possessing or using fireworks, or an explosive, chemical, or incendiary device on school property, school-provided transportation, areas of facilities being used exclusively as school district property, or at school-sponsored events or activities.

### **Gambling**

Playing cards, dice, or games of chance for money or other things of value.

### **Gang/Hate Group Activity**

Belonging to an organized gang, hate group, or similar organization or group and knowingly engaging in gang/hate group activity on school grounds or during school activities or functions.

### **Graffiti <sup>5</sup>**

Writing, painting, drawing, scratching, or otherwise making any inscription, figure, or mark of any type on any District owned or staff or student property, unless the student has obtained the permission of a school official or staff person.

---

<sup>5</sup> See, Property Damage for graffiti causing more than \$100 damage.

**Hazing** <sup>6</sup> (See also Bullying, Intimidation, or Harassment.)

Initiating or harassing another student through humiliating tasks or unsafe or illegal behaviors that cause, or are likely to cause, physical injury<sup>7</sup> or endangerment. (See also Bullying, Intimidation, or Harassment.)

**Inappropriate Language** <sup>8</sup> (Please see Bullying, Intimidation or Harassment when determining the severity of the behavior.)<sup>89</sup>

Using words that are hurtful, harmful, demeaning, offensive, or embarrassing, including words that are crude or vulgar, and name-calling.

### **Inappropriate Sexual Conduct**

Engaging in inappropriate sexualized conduct that is not conducive to the learning environment of a school (See also Inappropriate Touching; Lewd Conduct; Sexual Assault; Sexual Harassment.)

### **Inappropriate Touching** <sup>9</sup>

Unwanted or inappropriate touching of another person's body such that the person is uncomfortable by the behavior.

### **Interference with School Authorities**

Interfering with the discharge of the official duties of district staff by:

- Using force or violence that is non-deliberate and not focused on the staff person, such as attempting to continue a fight when a staff person is trying to stop the fight and inadvertently striking that person;
- Disobeying the orders of school officials to leave school property or disperse as instructed; or
- Heckling or harassing school authorities engaged in any lawful task, function, process, or procedure of the school District such that it interferes with their ability to maintain order or complete their lawful duties. This includes, but is not limited to:
  - Persistent<sup>10</sup> use of abusive or foul language directed at a school District employee;
  - Use of any electronic means (e.g., cameras, cell phone cameras, videos, or other recording devices) that foreseeably causes school staff to be embarrassed, denigrated, or demeaned; or
  - Hindering the investigation of an incident by school staff, including but not limited to any of the following: refusing to submit to a reasonable search or respond to reasonable questions, or deliberately lying about, or encouraging others to lie deliberately about, the facts of the incident.

### **Intimidation of School Authorities**

Interfering, or attempting to interfere, with the discharge of the official duties of district personnel by using direct, deliberate, or focused threats, force, or violence, such that the staff person believes his or her safety or the well-being of his or her property is in danger.

### **Lewd Conduct** <sup>11</sup>

Engaging in inappropriate sexual or social behavior, such as sexual acts, either singly or consensually with another person, including, but not limited to, sexual intercourse, oral sex, sexual touching, indecent exposure, or voyeurism. (See also Inappropriate Sexual Conduct; Inappropriate Touching; Sexual Touching; Sexual Assault; Sexual Harassment.)

---

<sup>6</sup> See, Bullying, Intimidation, and Harassment for less serious behaviors.

<sup>7</sup> See, Assault for hazing behaviors that involve physical assault.

<sup>8</sup> See, Threats of Violence for credible, focused threats of violence.

<sup>9</sup> See, Sexual Assault for more serious behavior or inappropriate touching.

<sup>10</sup> See, Inappropriate Language for less than persistent use.

<sup>11</sup> See, Sexual Assault, for behavior using force or physical harm. Also, see Sexual Misconduct for inappropriate sexualized behaviors.

**Malicious Harassment** <sup>12</sup> (Please see Bullying, Intimidation or Harassment or Inappropriate Language when determining the severity of the behavior)

Maliciously and intentionally committing one of the following acts because of a perception of that person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender identification, gender expression, or mental, physical, or sensory handicap:

- Causing physical injury to the victim or another person.
- Causing physical damage to or destruction of the property of the victim or another person.
- Threatening a specific person or group of persons such that the persons, or members of the specific group of persons, are in reasonable fear of harm to themselves or their property, including their right to an education or their safety at school.

Violations of this offense must rise to the level of the state definition of Malicious Harassment.

Malicious Harassment may or may not be personal but occurs primarily because the victim is a member of one of the groups identified above See, RCW 9A.36.080. (See also Bullying, Intimidation, or Harassment.)

### **Malicious Property Damage**

Intentionally causing damage to any school property, staff, or student property, or school buses. Also, writing, painting, drawing, or otherwise marking graffiti on any school property, staff property, or school bus that is so extensive that the cost of removing it exceeds \$100.<sup>13</sup>

### **Misrepresentation**

- Forging a parent's, guardian's, or any other person's signatures on any letter to the school, on any school document or form, or on any other document or form used by the school.
- Changing grades or attendance records on official District forms, including attendance reporting sheets and grade books, for any student without authorization of a school official.
- Providing a false name when asked to identify oneself to a school authority; or
- Providing false information to school personnel or impersonating another person verbally or in writing to provide false or misleading information, regarding a student's attendance or absence from school, including, but not limited to, falsely excusing absences or authorizing a student to be excused early from class or school.

### **Misuse of Computers** <sup>14</sup>

Inappropriately using or tampering with school computers.

### **Other Exceptional Misconduct**

Engaging in any other activity that would constitute a felony, gross misdemeanor, or misdemeanor under city, state, or federal law.

### **Plagiarism**

Cheating, or copying the work of other persons, or turning in another person's papers, projects, computer programs, etc., as your own.

---

<sup>12</sup> See, Bullying, Intimidation, or Harassment when the harassment is not based on status or personal characteristics.

<sup>13</sup> See, School Board Policy No. 3520 Student Fees, Charges, Fines, Restitution, and Damage Deposits.

<sup>14</sup> See, Computer Trespass for computer-related misconduct.

### **Possessing or Using Alcoholic Beverages**

Possessing, using, or being under the influence of alcohol, including any beverage with alcohol content.

### **Possessing or Using Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs**

Possessing, using, or being under the influence of illegal drugs, controlled substances, prescription or over-the-counter drugs, and/or drug paraphernalia including but not limited to pipes, handmade devices, electronic vapor devices or products containing an illegal drug.

### **Possessing or Using Marijuana**

Possessing, using, or being under the influence of marijuana, including but not limited to medical, home-grown, street or store purchased marijuana, marijuana concentrates, any food item with marijuana in it, and/or drug paraphernalia including but not limited to pipes, handmade devices, and electronic vapor devices or products containing a marijuana substance.

### **Possession of Stolen Property**

Knowingly receiving, retaining, possessing, concealing, or disposing of stolen property.

### **Robbery**

Taking another's property by force or threat of force.

### **Rule-breaking** (Not an exclusionary response for K-5 students)

Breaking a specific, published school rule. This includes breaking school bus rules and violating a specific safety or behavior contract.

### **Selling Alcoholic Beverages**

Selling, or intending to sell, alcoholic beverages, including any beverage with alcohol content.

### **Selling Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs**

Selling, or intending to sell illegal drugs, controlled substances, prescription or over-the-counter drugs, and/or drug paraphernalia including but not limited to pipes, handmade devices, electronic vapor devices or products containing an illegal drug.

### **Selling Marijuana**

Selling or intending to sell marijuana, including but not limited to medical, home-grown, street or store purchased marijuana, marijuana concentrates, any food item with marijuana in it, and/or drug paraphernalia including but not limited to pipes, handmade devices, and electronic vapor devices or products containing a marijuana substance.

### **Sexual Assault** <sup>15</sup>

Sexually assaulting or taking indecent liberties with another person. (See also inappropriate Sexual Conduct; Inappropriate Touching; Lewd Conduct; Sexual Harassment.)

### **Sexual Harassment**

Subjecting another individual to unwelcome conduct of a sexual nature. The conduct may include but is not limited to deliberately harassing another person for sexual reasons or in a sexualized manner with unwanted attention, touching, or verbal comments such that the targeted person is uncomfortable, intimidated, or threatened by the behavior. (See also Inappropriate Sexual Conduct; Inappropriate Touching; Lewd Conduct; Sexual Assault.)

---

<sup>15</sup> See, Board Policy No. 3208 – Sexual Harassment, and Superintendent Procedure 3208SP.

### **Small Folding Knives <sup>16</sup>**

Carrying onto or possessing a small folding knife with a blade length of 2-1/2 inches or less and with a blade width 1/2-inch or less on school property, school-provided transportation, areas of facilities being used exclusively as school district property, or at school-sponsored events or activities.

### **Theft**

Stealing school district property or the property of a staff member, student, or school visitor.

### **Threats of Violence**

Communicating credible, focused threats of violence or harm to an individual or group of individuals, directly or indirectly by any means, which cause the other person(s) to believe their life, safety, or property is in imminent danger, or which cause a listener to believe that another person's life, safety, or property is in imminent danger. It is not necessary that the threat be communicated to the intended victim.

### **Toy Guns and Toy Weapons**

Possessing a toy gun or other toy weapon not appearing to be a real gun or weapon; or appearing to be a real gun or weapon, but not used or displayed with malice.

### **Toys Used as Weapons**

Possessing and using with malice (in a threatening manner) objects that appear to be capable of causing bodily harm such that a person believes his or her safety is in danger, including toys that appear to be weapons regardless of size.

### **Trespass**

Entering or remaining unlawfully in a school building or on any part of school grounds or school property for any purpose excluding theft of property.<sup>17</sup>

### **Using or Possessing Tobacco Products <sup>18</sup>**

Using or possessing any tobacco products in or on public school property, on school sponsored transportation, or at school-sponsored activities.

## **Notice to Students and Parents Required by Federal Drug-Free Schools and Communities Act of 1989**

Seattle Public Schools prohibits the unlawful possession, use, or distribution of drugs and alcohol by students on school property, on school-sponsored transportation, or as part of school activities. Compliance with this rule is mandatory; students who disregard the prohibition may be suspended or expelled. Seattle Public Schools offers or can assist in arranging access to drug and alcohol education, counseling, and recovery support. For further information, contact your school leader or counselor.

---

<sup>16</sup> See, Toy Guns and Toy Weapons for toys that do not appear to be real knives.

<sup>17</sup> See, Burglary for trespass related to theft of property.

<sup>18</sup> See, School Board Policy No. 4215 - Tobacco Free Environment, and Superintendent Procedure No. 4215SP.

## **Accomplice Activity**

A student may be held responsible for the behavior of another student. A student may be considered an accomplice to an incident if the student: (1) solicits, commands, encourages, or requests others to engage in the incident, or (2) aids or agrees to aid others in planning or committing the incident. A student may encourage the conduct of another through verbal or nonverbal acts.

A student may be an accomplice merely by being present when another student is doing something wrong if they do not attempt to stop the aggressor from continuing the wrongful act or if their presence constitutes silent agreement of the act or is perceived as contributing to intimidation of the victim. For example, persons grouped around a victim while another student bullies or threatens the victim, even though they do not say anything or otherwise participate physically or verbally in the bullying or threatening behavior, could be considered accomplices because just by being there and not saying anything they are perceived by the victim as participating with and agreeing to the bullying or threatening behavior.

A student is not an accomplice if they are the victim of the behavior, or they terminate their complicity prior to the commission of the behavior and gives timely warning to school officials that the conduct may occur. Also, a student is not an accomplice if they merely know about an action planned by another student even if they do not report what they know to an administrator.

If a student engages in accomplice activity, the accomplice may be charged with the same behavior of the principal actor with a notation that the student committed the behavior as an accomplice.

## **Off Campus Behavior**

Discipline may be imposed for an off-campus act of misconduct. If the behavior and circumstances are closely connected to the educational process. The following criteria should be considered to decide whether an act of misconduct is sufficiently connected to the educational process:

1. Location of the misconduct (proximity to school grounds or to a school activity);
2. Hour and date of the misconduct (during school hours, but off-campus; immediately before or after school hours; on district-sponsored transportation, directly before entering or after leaving district-sponsored transportation, or during school-sponsored activities);
3. Effect on other participants or victims to the misconduct (did the misconduct involve or affect other students or School District personnel);
4. Severity of the misconduct and its likely connection to student or School District personnel safety (e.g., fighting or other violent or destructive acts, the selling of a controlled substance, or possession of a weapon); and
5. Extent to which the off-campus activity affects the environment or safety of the school (e.g., students are afraid to come to school or afraid at school because of it; it is disruptive to the school atmosphere in that special precautions or actions need to be taken to protect students and staff; the arrangements for the activity were made on campus but conducted off campus, such as drug sales, a fight or assault, etc.; or there are likely repercussions such as students from other schools or non-students coming onto the campus to effect retribution.)



## Off Campus Speech

The District will respond to off-campus student speech that causes or threatens to cause a substantial disruption on campus or interference with the right of students to be secure and obtain their education. Substantial disruption includes, but is not limited to, significant interference with instruction, school operations or school activities, violent physical or verbal altercations between students, or a hostile environment that significantly interferes with a student's education.

---

## **VII. DISCIPLINARY RESPONSES**

When considering what an appropriate disciplinary response might be for a particular behavior the school staff must consider possible mitigating and aggravating behaviors. Please see Appendix C.

### **OTHER FORMS OF DISCIPLINE INCLUDING EXCLUSION FROM TRANSPORTATION AND EXTRA-CURRICULAR ACTIVITIES (DISTRICT POLICY)**

School administrators, teachers, bus drivers and other school staff have the authority to impose other forms of discipline including exclusion from transportation and extra-curricular activities. Seattle Public Schools staff are committed to implementing a disciplinary response that would be the least disruptive to the student-school relationship, which also maximizes instructional time. When considering what an appropriate disciplinary response would be for a particular behavior, please see Appendix D for alternatives to classroom exclusions, suspensions, and expulsions.

### **CLASSROOM EXCLUSIONS**

#### **Conditions and Limitations (WAC 392-400-330)**

**Authority to Administer:** A teacher or other school personnel may exclude a student from a classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's or other school personnel's immediate supervision.

**Other Forms of Discipline:** The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

**Limitations:** A classroom exclusion may be administered for all or any portion of the balance of the school day. When a classroom exclusion is for longer than the balance of the school day, the school must provide the student's parent/guardian/family notice and due process for a suspension, expulsion, or emergency expulsion.

A student may not be removed from school during a classroom exclusion unless the school provides the student's parent/guardian/family notice and due process for a suspension, expulsion, or emergency expulsion.

**Assignments and Tests:** The school must provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.

Notice and Procedure (WAC 392-400-335)

**Notice to Principal:** The teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible.

**Notice to Parents:** The teacher, principal, or designee must notify the student's parent/guardian/family regarding the classroom exclusion as soon as reasonably possible. The school must ensure that this notification is in the language the parent/guardian/family understands, which may require language assistance for a parent/guardian/family with limited-English proficiency.

Emergency Circumstances: When a teacher or other school personnel administer a classroom exclusion on the grounds that the student's presence poses an immediate and continuing threat of material or substantial disruption of the educational process: (a) the teacher or other school personnel must immediately notify the principal or designee; and (b) the principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

## **SUSPENSIONS AND EXPULSIONS**

### **General Conditions and Limitations (WAC 392-400-430)**

A school may administer in-school suspensions, short-term suspensions, long-term suspensions and expulsions for behavioral violations subject to the following requirements:

**Parent Involvement:** A school must provide for early involvement of parents/guardians/family in efforts to support students in meeting behavioral expectations and must make every reasonable attempt to involve the student and parents/guardians/family in the resolution of behavioral violations.

**Considerations:** Before administering any suspension or expulsion, a school must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

**Completing Academic Requirements:** A school may not suspend the provision of educational services to a student in response to behavioral violations or administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

**Opportunity to Receive Educational Services:** A school must provide an opportunity for students to receive educational services during a suspension or expulsion.

**Reentry:** After suspending or expelling a student, a school must make reasonable efforts to return the student to the student's regular educational setting as soon as possible, and allow the student to petition for readmission at any time.

**Absences and Tardiness:** A school may not suspend or expel a student from school for absences or tardiness.

**Access to District Property:** When administering a suspension or expulsion, a school may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented or controlled by the District.

**End Dates:** A suspension or expulsion of a student may not be for an indefinite period of time and must have an end date.

If the District enrolls a student in another program or course of study during a suspension or expulsion, the District may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion unless: (a) the District superintendent or designee grants a petition to extend the student's expulsion; (b) the student is excluded from the student's regular educational setting in accordance with exceptions for the purpose of protecting victims. See Appendix A for Exceptions for the Purpose of Protecting Victims ; or (c) the student is otherwise precluded under law from returning to the student's regular educational setting.

## **Initial Hearing with Student (WAC 392-400-450)**

**Initial Hearing:** Before administering any suspension or expulsion, the principal or designee must conduct an informal hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student: (a) notice of the student's behavioral violation; (b) an explanation of the evidence regarding the behavioral violation; (c) an explanation of the discipline that may be administered; and (d) an opportunity for the student to share the student's perspective and provide an explanation regarding the behavioral violation.

**Parent/Guardian/Family Participation:** In-school and Short-term Suspensions: At an initial hearing in which the principal or designee is considering administering an in-school or short-term suspension, the principal or designee must provide the student an opportunity to contact the student's parent/guardian/family.

**Parent/Guardian/Family Participation:** Long-term Suspensions and Expulsions: At an initial hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parent/guardian/family to provide an opportunity for the parent/guardian/family to participate in the initial hearing by telephone or in person.

**Decision to Suspend or Expel:** Following the initial hearing, the principal or designee must inform the student and parent/guardian/family of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

**Language Assistance:** The school must ensure that the initial hearing is held in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/family with limited-English proficiency.

## **Notice of Disciplinary Action (WAC 392-400-455)**

**Initial Notice:** Before administering any suspension or expulsion, a school must attempt to notify the student's parent/guardian/family about the behavioral violation as soon as reasonably possible.

**Written Notice:** No later than one school business day following the initial hearing with the student, a school must provide written notice of the suspension or expulsion to the student and parent/guardian/family in person, by mail, or by email.

The written notice of disciplinary action must include: (a) a description of the student's behavior and how the behavior violated the District's discipline policies and procedures; (b) the duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; (c) the other forms of discipline that the school considered or attempted, and an explanation of the school's decision to administer the suspension or expulsion; (d) the opportunity to receive educational services during the suspension or expulsion; (e) the student's and parent's/guardian's/family's right to an informal conference with the principal or designee; (f) the student's and parent's/guardian's/family's right to appeal the suspension or expulsion, including where and to whom the appeal must be requested; and (g) for a long-term suspension or expulsion, the opportunity for the student and parent/guardian/family to participate in a reengagement meeting.

**Language Assistance:** The school must ensure the initial and written notices required above are provided in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

## **Optional Informal Conference with Principal or Designee (WAC 392-400-460)**

**Requesting a Conference:** If a student or parent/guardian/family disagree with the school's decision to suspend or expel the student, the student or parent/guardian/family may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

**Time Limit for Requesting a Conference:** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian/family.

**During the Conference:** During the informal conference, the principal or designee must provide the student and parent/guardian/family the opportunity to: (a) share the student's perspective and explanation regarding the behavioral violation; (b) confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and (c) discuss other forms of discipline that may be administered.

**Language Assistance:** The school must ensure the conference is held in a language the student and parent/guardian/family understand, which may require language assistance for student and parents/guardians/families with limited-English proficiency.

**Right to Appeal:** An informal conference must not limit a student's or parent's/guardian's/family's right to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.

## **IN-SCHOOL SUSPENSIONS AND SHORT-TERM SUSPENSIONS**

### **Additional Conditions and Limitations (WAC 392-400-435)**

A principal or designee may administer an in-school suspension or short-term suspension, subject to the following additional requirements:

**Other Forms of Discipline:** Before administering an in-school suspension or short-term suspension, a school must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations.

**Length of Exclusion:** A school may not administer an in-school or short-term suspension beyond the school year in which the behavioral violation occurred.

**Grade-level Limitations:** For a student in kindergarten through fourth grade: A school may not administer an in-school or short-term suspension for more than ten cumulative school days during any academic term.

For a student in grades five through twelve: A school may not administer an in-school suspension or short-term suspension for more than fifteen cumulative school days during any single semester, or for more than ten cumulative school days during any single trimester.

**School Personnel:** When administering an in-school suspension, a school must ensure school personnel: (a) are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension; and (b) are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.

## **LONG-TERM SUSPENSIONS**

### **Additional Conditions and Limitations (WAC 392-400-440)**

A principal or designee may administer a long-term suspension subject to the following additional requirements:

**Other Forms of Discipline:** Before administering a long-term suspension, a school must consider other forms of discipline to support the student in meeting behavioral expectations.

**Limitations on Long-term Suspensions:** A school may only administer a long-term suspension: (a) for behavioral violations under RCW 28A.600.015(6) and (b) after the school has determined that, if the student returned to school before completing a long-term suspension, the student would pose an imminent danger to students or school personnel, or an imminent threat of material and substantial disruption of the educational process.

**Length of Exclusion:** A long-term suspension may not exceed the length of an academic term or extend beyond the school year in which the behavioral violation occurred.

**Grade-level Limitations:** Except for a firearms violation, a school may not administer a long-term suspension for any student in kindergarten through fifth grade (District Policy).

## **EXPULSIONS**

### **Additional Conditions and Limitations (WAC 392-400-445)**

A principal or designee may administer an expulsion subject to the following additional requirements:

**Other Forms of Discipline:** Before administering an expulsion, a school must consider other forms of discipline to support the student in meeting behavioral expectations.

**Limitations on Expulsions:** A school may only administer an expulsion: (a) for behavioral violations under RCW 28A.600.015(6) and (b) after the school has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.

**Length of Exclusion:** An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the District Superintendent for extension of an expulsion and the extension is granted.

**Grade-level Limitations:** Except for a firearms violation, a school may not administer an expulsion for any student in kindergarten through fifth grade (District Policy).

### **Petition to Extend Expulsion Beyond Academic Term (WAC 392-400-480)**

**Petition:** When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the District Superintendent or designee for authorization to exceed the academic term limitation on an expulsion.

The petition must inform the Superintendent or designee of: (a) the behavioral violation that resulted in the expulsion and the public health or safety concerns; (b) the student's academic,

attendance and discipline history; (c) any nonacademic supports and behavioral services the student was offered or received during the expulsion; (d) the student's academic progress during the expulsion and the educational services available to the student during the expulsion; (e) the proposed extended length of the expulsion; and (f) the student's reengagement plan.

**Time Limit for Making a Petition:** The principal or designee may petition to extend an expulsion only after the development of a reengagement plan and before the end of the expulsion. For firearms violations, the principal or designee may petition to extend an expulsion at any time.

**Written Notice:** The District must provide written notice of the petition to the student or the parent/guardian/family in person, by mail, or by email within one school business day from the date the Superintendent or designee received the petition.

The written notice must include: (a) a copy of the petition; (b) the student's and parent's/guardian's/family's right to an informal conference with the District Superintendent or designee to be held within five school business days from the date the District provided written notice to the student and parent/guardian/family; and (c) the student's and parent's/guardian's/family's right to respond to the petition orally or in writing to the District Superintendent or designee within five school business days from the date the District provided written notice.

**Written Petition Decision:** The District Superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school placement after the length of an academic term, the student would pose a risk to public health or safety. The District Superintendent or designee must deliver a written decision to the principal, the student and the parent/guardian/family in person, by mail, or by email within ten school business days after receiving the petition.

If the petition is granted, the written decision must include: (a) the date on which the extended expulsion will end; (b) the reason that, if the student were to return to the student's previous school placement before the initial expulsion end date, the student would pose a risk to public health or safety; and (c) notice of the student's and parent's/guardian's/family's right to request the Discipline Appeal Council to review and reconsider the petition decision, including where and to whom to make the request.

If the petition is not granted, the written decision must identify the date on which the expulsion will end.

**Language Assistance:** The District must ensure that any notices, petition proceedings, and petition decisions are provided in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

## **EMERGENCY EXPULSIONS**

### **Conditions and Limitations (WAC 392-400-510)**

A principal or designee may immediately remove a student from the student's current school placement, subject to the following requirements:

**Sufficient Cause:** A school must have sufficient cause to believe that the student's presence poses: (a) an immediate and continuing danger to other students or school personnel; or (b) an immediate and continuing threat of material and substantial disruption of the educational process.

**Determination of Immediate and Continuing Threat of Disruption:** An immediate and continuing threat of material and substantial disruption of the educational process means: (a) the student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and (b) school personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

**Time Limit for Emergency Expulsions:** An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

**Conversion:** If a school converts an emergency expulsion to a suspension or expulsion, the school must: (a) apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and (b) provide the student and parent/guardian/family appropriate notice and due process.

### **Notice to Student and Parent/Guardian/Family (WAC 392-400-515)**

**Initial Notice:** After an emergency expulsion, the school must attempt to notify the student's parent/guardian/family, as soon as reasonably possible, regarding the reason the school believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

**Written Notice:** With 24 hours after an emergency expulsion, a school must provide written notice of the emergency expulsion to the student and parent/guardian/family in person, by mail, or by email.

The written notice of disciplinary action must include: (a) the reason the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process; (b) the duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end; (c) the opportunity to receive educational services during the emergency expulsion; (d) the student's and parent's/guardian's/family's right to an informal conference with the principal or designee; and (e) the student's and parent's/guardian's/family's right to appeal the emergency expulsion, including where and to whom the appeal must be requested.

**Language Assistance:** The school must ensure the initial and written notices are provided in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

### **Optional Conference with Principal (WAC 392-400-520)**

**Requesting a Conference:** If a student or parent/guardian/family disagree with a school's decision to administer an emergency expulsion, the student or parent/guardian/family may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

**Time Limit for Holding a Conference:** The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian/family.

**Conference:** During the informal conference, the principal or designee must provide the student and parent/guardian/family the opportunity to share the student's perspective and explanation

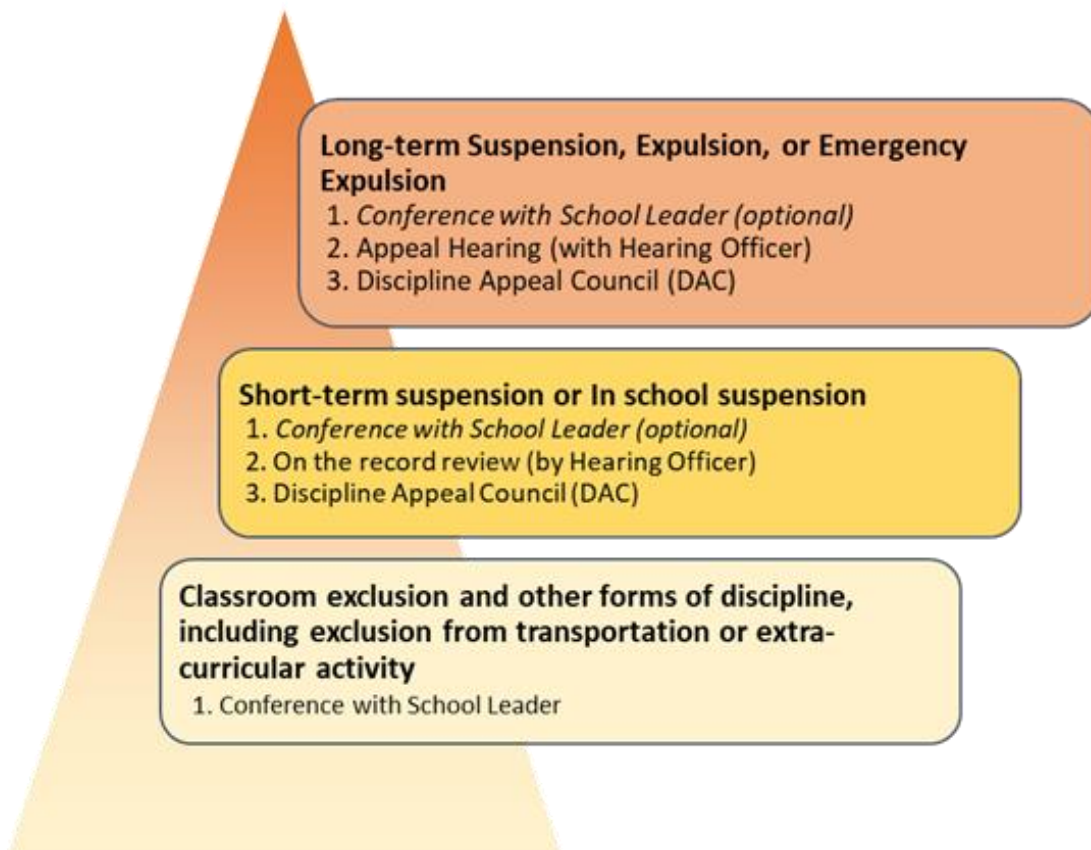


regarding the events that led to the emergency expulsion.

**Right to Appeal:** An informal conference must not limit a student's or parent's/guardian's/family's right to appeal an emergency expulsion.

**Language Assistance:** The school must ensure the conference is held in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

## **VIII. DISTRICT DISCIPLINARY GRIEVANCE AND APPEAL RIGHTS**



### **Grievance Procedure for Classroom Exclusion and Other Forms of Discipline, Including Exclusion from Transportation or Extra-Curricular Activities (District Policy)**

**Requesting a Conference:** If a student or parent/guardian/family disagree with a school's decision to administer a classroom exclusion or other form of discipline, including exclusion from transportation or extra-curricular activities, the student or parent/guardian/family may request a conference with the principal or designee to resolve the disagreement. The request for a conference may be made orally or in writing.

**Time Limit for Holding a Conference:** The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian/family.

**Conference:** During the conference, the principal or designee must provide the student and

parent/guardian/family the opportunity to: (a) share the student's perspective and explanation regarding the behavioral violation; (b) confer with the principal or designee involved in the incident that led to the disciplinary response; (c) discuss other forms of discipline that may be administered.

**Language Assistance:** The school must ensure the conference is held in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

### **Appeal Process for In-school and Short-term Suspensions: On-the-Record Review (WAC 392-400-465)**

**Appeal Process:** The appeal process for in-school and short-term suspensions is an on-the-record review and decision. On-the-record reviews and decisions will be made by independent hearing officers.

**Requesting an Appeal:** A student or parent/guardian/family may appeal a school's decision to in-school or short-term suspend a student to the District Discipline Appeals Office orally or in writing.

**Time Limit for Requesting an Appeal:** The appeal request must be received by the District Discipline Appeals Office within five (5) school business days from the date a school provides the student or parent/guardian/family written notice of the in-school suspension or short-term suspension.

**Appeal:** The District Discipline Appeals Office must provide the student and parent/guardian/family the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

**Appeal Decision:** The District Discipline Appeals Office must deliver a written appeal decision to the student and parent/guardian/family in-person, by mail or by email within two (2) school business days after receiving the appeal request.

**The written appeal decision must include:** (a) the decision to affirm, modify, or reverse the suspension; (b) the duration and conditions of the suspension, including the dates on which the suspension began and end; (c) the educational services the school will offer the student during the suspension; and (d) notice of the student's and parent's/guardian's/family's right to request Discipline Appeal Council review and reconsideration of the appeal decision, including where and to whom to make the request.

**Pending Appeal:** If the student or parent/guardian/family request an appeal hearing, the school may temporarily continue to administer the suspension during the appeal period subject to the following requirements: (a) the school may temporarily continue to administer the suspension for no more than ten consecutive school days from the date of the initial hearing with the student or until the appeal is decided, whichever is earlier; (b) any days that the student is temporarily suspended before the appeal is decided must be applied to the term of the student's suspension and may not extend the term of the student's suspension; and (c) if the student who is temporarily suspended returns to school before the appeal is decided, upon the student's return, the school must provide the student an opportunity to make up assignments and tests missed during the suspension.

### **Appeal Process for Long-term Suspensions and Expulsions: Appeal Hearing (WAC 392-400-465)**

**Appeal Process:** The appeal process for long-term suspensions and expulsions is an appeal hearing and decision.

**Requesting an Appeal:** A student or parent/guardian/family may appeal a school's decision to long-term suspend or expel a student to the District Discipline Appeals Office orally or in writing.

**Time Limit for Requesting an Appeal:** The appeal request must be received by the District Discipline Appeals Office within five (5) school business days from the date a school provides the student or parent/guardian/family written notice of the long-term suspension or expulsion.

**Written Notice:** Within one (1) school business day after receiving the appeal request, unless otherwise agreed to by the student and parent/guardian/family, the District Discipline Appeals Office must provide the student and parent/guardian/family written notice in person, by mail, or by email of: (a) the time, date, and location of the appeal hearing; (b) the name of the hearing officer who will preside over the appeal hearing; (c) the student's and parent's/guardian's/family's right to inspect the student's education records prior to the appeal hearing; (d) the student's and parent's/guardian's/family's right to inspect, prior to the appeal hearing, any documentary or physical evidence and a list of any witnesses that the school will introduce at the hearing; (e) the student's and parent's/guardian's/family's rights during the appeal hearing; and (f) whether the school will offer to hold a reengagement meeting before the appeal hearing.

**Student Reengagement:** Before the appeal hearing, student, parent/guardian/family, and school must hold a reengagement meeting and develop a reengagement plan. The student, parent/guardian/family, and school may mutually agree to postpone the appeal hearing while participating in the reengagement process.

**Time Limit for Holding an Appeal Hearing:** The District must hold an appeal hearing within three (3) school business days from the date the District Discipline Appeals Office received the appeal request, unless otherwise agreed to by the student or parent/guardian/family.

**Pending Appeal:** If the student or parent/guardian/family request an appeal hearing, the school may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements: (a) the school may temporarily continue to administer the long-term suspension or expulsion for no more than ten (10) consecutive schools days from the date of the initial hearing with the student or until the appeal is decided, whichever is earlier; (b) any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and (c) if the student who is temporarily suspended or expelled returns to school before the appeal is decided, upon the student's return, the school must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion.

### **Appeal Process for Emergency Expulsions: Appeal Hearing WAC 392-400-525)**

**Appeal Process:** The appeal process for emergency expulsions is an appeal hearing and decision.

**Requesting an Appeal:** A student or parent/guardian/family may appeal a school's decision to emergency expel a student to the District Discipline Appeals Office orally or in writing.

**Time Limit for Requesting an Appeal:** The appeal request must be received by the District Discipline Appeals Office within three (3) school business days from the date the school provides the student or parent/guardian/family written notice of the emergency expulsion.

**Time Limit for Holding an Appeal Hearing:** The District must hold an appeal hearing as soon as reasonably possible, but no later than two (2) school business days after the date the District Discipline Appeals Office received the appeal request, unless otherwise agreed to by the student or parent/guardian/family.

### **Appeal Hearing Procedure (WAC 392-400-465 and 525)**

**Presiding Official:** The School Board has designated independent hearing officers to hear and decide school decisions to long-term suspend, expel, and emergency expel students. The hearing officers may not be involved in the student's behavioral violation or decision to long-term suspend, expel, or emergency expel the student, and must be knowledgeable about WAC 392-400 and the District's discipline policies and procedures.

**Evidence and Witnesses:** Upon request, the student, parent/guardian/family, and school may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The student, parent/guardian/family and school must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

Upon request, the student and parent/guardian/family, may review the student's education records. The school must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

If a student or school personnel witness cannot or does not appear at the appeal hearing, the hearing officer may excuse the witness's nonappearance if the school establishes that: (a) the school made a reasonable effort to produce the witness; and (b) the witness' failure to appear is excused by fear of reprisal or another compelling reason.

**Student and Parent/Guardian/Family Rights:** During the appeal hearing, the student and parent/guardian/family have the right to: (a) be represented by legal counsel; (b) question witnesses; (c) share the student's perspective and provide explanation regarding the behavioral violation; and (d) introduce relevant documentary, physical, or testimonial evidence.

**Recording of Hearing:** The appeal hearing must be recorded by manual, electronic, or other type of recording device. The District must provide a copy of the recording to the student or parent/guardian/family upon request.

**Appeal Decision for Suspensions and Expulsions:** The hearing officer must base the written appeal decision solely on the evidence presented at the appeal hearing.

The District must provide the written appeal decision to the student and parent/guardian/family in person, by mail, or by email for suspensions and expulsions, within three (3) school business days after the appeal hearing.

The written appeal decision must include: (a) findings of fact; (b) a determination of whether the student's behavior violated the District's discipline policies or procedures, the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion, and whether the suspension or expulsion is affirmed, modified or reversed; (c) the duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; (d) notice of the student and parent/guardian/family right to request Discipline Appeal Council review and reconsideration of the appeal decision, including where and to whom to make the request; and (e) for long-term suspensions and expulsions, notice of the opportunity to participate in a reengagement meeting and the contact information for the person who will coordinate scheduling of the reengagement meeting.

**Appeal Decision for Emergency Expulsions:** The hearing officer must base the written appeal decision solely on the evidence presented at the appeal hearing.

The District must provide the written appeal decision to the student and parent/guardian/family in person, by mail, or by email within one (1) school business day after the appeal hearing.

The written appeal decision must include: (a) findings of fact; (b) a determination of whether the student's presence continues to pose an immediate and continuing danger to students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process; and (c) whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the District must provide the student and parent/guardian/family notice and due process; and (d) notice of the student's and parent's/guardian's/family's right to request Discipline Appeal Council review and reconsideration of the appeal decision, including where and to whom to make the request.

### **Language Assistance (WAC 392-400-465 and 525)**

The District must ensure that any District Appeal notices, proceedings, and decisions are provided in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/family's with limited-English proficiency.

## **IX. SCHOOL BOARD APPEAL RIGHTS**

### **Discipline Appeal Council (WAC 392-400-470, 475, 480 and 530)**

**Discipline Appeal Council:** The School Board has designated a Discipline Appeal Council (DAC) to review and reconsider District appeal decisions for long-term suspensions, expulsions, and emergency expulsions. Classroom exclusions and other forms of discipline, including exclusion from transportation and extra-curricular activities, are not eligible to be reviewed by the DAC.

The DAC must consist of at least three persons appointed by the School Board for fixed terms. All members of the DAC must be knowledgeable about WAC 392-400 and the District's discipline policies and procedures.

Decisions of the DAC may be made only by DAC members who were not involved in the behavioral violation, the decision to suspend, expel, or emergency expel the student, nor the District's appeal decision.

**Requesting DAC Review:** A student or parent/guardian/family may request that the DAC review and reconsider the District's appeal decision and/or decision to extend the student's expulsion. A request for DAC review may be made orally or in writing to the Discipline Appeals Office.

**DAC Review Procedure:** In reviewing the District's appeal decision and/or decision to extend a student's expulsion, the DAC must consider all documentary and physical evidence related to the behavioral violation, any records from the District appeal, relevant State law, and the District's discipline policies and procedures.

The DAC will meet with the student or parent/guardian/family, the principal, witnesses, or school personnel to gather additional information and hear further arguments. Students receiving special education, section 504, or English Language Learner services, have the right to have a personal

knowledgeable about their disability, specially designed instruction, accommodations, and/or language/culture present to advise the DAC.

**Language Assistance:** The DAC must ensure that proceedings and decisions are in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

### **DAC Review of Suspensions and Expulsions (WAC 392-400-470)**

**Time Limit for Requesting DAC Review:** A student or parent/guardian/family must request the DAC to review and reconsider the District's appeal decision within ten school business days from the date the District provided the written decision to the student and parent/guardian/family.

**DAC Decision:** The DAC must provide a written decision to the student and parent/guardian/family in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration.

**The DAC's written decision must identify:** (a) whether the DAC affirms, modifies, or reverses the suspension or expulsion; (b) the duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and (c) for long-term suspension or expulsions, notice of the opportunity to participate in a reengagement meeting.

### **DAC Review of Petitions to Extend Expulsions (WAC 392-400-480)**

**Time Limit for Requesting DAC Review:** A student or parent/guardian/family must request the DAC to review and reconsider the District's decision to extend a student's expulsion within ten (10) school business days from the date the District Superintendent or designee provided the written decision to the student and parent/guardian/family.

**DAC Decision:** The DAC must provide a written decision to the student and parent/guardian/family in person, by mail or by email within ten (10) school business days after receiving the request for review and reconsideration.

**The DAC's written decision must identify:** (a) whether the DAC affirms, modifies, or reverses the District's decision to extend the student's expulsion; and (b) the date on which the student's expulsion will end.

Any extension of a student's expulsion may not exceed the length of an academic term.

### **DAC Review of Emergency Expulsions (WAC 392-400-530)**

**Time Limit for Requesting DAC Review:** A student or parent/guardian/family must request the DAC to review and reconsider the District's appeal decision within five (5) school business days from the date the District provided the written decision to the student and parent/guardian/family.

**DAC Decision:** The DAC must provide a written decision to the student and parent/guardian/family in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration.

**The DAC's written decision must identify:** (a) whether the DAC affirms or reverses the District's decision that the student's presence posed an immediate and continuing danger to students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process; and (b) if the emergency expulsion has not ended or been converted, whether the school will end the emergency expulsion or convert the emergency expulsion to

a suspension or expulsion. If the school converts the emergency expulsion to a suspension or expulsion, the school must provide the student and parent/guardian/family notice and due process.

## **X. EDUCATIONAL SERVICES DURING SUSPENSION, EXPULSION OR EMERGENCY EXPULSION**

### **Educational Services (WAC 392-400-610)**

**Educational Services:** A school may not suspend the provision of educational services to a student in response to behavioral violations.

During the suspension, expulsion or emergency expulsion of a student, a school must provide the student the opportunity to receive educational services. The educational services must enable the student to: (a) continue to participate in the general educational curriculum; (b) meet the educational standards established within the District; and (c) complete subject, grade-level, and graduation requirements.

When providing a student the opportunity to receive educational services, the school must consider: (a) meaningful input from the student, parent/guardian/family, and the student's teachers; (b) whether the student's regular educational services include English language development services, special education services, accommodations and related services under Section 504, or supplemental services designed to support the student's academic achievement; and (c) access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

A school may provide educational services to the student in an alternative setting or modify the suspension, expulsion, or emergency expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular educational services the student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

**Exclusions for Up to Five Consecutive School Days:** For a student subject to suspension or emergency expulsion for up to five consecutive school days, a school must provide at least the following: (a) course work, including any assigned homework, from all of the student's regular subjects or classes; (b) access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and (c) an opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

**Exclusions for Six Through Ten Consecutive Schools Days:** For a student subject to suspension or emergency expulsion for six through ten consecutive school days, a school must provide at least the following: (a) course work, including any assigned homework, from all of the student's regular subjects or classes; (b) access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel must make a reasonable attempt to contact the student or parent/guardian/family within three school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to: (i) coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and (ii) communicate with the student, parent/guardian/

family, and the student's teacher(s) about the student's academic progress; and (c) an opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

**Exclusions for More Than Ten Consecutive School Days:** For a student subject to suspension or expulsion for more than ten consecutive school days, a school must provide educational services in accordance with WAC 392-121-107.

### **Required Notice (WAC 392-400-610)**

**Written Notice:** As soon as reasonably possible after administering a suspension, expulsion, or emergency expulsion, a school must provide written notice to the student and parent/guardian/family about the educational services the District will provide. The school must provide the written notice in person, by mail, or by email. The notice must include: (a) a description of the educational services that will be provided; and (b) the name and contact information for the school personnel who can offer support to keep the student current with assignments and course work.

**Language Assistance:** The school must ensure that notices and communications required for educational services are provided in a language the student and parent/guardian/family understand, which may require language assistance for a student and parent/guardian/family with limited-English proficiency.

## **XI. STUDENT REENGAGEMENT AFTER LONG-TERM SUSPENSION OR EXPULSION**

### **Reengagement Meeting (WAC 392-400-710)**

When a school administers a long-term suspension or expulsion, the school must convene a reengagement meeting with the student and parent/guardian/family to discuss a plan to reengage the student. Before convening a reengagement meeting, a school must communicate with the student and parent/guardian/family to schedule the meeting time and location.

The reengagement meeting must occur: (a) within three (3) calendar days of the start of the student's long-term suspension or expulsion; or (b) as soon as reasonably possible, if the student and parent/guardian/family request a prompt reengagement meeting.

**Reengagement meetings do not replace appeal hearings or petitions for readmission.**

### **Reengagement Plan (WAC 392-400-710)**

The school must collaborate with the student and parent/guardian/family to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school.

In developing a reengagement plan, the school must consider: (a) the nature and circumstances of the incident that led to the student's suspension or expulsion; (b) as appropriate, the student's cultural history and context, parent/guardian/family cultural norms and values, community resources, and community and parent/guardian/family outreach; (c) shortening the length of time the student is suspended or expelled; (d) providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and (e) supporting the student, parent/guardian/family, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.



The school must document the reengagement plan and provide a copy to the student and parent/guardian/family.

**Language Assistance:** The school must ensure that the reengagement meeting and plan are in a language the student and parent/guardian/family understand, which may require language assistance for a student and parent/guardian/family with limited-English proficiency.

### **Reentry Program for High School Students (District Policy)**

A reentry program is provided for high school students who have been long-term suspended or expelled from school. Long-term suspended or expelled high school students will be referred to Interagency Academy's reentry program. Students will attend an orientation at Interagency Academy and will then be assigned to one of several Interagency Academy sites for the remainder of their suspension. District practice at the high school level is to provide free access to behavior modification instruction to the extent possible when it is required for suspensions and expulsions (generally, when the suspension or expulsion is for an offense that involves violence.) This assignment will continue if there is a requirement for behavior modification and such instruction has not been completed by the end of the suspension or expulsion.

Suspended high school students with a requirement to complete behavior modification may return to their suspending school when the behavior modification instruction is satisfactorily completed, and their suspension is served. Students whose disciplinary response did not include a behavior modification requirement may return to their suspending school when the suspension is over. For students who want to attend a different school at the completion of their suspension, please refer to Superintendent's Procedure 3130 (Student Assignment).

Expelled high school students cannot return to their expelling school. If a student is also long-term suspended a referral will be made to Interagency Academy. Expelled students who do not have a long-term suspension as part of the disciplinary response must be reassigned to another school within ten school days of the expulsion. For reassignment options, please refer to Superintendent's Procedure 3130 (Student Assignment).

### **Discipline Case Management Services for Middle School Students (District Policy)**

Middle school students who are eligible for behavior modification, based on the referring behaviors of concern (please see SPS Discipline Matrix for eligibility), may be short-term suspended and the school leader may request Discipline Case Management services through the Discipline Office. If the school chooses to impose a long-term suspension, then Discipline Case Management Services will not be provided. The goal of Discipline Case Management Services is to minimize lost instructional time for all students while increasing student success (both academically and behaviorally) by providing long term support (a semester or more) to students, parents/guardians/families, and schools in response to significant behaviors.

Discipline Case Management services will include a comprehensive behavior and social skill assessment conducted with the student and the parent/guardian/family; interviews with school staff; referrals to community based organizations if needed; securing Releases of Information (ROIs); coordination with community based providers; the development of a school success reentry plan based on the story and strengths of the student and projected needs when they return; and scheduling of a reentry meeting.

Discipline Case Management Services will also include ongoing weekly and/or biweekly communication with parent/guardian/family, school staff, community-based providers, and the student. If the comprehensive assessment indicates a need for direct instruction in skill building,

Discipline Case Management Services may also include time limited skill building instruction. Discipline Case Management Services will continue until stability is regained and a transition back to school level case management occurs.

### **Elementary School Students (WAC 392.400.440 and 445)**

Elementary school students may not be long-term suspended or expelled from their school. Therefore, there is not a reentry program or case management services for elementary students.

### **Students Eligible for Special Education or Section 504 (District Policy)**

Prior to being referred to Interagency Academy (high school), Discipline Case Management Services (middle school), or for a threat assessment (all grade levels) a Manifestation Determination Review (MDR) meeting must occur.

## **XII. ADDITIONAL DUE PROCESS PROTECTIONS FOR STUDENTS**

### **Protecting Victims of Certain Offenses (WAC 392-400-810)**

A school may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses. See Appendix A: Definitions.

### **Behavior Agreements (WAC 392-400-815)**

A school may enter into a behavior agreement with a student and a parent/guardian/family in response to a behavioral violation, including an agreement to reduce the length of a suspension conditioned on the student's participation in treatment or assessment services, an agreement in lieu of suspension or expulsion, or an agreement holding a suspension or expulsion in abeyance.

A school must ensure that a behavior agreement does not waive a student's opportunity to participate in a reengagement meeting or receive educational services during a suspension, expulsion, or emergency expulsion.

The duration of behavior agreements must not exceed the length of an academic term.

A school may administer discipline for behavioral violations that occur after the school enters into a behavior agreement with a student and parent/guardian/family.

The school must ensure any behavior agreement is provided in a language the student and parent/guardian/family understand, which may require language assistance for a student and parent/guardian/family with limited-English proficiency.

### **Mandated Treatments and Assessments Are Not Allowed**

Schools are not allowed under State law to mandate that students participate in treatment or assessment services as a condition for returning to school following a suspension or expulsion. Schools may reduce the length of a student's suspension or expulsion conditioned on the student's participation in treatment or assessment services; however, nothing in State law requires a student or parent/guardian/family to do so, and a school cannot indefinitely suspend a student pending any scheduling or completion of such services.

## **Firearm Rules and Exceptions (WAC 392-400-820)**

**Firearms Rules:** A school must expel a student for no less than one year if the school has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, areas of facilities being used exclusively as District property, or at school-sponsored events or activities. The District Superintendent may modify the expulsion on a case-by-case basis.

A school may suspend or expel a student for up to one year if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, areas of facilities being used exclusively as District property, or at school-sponsored events or activities.

**Firearms Exceptions:** The above firearms rules do not apply to: (a) any student while engaged in military education authorized by the District in which rifles are used; (b) any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the District in which rifles of collectors or instructors are handled or displayed; or (c) any student while participating in a rifle competition authorized by the District.

## **Corporal Punishment, Restraint and Isolation (WAC 392-400-825)**

**Corporal Punishment:** A school may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student.

**Corporal punishment does not include:** (a) the use of reasonable physical force by a school administrator, teacher, school personnel, or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property; (b) physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or (c) physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational education projects.

**Restraint and Isolation:** A school may not use other uses of restraint, isolation, or other uses of physical intervention on any student except as provided for in School Board Policy 3246 (Restraint, Isolation, and Other Uses of Physical Intervention).

## **School Meals (WAC 392-400-830)**

A school may not administer any discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

## APPENDIX A: DEFINITIONS

The following are key definitions used in various parts of this document:

**Appealing Party:** A student or parent/guardian/family who is using the discipline appeals procedures found in WAC 392-400 to dispute a student's school based disciplinary response, suspension, expulsion or emergency expulsion.

**Behavior Intervention Plan (BIP):** A plan developed for a student eligible for special education or section 504 whose behavior impedes the student's learning or the learning of others. When an IEP or Section 504 Plan contains a BIP addressing a specific behavior, the BIP governs and prescribes the necessary disciplinary response for that behavior. See Appendix B.

**Behavioral Violation:** A student's behavior that violates the District's discipline policies or procedures adopted under WAC 392-400.

**Change of Placement:** The removal of a student eligible for special education or section 504 from the student's current educational placement: (a) for more than ten consecutive school days; or (b) for a series of removals that constitute a pattern of exclusion because the removals cumulate to more than ten school days in a school year.

**Classroom Exclusion:** The exclusion of a student from a classroom or instructional or activity area for behavioral violations under WAC 392-400. Classroom exclusions do not include actions that result in missed instruction for a brief duration (less than 30 minutes) when: (a) teacher or other school personnel attempt other forms of discipline to support the student in meeting behavioral expectations; and (b) the student remains under the supervision of the teacher or other school personnel during such brief duration.

**Corporal Punishment:** Any act that willfully inflicts or willfully causes the infliction of physical pain on a student. The use of corporal punishment is prohibited by the District. See Board Policy 3244.

**Cultural Competency:** Knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent/guardian/family outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

**Culturally Responsive:** Has the same meaning as cultural competency. [Definition adopted from WAC 392-400-23 \(Student Discipline\) and RCW 28A.410.270 \(Washington Professional Educator Standards Board\).](#)

**Discipline:** Any action taken by a school or the District in response to behavioral violations.

**Disruption of the Educational Process:** The interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

**Emergency Expulsion:** The removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

**Exceptions for the Purpose of Protecting Victims:** A school may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses, as follows: (a) Teacher Victim. A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned; and (b) Student Victim. A student

who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

**Expulsion:** A denial of admission to the student's current school placement in response to a behavioral violation.

**Functional Behavioral Assessment (FBA):** An evaluation of a student eligible for special education or section 504 whose behavior impedes the student's learning or the learning of others. An FBA is conducted to understand the purpose of a student's concerning behaviors so that appropriate strategies and interventions can be developed to reduce or eliminate such behaviors. FBAs are used to develop Behavior Intervention Plans (BIP).

**Individualized Education Plan (IEP):** An individualized education plan for a student who is eligible for special education services.

**In-school Suspension:** A suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days.

**Interim Alternative Educational Setting (IAES):** An IAES is a temporary placement, not to exceed 45 school days, used when a student eligible for special education or section 504 : (a) carries a weapon to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the District; (b) knowingly has or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or (c) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. A school may remove a student eligible for special education or section 504 who engages in the above behavior from the student's current educational placement to an IAES regardless of whether the student's behavior was a manifestation of the student's disability. See Appendix B.

**Length of an Academic Term:** The total number of school days in a single trimester or semester, as defined by the School Board.

**Long-term Suspension:** A suspension in which a student is excluded from school for more than ten consecutive school days.

**Manifestation Determination Review:** A meeting at which a student's parent/guardian/family and members of the student's IEP or Section 504 team review relevant information and determine if a student's behavior for which discipline is being proposed: (a) was caused by or had a direct and substantial relationship to the student's disability; and (b) was the direct result of the school's failure to implement the student's IEP or Section 504 Plan. If the student's behavior is not a manifestation of the student's disability, the school may discipline the student for the same reasons, in the same manner, and for the same duration that it implements disciplinary removals of students without disabilities. See Appendix B.

**Mediation:** An agreement between a school and student or parent/guardian/family that a specific disciplinary response will be changed and how it will be changed. The student and parent/guardian/family agree that by signing the mediation agreement all factual and legal issues related to a disciplinary response are final and fully resolved, and that the student and parent/guardian/family will file no further appeal related to the disciplinary incident. The mediation form for Substance Abuse is in Appendix C, and the mediation form for all other disciplinary mediations is in Appendix D.

**Notice of Disciplinary Action (NDA):** Written notice to students and parents/guardians/families that a student's behavioral violation is resulting in a school-based disciplinary response, suspension, expulsion, or emergency expulsion.

**Other Forms of Discipline:** Actions used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, including exclusion from transportation or extra-curricular activities.

**Parent:** A student's parent/guardian/family.

**Progressive Discipline:** The use over time of successively more restrictive disciplinary responses intended to shape behavior. Progression may include classroom-based response(s), school-based response(s), in-school suspension, short-term, and long-term suspension. For the purpose of establishing progressive discipline, schools may not consider behavioral violations that occurred prior to the beginning of the current school year.

**Reasonable Use of Physical Force:** See definition of Restraint, Isolation, and Other Uses of Physical Intervention.

**Reengagement Meeting:** A meeting with students and parents/guardians/families to discuss a plan to reengage the student following a long-term suspension or expulsion.

**Reengagement Plan:** A culturally sensitive and culturally responsive written plan tailored to a student's individual circumstances to support the student in successfully returning to school following a long-term suspension or expulsion.

**Reentry Program:** A District program for high school students who have been long-term suspended or expelled from school. A reentry program provides such students behavior modification instruction as well as academic coursework.

**Restraint, Isolation and Other Uses of Physical Intervention:** May be used on any student when reasonably necessary to control spontaneous behavior that poses an "imminent likelihood of serious harm," as defined by RCW 70.96B.010. Serious harm includes physical harm to self, another, or property. See Board Policy 3246.

**Safety Plan:** A plan put in place to ensure that a vulnerable student feels safe at school, on school premises, and at school functions under the jurisdiction of the District.

**School Board:** The governing board of directors of the District.

**School Business Day:** Any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the District Superintendent is open to the public for business.

**School Day:** Any day or partial day that students are in attendance at school for instructional purposes.

**School Threat Assessment Team (STAT):** STAT collaborates with school-based teams to: assess the credibility of threats; assist administrators to identify and mitigate the circumstances and variables known to correlate with youth violence; develop safety plans; and provide case-management services.

**School Year Limitation:** Disciplinary responses imposed upon a student during one school year may not carry over the next school year.

**Search and Seizure:** Students should be free from unreasonable search and seizure. For the protection of all, however, the following rules apply: General searches of school property, including lockers and desks, may be conducted without prior notice. Items such as firearms, other weapons, firecrackers, or anything else that might reasonably be a threat to safety or security, or disruptive to the educational process may be seized and removed from a student's possession.

In general, searches of students' persons (other than strip searches) or property may be conducted if reasonable suspicion that contraband or other evidence of misconduct is present, so long as the methods used are reasonably related to the objectives of the search and the search is not excessively intrusive in light of the age and sex of the student, the nature of the suspected infraction, and the information upon which the search is based.

Washington law (RCW 28A.600.230(3)) prohibits strip searches of students by school administrators and persons acting under their supervision. "Strip search" is defined broadly: "[H]aving a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, anus, or undergarments of the person or breasts of a female person."

**Section 504 Student:** A student who has a physical or mental impairment that substantially limits one or more major life activities (e.g., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, etc.). The ability to participate in and benefit from school is a major life activity for school-aged students.

**Short-term Suspension:** A suspension in which a student is excluded from school for up to ten consecutive school days.

**Special Education Student:** A student who meets the eligibility requirements for one or more of the disability categories identified in WAC 392-172A, and who needs specially designed academic or behavioral instruction.

**Suspension:** A denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions.

**Threat Assessment:** An evaluation conducted by the District's School Threat Assessment Team (STAT) to evaluate the risk posed by a student in response to an actual or perceived threat or concerning behavior. Threat assessments are typically conducted in correlation with the emergency expulsion of a student who has made a credible lethal threat or is displaying sexually provocative or sexually aggressive behavior.

## APPENDIX B: DISCIPLINE PROTECTIONS FOR STUDENTS ELIGIBLE FOR SPECIAL EDUCATION AND SECTION 504

Students eligible for special education and Section 504 are at a greater risk for having disciplinary removals significantly interrupt their learning and negatively impacting their academic outcomes.

When a school excludes a student eligible for special education or Section 504 from their classroom or school for disciplinary reasons, it must follow Washington State's discipline rules (WAC 392-400) that apply to all students, and it must also provide the student the following State and Federal discipline protections for students with disabilities:

### ***Behavior Intervention Plan:***

If a student eligible for special education or section 504 demonstrates behavior that impedes the student's learning or the learning of others, the school must include a behavior intervention plan (BIP) in the student's IEP or Section 504 Plan.

A BIP must, at a minimum, describe: (a) the pattern of behavior that impedes the student's learning or the learning of others; (b) the instructional and/or environmental conditions or circumstances that contribute to the pattern of behavior; (c) the positive behavioral interventions or supports that the school will provide to reduce the concerning behavior and increase expected behavior; (d) how the school will ensure that it consistently implements the positive behavioral interventions and supports across the student's school day; and (e) the skills that will be taught and monitored as alternatives to the student's concerning behavior.

When an IEP or Section 504 Plan contains a BIP addressing student behaviors, the BIP governs and prescribes the necessary disciplinary response for that behavior. Behavior not addressed in a BIP should be disciplined with attention to the other protections that apply to the discipline of students eligible for special education and Section 504.

### ***Disciplinary Removals That Do Not Constitute a Change of Placement:***

A school can implement a disciplinary removal of a student eligible for special education or section 504 from the student's current educational placement for the same reasons and in the same manner that it implements disciplinary removals of students without disabilities if: (a) the removal does not constitute a change of placement; and (b) the student's behavior is not governed by a BIP.

A change of placement occurs when a school removes a student eligible for special education or section 504 from the student's current educational placement: (a) for more than ten consecutive school days; or (b) for a series of removals that constitute a pattern of exclusion because the removals cumulate to more than ten school days in a school year.

### ***Disciplinary Removals That Do Constitute a Change of Placement:***

If a disciplinary removal constitutes a change of placement for a student eligible for special education or section 504, within ten school days of any decision to change the student's placement, the student's IEP or Section 504 team must hold a Manifestation Determination Review (MDR)

A Manifestation Determination Review is a meeting at which the student's parent/guardian/family and members of the student's IEP or Section 504 team review all relevant information in the student's file, including the student's IEP or Section 504 Plan, any teacher observations, and any



other information provided by the parent/guardian/family or student, and determine if a student's behavior for which discipline is proposed: (a) was caused by or had a direct and substantial relationship to the student's disability; and (b) was the direct result of the school's failure to implement the student's IEP or Section 504 Plan.

The student's behavior is considered a manifestation of the student's disability if either (a) or (b) is met. The behavior is not considered a manifestation of the student's disability if neither (a) nor (b) is met.

If the student's behavior is the direct result of the school's failure to implement the student's IEP or Section 504 Plan, the school must take immediate steps to remedy such failure.

If the student's behavior is a manifestation of the student's disability, the student's IEP or Section 504 team must either: (a) conduct a functional behavioral assessment (FBA), unless the school has already conducted an FBA, and develop and implement a BIP for the student; or (b) if the student already has a BIP, review the BIP and modify it as necessary to address the behavior. Unless the student's behavior involved weapons, illegal drugs or serious bodily injury (see below), return the student to the placement from which the student was removed, unless the parent/guardian/family and school agree to a change of placement as part of the modification of the student's BIP.

If the student's behavior is not a manifestation of the student's disability, the school may discipline the student for the same reasons, in the same manner, and for the same duration that it implements disciplinary removals of students without disabilities, except that the student must: (a) continue to receive educational services that enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP or Section 504 Plan; and (b) receive, as appropriate, a functional behavior assessment (FBA) and behavior intervention services and modifications that are designed to address the student's behavioral violation so that it does not recur.

The student's IEP or Section 504 team determines: (a) the student's appropriate services which may be provided in an interim alternative educational setting (IAES); and (b) the student's interim alternative educational setting (IAES).

### **Special Circumstances:**

#### **1. Weapons, Illegal Drugs, and Serious Bodily Injury:**

If a student eligible for special education or section 504: (a) carries a weapon to or possess a weapon at school, on school premises or to or at a school function under the jurisdiction of the District; (b) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or (c) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District, the school may remove the student to an interim alternative educational setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability.

#### **2. Students Not Yet Deemed Eligible for Special Education or Section 504:**

**Parent/Guardian/Family Requested Evaluation:** If a student engages in a behavior violation after the student's parent/guardian/family has requested that the student be evaluated for special education or Section 504 but before the evaluation and eligibility decision have been made, all of the discipline protections described above apply.

**Teacher or Other School Personnel Expressed Concern:** If a student engages in a behavior violation

after the student's teacher or other school personnel has expressed specific concerns to the District's special education director or other supervisory personnel that the student may need special education or Section 504 services but before any evaluation decision has been made, all of the discipline protections described above apply.

### 3. Students Whose Parent/Guardian/Family Has Revoked Consent for Special Education and/or Section 504 Services:

Revoked Special Education and Consented to Section 504: If a student who received special education services engages in a behavioral violation after the student's parent/guardian/family has revoked consent for special education services but has consented to a Section 504 Plan, all of the discipline protections described above continue to apply.

Revoked Special Education and Does Not Consent to Section 504: If a student who received special education services engages in a behavioral violation after the student's parent/guardian/family has revoked consent for special education services and has revoked or not consented to a Section 504 Plan, the school may discipline the student for the same reasons, in the same manner, and for the same duration as it disciplines students without disabilities and does not need to provide the student the discipline protections described above.

## APPENDIX C: MITIGATING AND AGGREGATING FACTORS

<u>Possible Mitigating Factors</u>	<u>Possible Aggravating Factors</u>
<ul style="list-style-type: none"> <li>- Little or no prior documented misconduct</li> <li>- Minimal damage</li> <li>- No injury or damaged caused</li> <li>- Little potential of harm</li> <li>- No evidence that student intended to display or use the weapon</li> <li>- Student offers credible evidence that they had the weapon for legitimate purposes away from school and unintentionally brought the object to school</li> <li>- The weapon was a small pocket knife with a blade of 2.5 inches or less</li> <li>- Student was primarily acting defensively</li> <li>- Student's intent or purpose</li> <li>- Student's age and/or inability to understand potential consequences of the conduct</li> <li>- Admitted or self-reported conduct</li> <li>- Student attempted, but failed to or was prevented from, carrying out the conduct</li> <li>- Subsequent remedial steps, including restitution to district or victim of misconduct</li> <li>- Subsequent action taken by student to make amends for misconduct with school staff</li> <li>- Property returned to victim</li> <li>- Cultural or linguistic factors that may have played a role in the misconduct</li> <li>- Appropriateness of student's academic placement</li> <li>- Student's willingness to repair the harm</li> </ul>	<ul style="list-style-type: none"> <li>- Pattern of similar misconduct</li> <li>- Significant impact of incident on overall school community</li> <li>- Substantial disruption to learning of others caused by student's defiance</li> <li>- Student attempts to solicit or incite others to engage in behavior</li> <li>- Significant damage (in extent or cost)</li> <li>- Potential of serious harm</li> <li>- Intent or purpose in setting fire</li> <li>- Serious actual or potential injury</li> <li>- Use of an object or weapon</li> <li>- Premeditated conduct</li> <li>- Multiple students assaulting a single student</li> <li>- Prior assault(s), threat(s), harassment, or bullying by the student against the same victim</li> <li>- Exceptional severity or cruelty</li> <li>- Previous discipline record of student warranting progressive discipline</li> <li>- Student's presence on campus is determined to be a threat to the safety of others</li> <li>- Conduct is motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of the victim</li> <li>- Student used the weapon in furtherance of an assault, to intimidate another, cause injury and/or to cause physical damage to property</li> <li>- Student displayed, activated or discharged the weapon in a reckless manner</li> <li>- Evidence of premeditation</li> <li>- Threats of serious injury</li> <li>- Pattern of similar misconduct against the same victim</li> <li>- The weapon is a firearm</li> <li>- The object appears to be a firearm and the student displaying or using the object does so with malice</li> </ul>

## APPENDIX D: OTHER FORMS OF DISCIPLINE

<u>Possible Classroom Responses</u>	<u>Possible School Based Responses</u>
<ul style="list-style-type: none"> <li>- Student tells their side of the story</li> <li>- Student determines how to repair the harm</li> <li>- Self-reflection activity</li> <li>- Reteach behavioral expectations</li> <li>- Behavior agreement with recognition system</li> <li>- Change in environment (special seating, providing a distraction, removal of triggers, use of a break system)</li> <li>- Increased proximity when discussing the situation</li> <li>- Student spends extra time in classroom where harm occurred to repair the relationship(s) with staff/students</li> <li>- Loss of classroom privileges</li> <li>- Offer leadership opportunities in classroom to highlight strengths</li> <li>- Teach replacement skills directly related to behavior of concern</li> <li>- Model replacement skills directly related to behavior of concern</li> <li>- Teacher or designated staff counsels with student in private</li> <li>- School leaders take over instruction, allowing the teacher to step out of the classroom to problem solve with the student in private</li> <li>- Teacher or designated staff notifies parent/guardian</li> <li>- Teacher or designated staff counsels with student and if possible, the parent/guardian</li> </ul>	<ul style="list-style-type: none"> <li>- Family conference with teacher, school staff and administrator</li> <li>- Creation of Positive Behavior Intervention Plan (PBIP)</li> <li>- Reevaluate support/safety plans that are currently in place</li> <li>- Peer mediation</li> <li>- Restorative practices</li> <li>- Referral to school level support staff (counselor, social worker, nurse, Health Center)</li> <li>- Mediation</li> <li>- Restitution of damages or stolen property</li> <li>- Loss of computer privileges</li> <li>- Loss of credit</li> <li>- Community service</li> <li>- Class schedule change</li> <li>- Informal/formal check ins with designated staff</li> <li>- Development of support/safety/crisis plan</li> <li>- Detention (before school, after school, Saturday, or free period for a set period of time)</li> <li>- Referral to Student Intervention Team (SIT)</li> <li>- If the student has a disability, reviewing and revising IEP (Individualized Education Plan) or 504 plan</li> <li>- Pair student with a mentor</li> <li>- Referral to community agency for support with identified needs (housing, food stability, leadership development, mental health counseling, social skill development, drug and alcohol assessment/treatment, etc.)</li> </ul>

## APPENDIX E: DRUG/ALCOHOL MEDIATION



Name \_\_\_\_\_ ID: \_\_\_\_\_

This mediation was reached at the conference held with student and parent/guardian/family as a result of the student being charged with Distributing Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs, Distributing Alcoholic Beverages, Distributing Marijuana, Possessing or Using Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs, Possessing or Using Alcoholic Beverages, or Possessing or Using Marijuana, Selling Illegal Drugs, Controlled Substances, Prescription or Over-The-Counter Drugs, Selling Alcoholic Beverages, or Selling Marijuana.

1. The school agrees to the following:
  - a. The charges and description in this matter will be as follows:
    - No changes
    - The wording in these areas is changed to be as follows:  
\_\_\_\_\_  
\_\_\_\_\_
  - b. To reduce the Long-term Suspension for the violation of \_\_\_\_\_ to the following number of days upon receiving verification that the student has an appointment to be assessed by a District-approved substance abuse professional and agrees to follow through with recommendations of the assessor:
    - Short-term suspension of \_\_\_\_\_ days (not allowed for Selling violations).
    - Long-term suspension of \_\_\_\_\_ days.
  - c. The school further agrees to change the incident information in the District's Student Information System (PowerSchool) to reflect this agreement, and to provide an amended Notice of Disciplinary Action (NDA) to the parent/guardian/ family within three school days.
2. The student/parent/guardian/family agrees to the following:
  - a) Obtain an assessment by a District-approved substance abuse agency, at parent/guardian/family expense;
  - b) Follow through with recommendations of the assessment; and
  - c) Sign releases to allow the school to exchange information with the substance abuse agency.
3. In addition, the following conditions may be in place:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The school, student, and parent/guardian/family agree that by signing this mediation agreement all factual and legal issues related to this discipline are finally and fully resolved, and that the student and parent/guardian/family will file no further appeals related to this discipline incident.

If \_\_\_\_\_ fails to carry out the terms of this mediation, the original charges and discipline will be reinstated.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Student

\_\_\_\_\_  
Parent/Guardian/Family

\_\_\_\_\_  
Date



**APPENDIX F: MEDIATION FOR \_\_\_\_\_**

Student ID: \_\_\_\_\_

Date: \_\_\_\_\_

This mediation was reached at the disciplinary appeal hearing. The parties agree to the following terms of mediation:

**1. The school agrees to do the following:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. The student agrees to do the following: \_\_\_\_\_**

\_\_\_\_\_  
\_\_\_\_\_

**2. In addition, the following conditions may be in place (check agreed conditions):**

- Student will have a weekly progress report through \_\_\_\_\_.
- Student will exhibit good behavior and have no further incidents of similar behavior in class or on the campus.
- Student will attend all classes and be on time for all classes. Student will be ready to work when class starts. Consequence for violation of this provision will be \_\_\_\_\_.

If \_\_\_\_\_ fails to carry out the terms of this mediation, the original charges and discipline will be reinstated. The student and parent/guardian/family agree that by signing this mediation agreement all factual and legal issues related to this discipline are final and fully resolved, and that the student and parent/guardian/family will file no further appeal related to this discipline incident.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Hearing Officer or other witness

\_\_\_\_\_  
Student

\_\_\_\_\_  
Parent/Guardian/Family



# Discrimination is Against the Law!

*Seattle Public Schools, {"SPS"}, provides Equal Educational Opportunities and Equal Employment Opportunities and does not discriminate in any programs or activities on the basis of sex; race; creed; color; religion; ancestry; national origin; age; economic status; sexual orientation, including gender expression or identity; pregnancy; marital status; physical appearance; the presence of any sensory, mental or physical disability; honorably discharged veteran or military status; or the use of a trained dog guide or service animal. SPS also provides equal access to the Boy Scouts and other designated youth groups.*

*SPS complies with all applicable state and federal laws and regulations, including but not limited to: Title IX of the Education Amendments of 1972; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008; and the Washington Law Against Discrimination RCW 49.60. SPS's compliance includes, but is not limited to all district programs, courses, activities, including extra-curricular activities, services, and access to facilities.*

The following employees have been designated to handle questions and complaints of alleged discrimination:

For students and members of the public, the following employees have been designated to handle questions and complaints of alleged discrimination: **Office of Student Civil Rights**, (206) 252-0306, or [oscr@seattleschools.org](mailto:oscr@seattleschools.org) or by mail at Seattle Public Schools, MS 32-149, P.O. Box 34165, Seattle, WA 98124-1166. In that department:

- **For sex discrimination concerns**, including sexual harassment, contact: Title IX Grievance Coordinator, (206) 252-0367, or [Title.IX@seattleschools.org](mailto:Title.IX@seattleschools.org)
- **For disability discrimination concerns** contact: ADA/Section 504 Grievance Coordinator, (206) 252-0178, or [accessibility@seattleschools.org](mailto:accessibility@seattleschools.org)

For employee questions about or requests for disability related accommodations and/or complaints of alleged discrimination, including sexual harassment, contact: **Assistant Superintendent of Human Resources**, Seattle Public Schools, Mailstop 33-157, P.O. Box 34165, Seattle, WA 98124-1166, (206) 252-0024, or [hreeoc@seattleschools.org](mailto:hreeoc@seattleschools.org)

# Affected by Sexual Harassment?

**STUDENTS AND STAFF ARE PROTECTED AGAINST SEXUAL HARASSMENT BY ANYONE IN ANY SCHOOL PROGRAM OR ACTIVITY, INCLUDING ON THE SCHOOL BUS AND ON OR OFF CAMPUS.**

## What is Sexual Harassment?

Sexual Harassment is unwelcome behavior or communication that is sexual in nature when:

- A student or employee is led to believe that he or she must submit to unwelcome sexual conduct or communications in order to gain something in return, such as a grade, a promotion, a place on a sports team, or any educational or employment decision, or
- The conduct substantially interferes with a student's educational performance, or creates an intimidating or hostile educational or employment environment.

### EXAMPLES OF SEXUAL HARASSMENT

- Pressuring a person for sexual favors
- Unwelcome touching of a sexual nature
- Writing graffiti of a sexual nature
- Making sexual jokes, rumors, or suggestive remarks
- Distributing sexually explicit texts, emails, or pictures
- Physical violence, including rape and sexual assault

### How do I report Sexual Harassment?

You can report Sexual Harassment to any school staff member, or to any of the following designated officials:

- Your School Compliance Official: the Principal or designee
- The Title IX Coordinator: 206-252-0367, Title.IX@seattleschools.org
- OSPI Equity and Civil Rights Office: 360-725-6162, equity@k12.wa.us
- US Dept. of Education , Office for Civil Rights: 206-607-1600, OCR.Seattle@ed.gov

You have rights!! For a statement describing the rights and responsibilities of victims of sexual harassment or those who are the subject of complaints, contact your school office or go to the district's Title IX webpage (link below). For more information about SPS's Sexual Harassment policy and procedures, go to your school office or visit the Title IX webpage which can be found under additional links on the Seattle Public Schools website: [www.seattleschools.org](http://www.seattleschools.org)

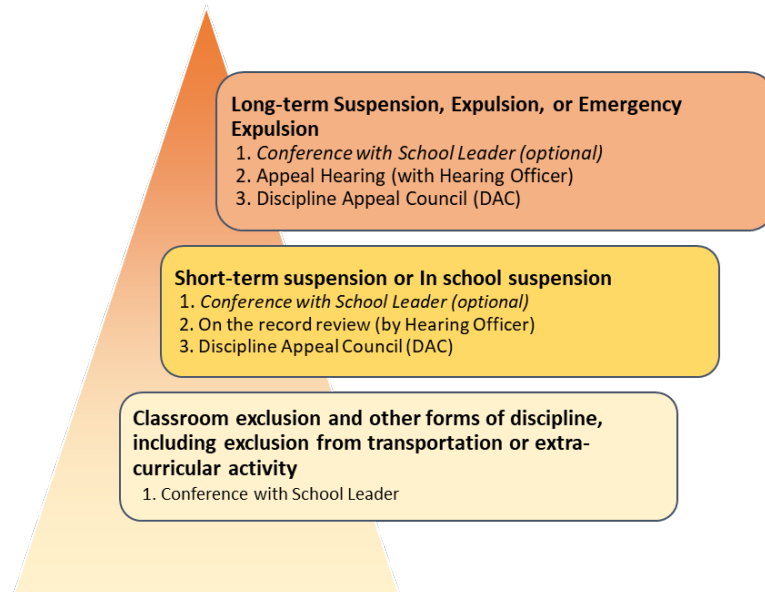






## Overview of Proposed Changes for SR&R 2019-2020-

1. Students in grades K – 5 cannot be expelled from school.
2. School staff must consider and/or attempt other forms of disciplinary responses before administering an exclusionary practice.
3. Even when a student is suspended or expelled from school, the school must provide educational services that would allow the student to participate in the general education curriculum and complete subject, grade level, and district requirements.
4. If a student is excluded from a class, also known as a “classroom exclusion” for a period of 30 minutes (District policy) or more, the parent/guardian/family must be notified.
5. For “classroom exclusions” longer than 3 hours, a Notice of Disciplinary Action (NDA) must be issued.
6. Long term suspensions cannot carry over to the following school year. The exception is students who were expelled for having a firearm on campus or in cases where a school petitions the Superintendent to extend the length of the suspension for health and safety reasons (and the Superintendent grants the extension).
7. Schools cannot send a student home for a behavioral violation unless the student and parent/family/guardian have had an informal hearing with the family. An informal hearing is an opportunity for the school to notify the student of the rule that they broke, evidence supporting this, and an explanation of the disciplinary response imposed. An exception to this rule is in Emergency Expulsion situations.
8. Appeal procedures for school based disciplinary responses, in school suspensions, and short-term suspensions have been modified. See diagram below.
9. School districts cannot mandate threat or drug and alcohol assessments.
10. School must ensure that all discipline notices are provided in a language that the student and parent/guardian/family understand. In addition, schools must ensure that all conferences and hearings are held in a language that the student and parent/guardian/family understand.





# Student Rights and Responsibilities

Red Line Document 2019 -2020

Seattle Public Schools is committed to making its online information accessible and usable to all people, regardless of ability or technology. Meeting web accessibility guidelines and standards is an ongoing process that we are consistently working to improve.

While Seattle Public Schools endeavors to only post documents optimized for accessibility, due to the nature and complexity of some documents, an accessible version of the document may not be available. In these limited circumstances, the District will provide equally effective alternate access.

For questions and more information about this document, please contact the following:

Erin Romanuk  
Student Support Services Supervisor, Coordinated School Health  
[evromanuk@seattleschools.org](mailto:evromanuk@seattleschools.org)

This document provides updates from the 2018 – 2019 school year Student Rights and Responsibilities booklet for the 2019 -2020 Student Rights and Responsibilities booklet. Included is the District mission, values and beliefs. This includes the District's commitment, school responsibilities, student rights and responsibilities. Disciplinary responses, procedures, protections and services are listed in detail.

# Seattle Public Schools

## Student Rights & Responsibilities

~~2019-2020~~ 2018-2019



### SEATTLE SCHOOL BOARD

Rick Burke  
Zachary DeWolf  
Jill Geary  
Leslie Harris  
Eden Mack  
Betty Patu  
Scott Pinkham

### SUPERINTENDENT

Denise Juneau



## Mission

Seattle Public Schools is committed to ensuring equitable access, eliminating the opportunity gaps, and excellence in education for every student.

## Vision

Every Seattle Public Schools student receives a high-quality, world class 21st century education and graduates prepared for college, career, and community life.

Seattle Public Schools (SPS) provides Equal Educational Opportunities and Equal Employment Opportunities and does not discriminate in any programs or activities on the basis of sex; race; creed; color; religion; ancestry; national origin; age; economic status; sexual orientation, including gender expression or identity; pregnancy; marital status; physical appearance; the presence of any sensory, mental, or physical disability; honorably discharged veteran or military status; or the use of a trained dog guide or service animal. SPS provides equal access to the Boy Scouts and other designated youth groups. For students and members of the public, the following employees have been designated to handle questions and complaints of alleged discrimination and may be reached by mail, by phone, or email as specified in the information below:

Seattle Public Schools,  
MS 32-149  
PO Box 34165  
Seattle, WA 98124-1166

For sex discrimination concerns, including sexual harassment, contact:

Title IX Grievance Coordinator at [title.ix@seattleschools.org](mailto:title.ix@seattleschools.org)

For disability discrimination concerns contact:

ADA/Section 504 Grievance Coordinator at  
[accessibility@seattleschools.org](mailto:accessibility@seattleschools.org)

For all other types of discrimination, contact:

Student Civil Rights Compliance Coordinator at  
[OSCR@seattleschools.org](mailto:OSCR@seattleschools.org)

For employee questions about or requests for disability related

accommodations and/or complaints of alleged discrimination, including sexual harassment, contact:

Assistant Superintendent of  
Human Resources Seattle  
Public Schools  
MS  
33-  
157  
PO  
Box  
34165  
Seattle, WA 98124-1166  
(206)2  
52-  
0024  
[hreeoc@seattleschools.org](mailto:hreeoc@seattleschools.org)



# CONTENTS

<u>District Mission, Values &amp; Beliefs</u>	
<u>I. District Commitments</u>	<u>Students</u>
<u>II. School Responsibilities</u>	<u>Appendix C: Mitigating and Aggravating Factors</u>
<u>III. Student Rights</u>	<u>Appendix D: Other Forms of Discipline</u>
<u>IV. Student Responsibilities</u>	<u>Appendix E: Sample Drug/Alcohol Mediation Form</u>
<u>V. Required Disciplinary Protections Student Behavior</u>	<u>Appendix F D: Sample Mediation Form</u>
<u>VI. Student Behavior Disciplinary Response</u>	<u>1 Introduction</u>
<u>VII. Disciplinary Responses Educational Services</u>	<u>2 Student Rights</u>
<u>VIII. District Grievance Procedures and Appeal Rights Re-engagement Re-entry</u>	<u>3 Student Responsibilities</u>
<u>IX. School Board Appeal Rights Additional Due Process Protections</u>	<u>3 School Responsibilities</u>
<u>X. Educational Services</u>	<u>5 Seattle Public School Commitments</u>
<u>XI. Reengagement Services</u>	<u>6 Student Behavior (Formerly Code of Prohibited Conduct)</u>
<u>XII. Additional Due Process Protections</u>	<u>14 Student Reengagement Conference, Reengagement Plan, and Reentry Program</u>
<u>Appendix A: Definitions Appendix A: Definitions</u>	<u>16 Discipline Appeal Rights</u>
<u>Appendix B: Discipline Protections for Special Education and Section 504</u>	<u>29 Appendix A: Definitions</u>
	<u>33 Appendix B: Sample Drug/Alcohol Mediation Form</u>
	<u>35 Appendix C: Sample Mediation Form</u>

## Positive Beliefs, Positive Relationships,

### Positive Learning, and Positive Partnerships in Seattle Public Schools

Meaningful learning occurs in environments that are safe, positive, consistent, and predictable. When the principles of cultural intelligence, safety, respect, honesty, accountability, and equity are exhibited throughout a system, trusting relationships result and excellence for each and every student can be achieved.

Seattle Public Schools is committed to furthering cultural intelligence that respects and values the diversity in schools and in classrooms across the district. This commitment serves to guide decisions in promoting fair and equitable treatment for all.

A safe and healthy school climate is important in promoting a sense of belonging and supporting excellence for each and every student. Positive school climates include:

- A vision based on shared beliefs, values, rituals, and stories that grow as part of the culture.
- Collaborative relationships and respectful interactions between students, families, and staff.
- Fair and equitable treatment that respects and values all cultures.
- A physical environment that is welcoming, safe, and accessible to all.
- Regular assessment and review of school climate survey by students, families, staff, and stakeholders.

In addition to a positive school climate, we understand that students at times may experience emotional and/or physical stressors. During these times, students are encouraged to share with a trusted adult at school, and staff are committed to supporting each student so that they are fully able to participate in the school day.

Sometimes additional counseling, support, and resources may be helpful. A number of community agencies offer assistance and information on health and human services available to King County residents. You can call 800-621-4636, 206-461-3610, or 211 for additional

Our Student Rights and Responsibilities sets forth the rules and regulations of Seattle Public Schools regarding student conduct. It is created in compliance with the requirements of state law and aligned with the Seattle Public Schools Strategic Plan. It references sections of the Washington Administrative Code (WAC) that govern use of corrective responses (i.e., discipline, suspension, and expulsion) for any student by a school district.

The foundation of Seattle Public Schools' discipline policy is one of prevention, by establishing a positive school climate that includes shared behavioral expectations and a common language for talking about expected behavior that is inclusive of students, families, teachers, administrators, volunteers, and other staff (within a Positive Behavior Interventions and Supports (PBIS) framework). Discipline procedures and strategies aim to maximize instructional time and reduce out of school consequences for behavior. This document applies to all students and is designed to educate all members of the educational community as to the rules, regulations, and due process procedures. We encourage families to review the Student Rights & Responsibilities with their student. It describes our expectations at school as well as what students can expect from adults at school.

The Seattle Public Schools also publishes "The Basic Rules of Seattle Public Schools" in flyer format and distributes it to all students at the beginning of each school year. All discipline documents may be found on the Seattle Public Schools website.

[The Seattle School Board adopted these rules in June 2019. The Seattle School District follows the substantive and procedural due process rights guaranteed by the Office of Superintendent of Public Instruction under RCW 28A.600.015. See, WAC 392.400. A copy of the regulations may be requested by contacting the Discipline Appeals Office at 206-252-0820 or downloading the regulation at:](http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400)

<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400>

Questions about the Student Rights and Responsibilities may be directed to the Discipline Office at:

[discipline@seattleschools.org](mailto:discipline@seattleschools.org);

**(206) 252-0820**; or

*Seattle Public  
Schools MS 31-*

*177*

*P.O. Box 34165*

*Seattle, WA 98124-*

*1165*

Inquiries will either be responded to directly or be referred to the appropriate school leader.

School Board policies referred to in this document may be accessed at

[https://www.seattleschools.org/district/  
school\\_board/policies](https://www.seattleschools.org/district/school_board/policies)





## I. DISTRICT COMMITMENTS

### Seattle Public Schools recognizes:

- There is racial disproportionality in disciplinary responses within the district;
- Each situation involving discipline may be complex with underlying factors that requires staff to understand the function of students' behaviors;
- Mitigating and aggravating factors should influence the disciplinary decision-making process; and
- There is an impact when using exclusionary practices.

### Seattle Public Schools staff are committed to:

- Ensuring racial equity in our educational system;
- Unapologetically addressing the needs of students of color who are furthest from educational justice. Educational justice requires safe learning environments, curriculum that incorporates a student's life experiences and culture, and instruction delivered by high-quality, culturally competent educators. Many students from certain ethnicities have not historically experienced equitable opportunities for all or part of their educational journey (including African and African American, Asian Pacific Islander, LatinX, and Native students). These students are our priority.
- Working to undo the legacies of racism in our educational system;
- Directly and consistently working in partnership with families and communities who represent students of color who are furthest from educational justice;
- Allocating resources strategically through a racial equity framework
- Knowing, caring for, and establishing positive relationships with students;
- Supporting the whole child;
- Holding all students to high-expectations and delivering high-quality and standards aligned instruction;
- Teaching the development of positive social, emotional, and behavioral skills in students;
- Using a variety of ways to shape behavior once harm has occurred, instead of relying on exclusionary practices;
- Implementing a disciplinary response that would be the least disruptive to the student- school relationship, which also maximizes instructional time;
- Partnering with families, other staff, and community-based organizations in the event that a disciplinary response has occurred; and
- Examining their own implicit bias, while working from a culturally trauma-responsive lens that utilizes verbal de-escalation skills in an effort to create conditions in our schools that allow students to be successful.

## II. SCHOOL RESPONSIBILITIES

School staff has a responsibility to:

- Create healthy, supportive, culturally responsive classroom and school environments;
- Know, care for, and establish positive relationships with students;
- Hold all students to high-expectations and provide quality and effective instruction;
- Model courteous and respectful treatment;
- Provide opportunities for student voices to be heard;
- Encourage family participation in the resolution of ongoing problems;
- Encourage the resolution of problems within the school setting;
- Reduce or eliminate the loss of instructional time and out of school consequences;
- Understand that the purpose of discipline is to support behavior change, not to punish; and
- Provide discipline that is intended to teach accountability and repair and restore relationships.

In addition to the above District rules, each school may adopt and distribute to each student rules that will govern a student's behavior in a particular school. When a student does not follow these school rules, he or she may be disciplined.

### III. STUDENT RIGHTS Student Rights

As a member of the school community, students have the right to:

- An orderly and safe classroom and school;
  - A quality education with high expectations and appropriate support;
  - Courteous and respectful treatment;
  - Be listened to and have their voice heard;
  - Equitable access to high-quality instruction, services, resources, and extracurricular activities;
  - Be known and cared for at school; and
  - Receive reasonable consequences and be given the opportunity to learn from mistakes.
- clothing so as to permit an inspection of the genitals, anus, or undergarments of the person or breasts of a female person."*



<sup>†</sup> Students should be free from unreasonable search and seizure. For the protection of all, however, the following rules apply:

- General searches of school property, including lockers and desks, may be conducted without prior notice.
- Items such as firearms, other weapons, firecrackers, or anything else that might reasonably be a threat to safety or security, or disruptive to the educational process may be seized and removed from a student's possession.
- In general, searches of students' persons (other than strip searches) or property may be conducted if reasonable suspicion that contraband or other evidence of misconduct is present, so long as the methods used are reasonably related to the objectives of the search and the search is not excessively intrusive in light of the age and sex of the student, the nature of the suspected infraction, and the information upon which the search is based.

Washington law (RCW 28A.600.230(3)) prohibits strip searches of students by school administrators and persons acting under their supervision. "Strip search" is defined broadly:

"[H]aving a person remove or arrange some or all of his or her

## Fundamental Rights (WAC 392-400-805):

Additionally, as citizens, students have constitutional fundamental rights and schools cannot unlawfully unduly infringe on those rights:- Schools may, however, set reasonable limits on those rights in order to meet their obligation to educate.

- Freedom from Unlawful Discrimination
- Freedom of ~~S~~peech
- Freedom of Press
- Freedom to Peaceably Assemble~~Assembly~~
- Freedom to Petition for a Redress of Grievances
- Press Freedom of Religion
- Freedom from Sectarian Control or Influence
- Freedom from Unreasonable Searches and Seizures (See Appendix A)
- Freedom to Pursue an Education While in the Custody of the District
  
- Right to Equal Educational Opportunity
  - ~~No unreasonable search and seizure<sup>1</sup>~~
  - ~~Equal educational opportunity<sup>2</sup>~~
  - ~~Religion~~

<sup>2</sup> Students shall not be unlawfully discriminated against because of national origin, race, religion, economic status, sex, sexual orientation, gender expression or identity, pregnancy, marital status, previous arrest, previous incarceration, or physical, mental, or sensory handicap. Such differences shall not be held against a student or used as a basis for predetermining a student's capabilities.



#### IV. STUDENT RESPONSIBILITIES Student Responsibilities

As a member of the school community, students should take personal responsibility to:

- Share with a trusted adult at the school when they are experiencing emotional and/or physical stressors for the purpose of obtaining resources or support;
- Advocate for their educational, cultural, social, and emotional needs;
- Engage in mutually respectful dialogue with staff and other students;
- Accept reasonable consequences when failing to meet behavioral expectations and use the opportunity to learn from their mistakes;
- Attend School regularly and be prepared for all classes;
- Contribute to a safe and positive school climate;
- Respect and be mindful of the rights of others;
- Understand and follow "The Basic Rules of Seattle Public Schools" and individual school rules;
- Dress appropriately for school in ways that will not cause safety or health problems;
- Identify themselves to and follow the instructions of school staff; and
- Respect the property of others and the ~~school~~school. (See School Board Policy 3520).<sup>3</sup>

<sup>3</sup> Note: RCW 28A.635.060 allows Seattle Public Schools to withhold the grades, diploma and transcripts of any student who is responsible for losing or willfully cutting, defacing or injuring any property belonging to Seattle Public Schools, a contractor of Seattle Public Schools, an employee, or another student until the student or the student's parents or guardian has paid for the damages. When the student and parent or guardian are unable to pay for the damages, Seattle Public Schools will provide a program of voluntary work for the student in lieu of the payment of monetary damages. Upon the student's completion of the voluntary work, Seattle Public Schools will release the grades, diploma and transcripts of the student.

—Any student, parent or guardian aggrieved by the imposition

#### School Responsibilities

School staff has a responsibility to:

- ~~Create a safe and positive school climate;~~
- ~~Know, care for, and establish positive relationships with students;~~
- ~~Hold all students to high expectations and provide quality and effective instruction;~~
- ~~Model courteous and respectful treatment;~~
- ~~Provide opportunities for student voices to be heard;~~
- ~~Encourage family participation in the resolution of ongoing problems;~~
- ~~Encourage the resolution of problems within the school setting;~~
- ~~Reduce or eliminate the loss of instructional time and out of school consequences;~~
- ~~Understand that the purpose of discipline is to support behavior change, not to punish, and~~
- ~~Provide discipline that is intended to teach accountability and repair and restore relationships.~~



~~of the above sanctions shall have the due process rights provided  
in the section on Grievance Procedure for Discipline, WAC~~

~~392-400-240.~~

## Student Discipline<sup>4</sup>

All students are subject to the policies, rules, and regulations of Seattle Public Schools.

The written rules are intended to assure that positive discipline and disciplinary responses are imposed in a fair, equitable, and just manner. Students may receive a disciplinary response if they fail to comply with any of the written rules and regulations while at school, on school grounds, on School District sponsored transportation, or at any school sponsored event. Students may also receive a disciplinary response if they fail to comply with any of the written rules and regulations in other settings having a real and substantial relationship to the operation of Seattle Public Schools, including, but not limited to, the preservation of the safety of students and employees, and the preservation of an educational process conducive to learning.

Appeal procedures have been established in order to provide an opportunity for disciplinary responses to be reviewed by a neutral third party and to instill confidence among students and families as to the appropriateness of the disciplinary response.

Authority of District Staff

### Persons who have authority to discipline students:<sup>5</sup>

1. The School Board authorizes certificated teachers, school administrators, bus drivers, and any other school staff the authority to impose discipline upon a student for conduct that violates the rules of the School District. These persons may also remove a student on an emergency basis from a class, subject, or activity.

2. The School Board authorizes teachers to remove students who create a disruption of the educational process from their classrooms for the rest of the school day or

until an administrator and the teacher have discussed the incident, whichever comes first. Except in emergency circumstances, the teacher is expected to first attempt one or more alternative forms of disciplinary response. In no case will a student be allowed to return for the rest of the class period without the permission of the teacher.

3. The School Board authorizes school principals, assistant principals, and their designees to impose school-based responses,

## Conditions and limitations for discipline<sup>6</sup>

Discipline imposed on a student who violates the rules of Seattle Public Schools may not include corporal punishment.

Corporal punishment does not include:

a. The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students, school staff, or property;

b. Physical pain or discomfort caused by or resulting from training for or participation in athletic competition or recreational activity voluntarily engaged in by the student;

c. Physical exertion shared by all students in a teacher directed class activity, which may include but is not limited to physical education exercises, field trips, or vocational education projects; or

d. Physical restraint or isolation in response to a student when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm and is carried out

according to District procedures in compliance with state regulations.

in school suspensions, short term suspensions, long term suspensions, emergency expulsions, and expulsions.

<sup>4</sup>WAC 392-400-210

<sup>5</sup>WAC 392-400-230



| [6 WAC 392-400-235](#)

## Seattle Public Schools District Commitments

*Eliminating opportunity gaps and ensuring educational excellence for each and every student is the issue of our time.*

### **Seattle Public Schools recognizes:**

- There is racial disproportionality in disciplinary responses within the district;
- Each situation involving discipline may be complex with underlying factors that requires staff to understand the function of students' behaviors;
- Mitigating and aggravating factors should influence the disciplinary decision making process; and
- There is an impact when using exclusionary practices.

### **Seattle Public Schools staff are committed to** **(see WAC 392-400-010 for possible language to add):**

- Knowing, caring for, and establishing positive relationships with students;
- Supporting the whole child;
- Holding all students to high expectations and providing quality and effective instruction;
- Teaching the development of positive social, emotional, and behavioral skills in students;
- Using a variety of ways to shape behavior once harm has occurred, instead of relying on exclusionary practices;
- Implementing a disciplinary response that would be the least disruptive to the student-school relationship, which also maximizes instructional time;
- Partnering with families, other staff, and community based organizations in the event that a disciplinary response has occurred; and
- Examining their own implicit bias, while working from a culturally trauma responsive lens that utilizes verbal de-escalation skills in an effort to create conditions in our schools that allow students to be successful.

## **Disclaimers**

This document uses words and definitions that may be offensive to some persons. Parents/guardians/families should use discretion in allowing young children to read this document without supervision.

This document is intended to provide information regarding student conduct. Conduct by staff members is governed by other documents, including School Board Policies and Procedures, and applicable collective bargaining agreements. If you have concerns about the actions of a staff member, please contact that person's supervisor.



## V. REQUIRED DISCIPLINE PROTECTIONS~~Required Discipline Protections:~~

### Student Eligible for Special Education and Section 504 ~~-(See Appendix B)~~Students

Students eligible for special education and Section 504 students are at a greater risk for having disciplinary removals significantly interrupt their learning and impact academic outcomes.

When a school excludes a special education or Section 504 student eligible for special education or Section 504 student from their current educational placement for disciplinary reasons, it must follow Washington State discipline rules that apply to all students (WAC 392-400), and it must also provide the student State and Federal discipline protections for disabled students.

Required discipline protections for a student eligible for special education and Section 504 students include, when appropriate: functional behavioral assessments; behavior interventions plans; manifestation determination reviews; interim alternative educational placements for students who commit behavioral violations involving weapons, illegal drugs and/or serious bodily injury; protections for students not yet deemed eligible for special education or Section 504 students; and protections for students whose parent/guardian/family has revoked consent for special education but consented to Section 504 services.

These discipline protections govern whether and how a school can implement a disciplinary removal of a special education or Section 504 student eligible for special education or section 504 student. See Appendix B: Required Discipline Protections for students eligible for special Education and Section 504 Students.

### Required Language Assistance: Students and Parents/Guardians/Families with Limited-English

Parents/guardians/families who do not speak, listen, read, or write English proficiently have a right to effective language assistance.

Washington State and Federal law requires that schools communicate information to limited-English proficient parents/guardians/families in a language they can understand about any program, service, or activity that is called to the attention of parents/guardians/families who are proficient in English. This includes including, but is not limited to, student discipline policies and procedures.

Schools must respond to a parent's/guardian's/family's request for language assistance. Schools need to remember that parents/guardians/families may be limited-English proficient even if their child is proficient in English.

Schools must provide translation and/or interpretations from appropriate and competent individuals and may not rely on students, siblings, friends, or untrained school staff to translate or interpret for parents/guardians/families.

## Best Practices and Strategies

~~[Erin: You need to identify here other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion. See WAC 392-400-110(1)(e).]~~

### ~~Educational Services~~

~~[Erin: You need to describe here the types of educational services that schools will offer to students during a suspension or expulsion. See WAC 392-400-110(1)(i).]~~

### ~~Grievance Procedures:~~

#### ~~-Discipline that Excludes a Student from Transportation Services and Extra-curricular Activities~~

~~[Erin: You need to establish here grievance procedures to address student and parent/guardian/family grievances related to discipline that excludes a student from transportation and extra-curricular activities. I suggest you use an on the record review grievance procedure here, same as ISS and STS. See WAC 392-400-110(1)(h).]~~

### ~~Authority of School Personnel to Discipline~~

~~[Erin: You need to identify here the school personnel with authority to administer classroom exclusions, suspension, expulsions, emergency expulsion, and other forms of discipline. See WAC 392-400-110(1)(f).]~~

## VI. STUDENT BEHAVIORAL VIOLATIONS

### Arson **Student Behavior (Formerly Code of Prohibited Conduct)**

Intentionally setting a fire or causing an explosion.

**Assault** (Please see Physical Aggression when determining the severity of the offense.)  
Being physically violent, using unwarranted force, or demonstrating the deliberate and immediate intent to be physically violent, toward another person, including domestic violence.

#### **(Physical) Aggression**

A physical action that disrupts the school environment in an unsafe manner and/or unintentionally harms another person.

Appropriate for any student in circumstances when emotional regulation or maturity is insufficient to understand the consequences of the behavior.

#### **Bullying, Intimidation, or Harassment <sup>7</sup>**

Engaging in intentional, persistent or pervasive written, verbal, electronic, or physical bullying, intimidating, or harassing conduct that includes, but is not limited to, any of the following:

- for the purpose of embarrassing or denigrating another person;
- physically harms a person or damages the person's property;
- is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment;
- has the effect of substantially interfering with the student's education or adult's right to teach or manage student behavior; or
- has the effect of substantially disrupting the orderly operation of the school.

~~(See also Malicious Harassment)~~ The District will respond to off-campus student speech that causes or threatens to cause a substantial disruption on campus or interferes with the right of students to be secure and obtain their education. Substantial disruption includes, but is not limited to, significant interference with instruction, school operations or school activities, violent physical or verbal altercations between students, or a hostile environment that significantly interferes with a student's education.

Conduct that may rise to the level of harassment, intimidation, or bullying may take many forms, including, but not limited to:

- Conducting electronic bullying, intimidation, and harassment, including, but not limited to, cyberbullying, on school grounds, during school activities, on school buses, or during the school day;
- Initiating students into a school, group, grade level, or office through persecuting, harassing, or coercive behaviors that cause or are likely to cause social or emotional harm (See also Hazing).

There is no requirement that the person actually possesses the characteristics that is the basis for the bullying, intimidation, or harassment.

#### **Burglary**

Forced entry or remaining unlawfully in a district building or room in the building for the purpose of taking property. <sup>8</sup>

<sup>7</sup> See, Malicious Harassment for harassing and intimidating behavior based on protected class or status. Also see, RCW 28A.300.285.

<sup>8</sup> See, Trespass for other purposes of being unlawfully present on District property or in District buildings.

## **Computer Trespass, Tampering, and Misuse** <sup>9</sup>

Intentionally violating a school or Seattle Public Schools computer system or database.

## **Dangerous Weapons** <sup>10</sup>

Carrying a dangerous weapon onto, or possessing a dangerous weapon on, school property, school-provided transportation, areas of facilities being used exclusively as School District property, or at school-sponsored events or activities.

## **Disobedience** (Not an exclusionary response for K-5 students)

Flagrantly, purposefully, or repeatedly failing to comply with or follow the instructions of teachers and other school staff.

## **Disruptive Conduct** (Not an exclusionary response for K-5 students)

Flagrantly and substantially interfering with teaching or learning in the classroom, school activities, or extracurricular activities.

## **Distributing Alcoholic Beverages**

Distributing, sharing, or passing around alcoholic beverages, including any beverage with alcohol content.

## **Distributing Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs**

Distributing, sharing, or passing around illegal drugs, controlled substances, prescription or over-the-counter drugs, and/or drug paraphernalia including but not limited to pipes, handmade devices, electronic vapor devices or products containing an illegal drug.

## **Distributing Marijuana**

Distributing, sharing, or passing around marijuana, including but not limited to medical, home-grown, street or store purchased marijuana, marijuana concentrates, any food item with marijuana in it, and/or drug paraphernalia including but not limited to pipes, handmade devices, and electronic vapor devices or products containing a marijuana substance.

## **Extortion, Blackmail, Coercion**

Obtaining money, property or other consideration by violence or threat of violence, or forcing someone to do something against his or her will by force or threat of violence.

## **False Alarm**

Activating a fire alarm or calling 911 for other than the intended purpose of the alarm.

## **False Reporting**

Knowingly reporting and (maliciously) falsely reporting or falsely corroborating misbehavior of others that did not occur, including spreading a false rumor maliciously.

## **False Threats**

Falsely reporting any type of bomb or person with a firearm in any school building or structure, on school grounds, on school-provided transportation, or at a school-sponsored function.

## **Fighting**

Engaging in or provoking mutual physical contact involving anger or hostility, including deliberately arranging a fight or willingly participating in such an arranged fight that creates substantial risk of serious physical injury to the participants.

---

<sup>9</sup> See, [Disruptive Conduct](#) for behavior with computers that is unintentional or otherwise does not rise to the level of Computer Trespass.

<sup>10</sup> See, [Toy Guns and Toy Weapons](#) for toys that do not appear to be real weapons.

## Firearms <sup>11</sup>

Possessing a firearm on school property, school-provided transportation, areas of facilities being used exclusively as School District property, or at school-sponsored events or activities.

Any student who is determined to have carried a firearm onto, or to have possessed a firearm on, school district property, school-provided transportation, or areas or facilities while being used exclusively by public schools, shall be expelled from school for not less than one year, and law enforcement officials will be notified as required by RCW 28A.600.420 and RCW 9.41.280. Special disciplinary protections apply for students eligible for special education and Section 504-students. See Appendix B.

~~Any student disciplined for this offense must be evaluated by the District's Threat Assessment Team prior to placement in an alternative educational environment and prior to any review by the Superintendent. An alternate education environment will be determined for the student to continue his/her education.~~

~~Students suspended or expelled have the right to appeal the discipline to a hearing officer, and to appeal the hearing officer's decision to the Discipline Appeals Council (DAC). If the discipline is upheld by the hearing officer and the DAC, students also have the right to appeal directly to the Superintendent at the end of the semester for a modification of the length of the suspension or expulsion. Such appeal to the Superintendent must include evidence that the student has satisfactorily participated in a behavior modification class or program, that the student maintained satisfactory behavior and attendance in their alternative educational environment, and that the student is making reasonable academic progress.~~

## Fireworks, Explosives, Chemicals, and Incendiary Devices

Possessing or using fireworks, or an explosive, chemical, or incendiary device on school property, school-provided transportation, areas of facilities being used exclusively as school district property, or at school-sponsored events or activities.

## Gambling

Playing cards, dice, or games of chance for money or other things of value.

## Gang/Hate Group Activity

Belonging to an organized gang, hate group, or similar organization or group and knowingly engaging in gang/hate group activity on school grounds or during school activities or functions.

## Graffiti <sup>1112</sup>

Writing, painting, drawing, scratching, or otherwise making any inscription, figure, or mark of any type on any District owned or staff or student property, unless the student has obtained the permission of a school official or staff person.

## Hazing <sup>1213</sup>

Initiating or harassing another student through humiliating tasks, unsafe or illegal behaviors that cause, or are likely to cause, physical injury<sup>1314</sup> or endangerment. (See also Bullying, Intimidation, or Harassment.)

## Inappropriate Language (previously Verbal Assault)-<sup>1415</sup>

Using words that are hurtful, harmful, demeaning, offensive, or embarrassing, including words that are crude or vulgar, and name-calling.

11 Mandatory One-Year Expulsion, but will be imposed in a manner consistent with the Individuals with Disabilities Education Act .....” 20 U.S.C. § 7151(c).

1211 See, Malicious Property Damage for graffiti causing more than \$100 damage.

1312 See, Bullying, Intimidation, and Harassment for less serious behaviors.

1413 See, Assault for hazing behaviors that involve physical assault

1514 See, Threats of Violence for credible, focused threats of violence.



## **Inappropriate Sexual Conduct**

Engaging in inappropriate sexualized conduct that is not conducive to the learning environment of a school (See also Inappropriate Touching; Lewd Conduct; Sexual Assault; Sexual Harassment.)

## **Inappropriate Touching <sup>1516</sup>**

Unwanted or inappropriate touching of another person's body such that the person is uncomfortable by the behavior.

## **Interference with School Authorities**

Interfering with the discharge of the official duties of district staff by:

- Using force or violence that is non-deliberate and not focused on the staff person, such as attempting to continue a fight when a staff person is trying to stop the fight and inadvertently striking that person;
- Disobeying the orders of school officials to leave school property or disperse as instructed; or
- Heckling or harassing school authorities engaged in any lawful task, function, process, or procedure of the school District such that it interferes with their ability to maintain order or complete their lawful duties. This includes, but is not limited to:
  - Persistent<sup>1617</sup> use of abusive or foul language directed at a School District employee;
  - Use of any electronic means (e.g., cameras, cell phone cameras, videos, or other recording devices) that foreseeably causes school staff to be embarrassed, denigrated, or demeaned; or
  - Hindering the investigation of an incident by school staff, including but not limited to any of the following: refusing to submit to a reasonable search or respond to reasonable questions, or deliberately lying about, or encouraging others to lie deliberately about, the facts of the incident.

## **Intimidation of School Authorities**

Interfering, or attempting to interfere, with the discharge of the official duties of district personnel by using direct, deliberate, or focused threats, force, or violence, such that the staff person believes his or her safety or the well-being of his or her property is in danger.

## **Lewd Conduct <sup>1718</sup>**

Engaging in inappropriate sexual or social behavior, such as sexual acts, either singly or consensually with another person, including, but not limited to, sexual intercourse, oral sex, sexual touching, indecent exposure, or voyeurism. (See also Inappropriate Sexual Conduct; Inappropriate Touching; Sexual Touching; Sexual Assault; Sexual Harassment.)

## **Malicious Harassment <sup>1819</sup>**

Maliciously and intentionally committing one of the following acts because of a perception of that person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender identification, gender expression, or mental, physical, or sensory handicap:

- Causing physical injury to the victim or another person;<sup>19</sup>
- Causing physical damage to or destruction of the property of the victim or another person;<sup>19</sup>

---

<sup>1615</sup> See, Sexual Assault for more serious behavior or inappropriate touching.

<sup>1716</sup> See, Inappropriate Language for less than persistent use.

<sup>1817</sup> See, Sexual Assault, for behavior using force or physical harm. Also, see Sexual Misconduct for inappropriate sexualized behaviors.

<sup>1918</sup> See, Bullying, Intimidation, or Harassment when the harassment is not based on status or personal characteristics.

- Threatening a specific person or group of persons such that the persons, or members of the specific group of persons, are in reasonable fear of harm to themselves or their property, including their right to an education or their safety at school.

~~The District will respond to off-campus student speech that causes or threatens to cause a substantial disruption on campus or interference with the right of students to be secure and obtain their education. Substantial disruption includes, but is not limited to, significant interference with instruction, school operations or school activities, violent physical or verbal altercations between students, or a hostile environment that significantly interferes with a student's education.~~

Violations of this offense must rise to the level of the state definition of Malicious Harassment.

Malicious Harassment may or may not be ~~personal, but~~ personal but occurs primarily because the victim is a member of one of the groups identified above See, RCW 9A.36.080. (See also Bullying, Intimidation, or Harassment.)

### **Malicious Property Damage** ~~(Formerly Malicious Mischief)~~

Intentionally causing damage to any school property, staff, or student property, or school buses. Also, writing, painting, drawing, or otherwise marking graffiti on any school property, staff property, or school bus that is so extensive that the cost of removing it exceeds \$100.<sup>1920</sup>

### **Misrepresentation**

- Forging a parent's, guardian's, or any other person's signatures on any letter to the school, on any school document or form, or on any other document or form used by the school;<sup>21</sup>
- Changing grades or attendance records on official District forms, including attendance reporting sheets and grade books, for any student without authorization of a school official;<sup>22</sup>
- Providing a false name when asked to identify oneself to a school authority;<sup>23</sup> ~~or~~
- Providing false information to school ~~personnel, or~~ personnel or impersonating another person verbally or in writing to provide false or misleading information, regarding a student's attendance or absence from school, including, but not limited to, falsely excusing absences or authorizing a student to be excused early from class or school.

### **Misuse of Computers** <sup>2021</sup>

Inappropriately using or tampering with school computers.

### **Other Exceptional Misconduct**

Engaging in any other activity that would constitute a felony, gross misdemeanor, or misdemeanor under city, state, or federal law.

### **Plagiarism**

Cheating, or copying the work of other persons, or turning in another person's paper, project, computer program, etc., as your own.

### **Possessing or Using Alcoholic Beverages**

Possessing, using, or being under the influence of alcohol, including any beverage with alcohol content.

<sup>2019</sup> See, School Board Policy No. 3520 Student Fees, Charges, Fines, Restitution, and Damage Deposits <sup>204</sup> See, Computer Trespass for computer-related misconduct.

### **Possessing or Using Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs**

Possessing, using, or being under the influence of illegal drugs, controlled substances, prescription or over-the-counter drugs, and/or drug paraphernalia including but not limited to pipes, handmade devices, electronic vapor devices or products containing an illegal drug.

### **Possessing or Using Marijuana**

Possessing, using, or being under the influence of marijuana, including but not limited to medical, home-grown, street or store purchased marijuana, marijuana concentrates, any food item with marijuana in it, and/or drug paraphernalia including but not limited to pipes, handmade devices, and electronic vapor devices or products containing a marijuana substance.

### **Possession of Stolen Property**

Knowingly receiving, retaining, possessing, concealing, or disposing of stolen property.

### **Robbery**

Taking another's property by force or threat of force.

### **Rule-breaking** (Not an exclusionary response for K-5 students)

Breaking a specific, published school rule. This includes breaking school bus rules and ~~violating-~~  
~~aviolating a~~ specific safety or behavior contract.

### **Selling Alcoholic Beverages**

Selling, or intending to sell, alcoholic beverages, including any beverage with alcohol content.

### **Selling Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs**

Selling, or intending to sell illegal drugs, controlled substances, prescription or over-the-counter drugs, and/or drug paraphernalia including but not limited to pipes, handmade devices, electronic vapor devices or products containing an illegal drug.

### **Selling Marijuana**

Selling or intending to sell marijuana, including but not limited to medical, home-grown, street or store purchased marijuana, marijuana concentrates, any food item with marijuana in it, and/or drug paraphernalia including but not limited to pipes, handmade devices, and electronic vapor devices or products containing a marijuana substance.

### **Sexual Assault** <sup>212</sup>

Sexually assaulting or taking indecent liberties with another person. (See also inappropriate Sexual Conduct; Inappropriate Touching; Lewd Conduct; Sexual Harassment.)

### **Sexual Harassment**

Subjecting another individual to unwelcome conduct of a sexual nature. The conduct can ~~include, but~~  
~~include but~~ is not limited to deliberately harassing another person for sexual reasons or in a sexualized manner with unwanted attention, touching, or verbal comments such that the targeted person is uncomfortable, intimidated, or threatened by the behavior. (See also Inappropriate Sexual Conduct; Inappropriate Touching; Lewd Conduct; Sexual Assault.)

22 <sup>21</sup>See, Board Policy No. 3208 – Sexual Harassment, and Superintendent Procedure 3208SP.

### Small Folding Knives <sup>223</sup>

Carrying onto or possessing a small folding knife with a blade length of 2-1/2 inches or less and with a blade width 1/2-inch or less on school property, school-provided transportation, areas of facilities being used exclusively as school district property, or at school-sponsored events or activities.

### Theft

Stealing School District property or the property of a staff member, student, or school visitor.

### Threats of Violence ~~(Edit consistent with defn in Appendix A)~~

Communicating credible, focused threats of violence or harm to an individual or group of individuals, directly or indirectly by any means, which cause the other person(s) to believe ~~their~~<sup>his or her</sup> life, safety, or property is in imminent danger, or which cause a listener to believe that another person's life, safety, or property is in imminent danger. It is not necessary that the threat be communicated to the intended victim.

~~A student may be expelled for the first offense without regard to progressive discipline when there is good reason to believe that other forms of disciplinary responses or punishment would fail if employed.~~

~~Good reason to believe that other forms of disciplinary responses or punishment would fail if employed may include:~~

- ~~• Threatening to take another student or staff person's life. Students and staff have the right to a safe and non-threatening atmosphere. Seattle Public Schools has no tolerance for threats of violence or harm to others. Before an expulsion may be used for threats of violence or harm, school leaders must request School Threat Assessment Team (STAT) services to determine whether the threat is lethal, direct and credible. The STAT will provide recommendations that school leaders are encouraged to follow.<sup>24</sup>~~

### Toy Guns and Toy Weapons

Possessing a toy gun or other toy weapon not appearing to be a real gun or weapon; or appearing to be a real gun or weapon, but not used or displayed with malice.

### Toys Used as Weapons

Possessing and using with malice (in a threatening manner) objects that appear to be capable of causing bodily harm such that a person believes his or her safety is in danger, including toys that appear to be weapons regardless of size.

### Trespass

Entering or remaining unlawfully in a school building or on any part of school grounds or school property for any purpose excluding theft of property.<sup>235</sup>

### Using or Possessing Tobacco Products <sup>246</sup>

Using or possessing any tobacco products in or on public school property, on school sponsored transportation, or at school-sponsored activities.

## Notice to Students and Parents Required by Federal Drug-Free Schools and Communities Act of 1989

Seattle Public Schools prohibits the unlawful possession, use, or distribution of drugs and alcohol by students on school property, on school-sponsored transportation, or as part of school

activities.  
Students who violate this policy may be suspended  
or expelled from school for possession, use, or distribution  
of drugs and alcohol.

contact your school leader or counselor.

<sup>23</sup> <sup>22</sup>See, Toy Guns and Toy Weapons for toys that do not appear to be real

knives <sup>24</sup>See, Appendix A for full STAT definition.

<sup>25</sup> <sup>23</sup>See, Burglary for trespass related to theft of property.

<sup>26</sup> <sup>24</sup>See, School Board Policy No. 4215 - Tobacco Free Environment, and Superintendent Procedure No. 4215SP.

## Accomplice Activity

A student may be held responsible for the behavior of another student. A student may be considered an accomplice to an incident if the student: (1) solicits, commands, encourages, or requests others to engage in the incident, or (2) aids or agrees to aid others in planning or committing the incident. A student may encourage the conduct of another through verbal or nonverbal acts.<sup>27</sup>

A student may be an accomplice merely by being present when another student is doing something wrong if they do not attempt to stop the aggressor from continuing the wrongful act or if their presence constitutes silent agreement of the act or is perceived as contributing to intimidation of the victim. For example, persons grouped around a victim while another student bullies or threatens the victim, even though they do not say anything or otherwise participate physically or verbally in the bullying or threatening behavior, could be considered accomplices because just by being there and not saying anything they are perceived by the victim as participating with and agreeing to the bullying or threatening behavior.

A student is not an accomplice if ~~they~~~~he or she~~ ~~is~~~~ares~~ the victim of the behavior, or he or she terminates their complicity prior to the commission of the behavior and gives timely warning to school officials that the conduct may occur. Also,<sup>28</sup>a student is not an accomplice if they merely know about an action planned by another student even if they do not report what they know to an administrator.

If a student engages in accomplice activity, the accomplice may be charged with the same behavior of the principal actor with a notation that the student committed the behavior as an accomplice.

## ~~Off-Campus Behavior~~ Off Campus Behavior

Discipline may be imposed for an off-campus act of misconduct. If the behavior and circumstances are closely connected to the educational process. The following criteria should be considered to decide whether an act of misconduct is sufficiently connected to the educational process:

1. Location of the misconduct (proximity to school grounds or to a school activity);
2. Hour and date of the misconduct (during school hours, but off-campus; immediately before or after school hours; on district-sponsored transportation, directly before entering or after leaving district-sponsored transportation, or during school-sponsored activities);
3. Effect on other participants or victims to the misconduct (did the misconduct involve or affect other students or School District personnel);
4. Severity of the misconduct and its likely connection to student or School District personnel safety (e.g., fighting or other violent or destructive acts, the selling of a controlled substance, or possession of a weapon); and
5. Extent to which the off-campus activity affects the environment or safety of the school (e.g., students are afraid to come to school or afraid at school because of it; it is disruptive to the school atmosphere in that special precautions or actions ~~need-~~ need to be taken to protect students and staff; the arrangements for the activity were made on campus but conducted off campus, such as drug sales, a fight or assault, etc.; or there are likely repercussions such as students from other schools or non-students coming onto the campus to effect retribution.)

## Off Campus Student Speech

The District will respond to off-campus student speech that causes or threatens to cause a substantial disruption on campus or interference with the right of students to be secure and obtain their education. Substantial disruption includes, but is not limited to, significant interference with instruction, school operations or school activities, violent physical or verbal altercations between students, or a hostile environment that significantly interferes with a student's education.

---

~~27. \_\_\_\_\_ A student may be an accomplice merely by being present when another student is doing something wrong if they do not attempt to stop the aggressor from continuing the wrongful act or if their presence constitutes silent agreement of the act or is perceived as contributing to intimidation of the victim. For example, persons grouped around a victim while another student bullies or threatens the victim, even though they do not say anything or otherwise participate physically or verbally in the bullying or threatening behavior, could be considered accomplices because just by being there and not saying anything they are perceived by the victim as participating with and agreeing to the bullying or threatening behavior.~~

~~28. \_\_\_\_\_ Students are not accomplices if they merely know about an action planned by another student even if they do not report what they know to an administrator.~~

## Requirement to Provide Educational Services

~~School districts may not suspend the provision of educational services to a student as a disciplinary response.~~

~~While students may be excluded from classroom and other instructional or activity areas for a period of suspension or expulsion, districts must provide students with an opportunity to receive educational services during that time.~~

~~If educational services are provided in an alternative setting, the alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline.~~

## Student Reengagement Meeting and Reengagement Plan

~~For students who are long term suspended or expelled, the purpose of the reengagement meeting is to develop a plan to reengage the student in a school program tailored to the student's individual circumstances (RCW 28A 600.022). The goal of the re-engagement process is to support the student's ability to be successful in school when they return to school following a period of exclusionary discipline.~~

~~The reengagement meeting must be held within three days of when the Notice of Disciplinary Action (NDA) is created and provided to parents/guardians/families.~~

~~Re-engagement meeting participants should take into account:~~

- ~~a. The circumstances related to the student's suspension or expulsion;~~
- ~~b. The student's prior academic and discipline history; and~~
- ~~c. The severity of the disciplinary incident that led to the student's exclusion.~~

~~The purpose of the re-engagement plan is to:~~

- ~~• Allow the family to provide meaningful input, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan;~~
- ~~• Discuss the services available to the student while excluded;~~
- ~~• Educational services must be offered~~
- ~~• Behavioral services must be discussed~~
- ~~• Define what the student is required to do before returning to school; and~~
- ~~• Identify supports that will be in place when the student returns to school.~~

~~While developing a re-engagement plan, school districts should consider:~~

- ~~1. Shortening the length of time that the student is suspended or expelled;~~
- ~~2. Exploring whether or not there are other forms of disciplinary response that could be more effective;~~
- ~~3. Determine how the plan may aid the student as they take the necessary steps to remedy the situation that led to the suspension or expulsion; and~~
- ~~4. Plan supports that result in academic success, and keep the student engaged and on track to graduate~~



## **Reentry Program for High School Students**

### **Discipline Case Management Services for Middle School Students**

#### **High School Students**

A reentry program is provided for high school students who have been long term suspended— or expelled from school. For 2018-19, long term suspended or expelled high school students will be referred to Interagency Academy's reentry program. Students will attend an orientation at Interagency Academy and will then be assigned to one of several Interagency Academy sites for the remainder of their suspension. District practice at the high school level is to provide free access to behavior modification instruction to the extent possible when it is required for suspensions and expulsions. This generally is when the suspension or expulsion is for offenses— that involve violence. This assignment will continue if there is a requirement for behavior modification and such instruction has not been completed by the end of the suspension.

Suspended high school students with a requirement to complete behavior modification may return to their suspending school when the behavior modification instruction is satisfactorily completed. Students whose disciplinary response did not include a behavior modification requirement may return to their suspending school when the suspension is over.

Expelled high school students cannot return to their expelling school. If a student is also long-term suspended a referral will be made to Interagency Academy. Expelled students who do not have a long term suspension as part of the disciplinary response must be reassigned to another school within ten (10) school days of the expulsion. **Discipline Case Management Services for Middle School Students**

#### **Middle School Students**

Middle school students who are eligible for behavior modification, based on the referring behaviors of concern (please see SPS Discipline Matrix for 2018-2019 school year for eligibility), may be short term suspended and the school leader may request Discipline Case Management services through the Discipline Office. If the school chooses to impose a long-term suspension, then Discipline Case Management Services will not be provided. The goal of Discipline Case Management Services is to minimize lost instructional time for all students while increasing student success (both academically and behaviorally) by providing long-term support (a semester or more) to schools, families, and students in response to significant behaviors.

Discipline Case Management services will include a comprehensive behavior and social skill assessment conducted with the student and the family; interviews with school staff; referrals to community based organizations if needed; securing of Releases of Information (ROIs); coordination with community based providers; the development of a school success reentry plan based on the story and strengths of the student and projected needs when they return; and scheduling of a reentry meeting.

Discipline Case Management Services will also include ongoing weekly and/or biweekly communication with school staff, families, community based providers, and the student. If the comprehensive assessment indicate a need for direct instruction in skill building, Discipline Case Management Services may also include time limited skill building instruction. Discipline Case Management Services will continue until stability is regained and a transition back to school level case management occurs.

### **Elementary School Students**

~~Elementary school students may not be long term suspended from their school. Therefore, there is not a reentry program for elementary students.~~

~~Expelled elementary school students are reassigned to another elementary school as quickly as possible (not to exceed ten (10) days) after the expulsion to minimize lost instructional time.~~

### **Students with Disabilities**

~~Prior to being referred to Interagency Academy (high school) or Discipline Case Management Services (middle school), a Manifestation Determination Team (MDT) meeting must occur.~~

## **Adoption of Rules by Seattle School Board**

~~The Seattle School Board adopted these rules in June 2018. The Seattle School District follows the substantive and procedural due process rights guaranteed by the Office of Superintendent of Public Instruction under RCW 28A.600.015. See, WAC 392.400. A copy of the regulations may be requested by contacting the Discipline Appeals Office at 206-252-0820 or downloading the regulation at:~~

~~<http://apps.leg.wa.gov/WAC/default.aspx?cite=392.400>~~

## **School Rules**

~~In addition to the above District rules, each school may adopt and distribute to each student rules that will govern a student's behavior in a particular school. When a student does not follow these school rules, he or she may be disciplined.~~

## **Due Process Rights of Students (Discipline Appeal Rights)**

~~Seattle Public Schools believes that due process means that students must be treated fairly and with regard for their rights under the law. This means that any disciplinary action of a student who has violated rules must be administered fairly and for good and just cause. Students have the right to tell their side of the story and receive a fair consequence for their behavior. School officials will take disciplinary action only after a thorough examination of the facts, and the facts must always be reasonably related to the nature and circumstances of the violation. Students have the right to appeal a disciplinary response they feel is unjust or unjustly administered.~~

~~Seattle Public Schools has adopted and implemented the due process rules found in WAC 392.400. These rules outline the substantive and procedural due process rights of students who are involved in programs or activities within Seattle Public Schools. Additionally, Seattle Public Schools has adopted rules that guarantee the minimum due process standards and protections. Other rules that govern student conduct include WAC 392.145 (school buses).~~

## VII. DISCIPLINARY RESPONSES

When considering what an appropriate disciplinary response might be for a particular behavior the school staff must consider possible mitigating and aggravating behaviors. Please see Appendix C.

### OTHER FORMS OF DISCIPLINE INCLUDING EXCLUSION FROM TRANSPORTATION AND EXTRA-CURRICULAR ACTIVITIES (DISTRICT POLICY)

School administrators, teachers, bus drivers and other school staff have the authority to impose other forms of discipline including exclusion from transportation and extra-curricular activities. Seattle Public Schools staff are committed to implementing a disciplinary response that would be the least disruptive to the student-school relationship, which also maximizes instructional time. When considering what an appropriate disciplinary response would be for a particular behavior, please see Appendix D for alternatives to classroom exclusions, suspensions, and expulsions.

### CLASSROOM EXCLUSIONS

#### Conditions and Limitations (WAC 392-400-330)

**Authority to Administer:** A teacher or other school personnel may exclude a student from a classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's or other school personnel's immediate supervision.

**Other Forms of Discipline:** The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

**Limitations:** A classroom exclusion may be administered for all or any portion of the balance of the school day. When a classroom exclusion is for longer than the balance of the school day, the school must provide the student's parent/guardian/family notice and due process for a suspension, expulsion, or emergency expulsion.

A student may not be removed from school during a classroom exclusion unless the school provides the student's parent/guardian/family notice and due process for a suspension, expulsion, or emergency expulsion.

**Assignments and Tests:** The school must provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.

#### Notice and Procedure (WAC 392-400-335)

**Notice to Principal:** The teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible.

**Notice to Parents:** The teacher, principal, or designee must notify the student's parent/guardian/family regarding the classroom exclusion as soon as reasonably possible. The school must ensure that this notification is in the language the parent/guardian/family understands, which may require language assistance for a parent/guardian/family with limited--English proficiency.

**Emergency Circumstances:** When a teacher or other school personnel administer a classroom exclusion on the grounds that the student's presence poses an immediate and continuing threat of material or substantial disruption of the educational process: (a) the teacher or other school personnel must immediately notify the principal or designee; and (b) the principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

**Not Appealable:** Classroom exclusions are not appealable.

## **SUSPENSIONS AND EXPULSIONS**

### **General Conditions and Limitations (WAC 392-400-430)**

A school may administer in-school suspensions, short-term suspensions, long-term suspensions and expulsions for behavioral violations subject to the following requirements:

**Parent Involvement:** A school must provide for early involvement of parents/guardians/family in efforts to support students in meeting behavioral ~~expectations,~~ and expectations and must make every reasonable attempt to involve the student and parents/guardians/family in the resolution of behavioral violations.

**Considerations:** Before administering any suspension or expulsion, a school must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

**Completing Academic Requirements:** A school may not suspend the provision of educational services to a student in response to behavioral ~~violations, or violations~~ or administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

**Opportunity to Receive Educational Services:** A school must provide an opportunity for students to receive educational services during a suspension or expulsion.

**Reentry:** After suspending or expelling a student, a school must make reasonable efforts to return the student to the student's regular educational setting as soon as possible, and allow the student to petition for readmission at any time.

**Absences and Tardiness:** A school may not suspend or expel a student from school for absences or tardiness.

**Access to District Property:** When administering a suspension or expulsion, a school may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented or controlled by the District.

**End Dates:** A suspension or expulsion of a student may not be for an indefinite period of time and must have an end date.

If the District enrolls a student in another program or course of study during a suspension or expulsion, the District may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion unless: (a) the District superintendent or designee grants a petition to extend the student's expulsion; (b) the student is excluded from the student's regular educational setting in accordance with exceptions for the purpose of protecting victims. See Appendix A for exceptions for the Purpose of Protecting Victims ~~(see definitio; n)~~; or (c) the student is otherwise precluded under law from returning to the student's regular educational setting.

### **Initial Hearing with Student (WAC 392-400-450)**

**Initial Hearing:** Before administering any suspension or expulsion, the principal or designee must conduct an informal hearing with the student for the purpose of hearing the student's perspective.

At the initial hearing, the principal or designee must provide the student: (a) notice of the student's behavioral violation; (b) an explanation of the evidence regarding the behavioral violation; (c) an explanation of the discipline that may be administered; and (d) an opportunity for the student to share the student's perspective and provide an explanation regarding the behavioral violation.

**Parent/Guardian/Family Participation: In-school and Short-term Suspensions:** At an initial hearing in which the principal or designee is considering administering an in-school or short-term suspension, the principal or designee must provide the student an opportunity to contact the student's parent/guardian/family.

**Parent/Guardian/Family -Participation: Long-term Suspensions and Expulsions:** At an initial

hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parent/guardian/family to provide an opportunity for the parent/guardian/family to participate in the initial hearing by telephone or in person.

**Decision to Suspend or Expel:** Following the initial hearing, the principal or designee must inform the student and parent/guardian/family of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

**Language Assistance:** The school must ensure that the initial hearing is held in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/family with limited-English proficiency.

### **Notice of Disciplinary Action (WAC 392-400-455)**

**Initial Notice:** Before administering any suspension or expulsion, a school must attempt to notify the student's parent/guardian/family about the behavioral violation as soon as reasonably possible.

**Written Notice:** No later than one school business day following the initial hearing with the student, a school must provide written notice of the suspension or expulsion to the student and parent/guardian/family in person, by mail, or by email.

The written notice of disciplinary action must include: (a) a description of the student's behavior and how the behavior violated the District's discipline policies and procedures; (b) the duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; (c) the other forms of discipline that the school considered or attempted, and an explanation of the school's decision to administer the suspension or expulsion; (d) the opportunity to receive educational services during the suspension or expulsion; (e) the student's and parent's/guardian's/family's right to an informal conference with the principal or designee; (f) the student's and parent's/guardian's/family's right to appeal the suspension or expulsion, including where and to whom the appeal must be requested; and (g) for a long-term suspension or expulsion, the opportunity for the student and parent/guardian/family to participate in a reengagement meeting.

**Language Assistance:** The school must ensure the initial and written notices required above are provided in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

### **Optional Informal Conference with Principal or Designee (WAC 392-400-460)**

**Requesting a Conference:** If a student or parent/guardian/family disagree with the school's decision to suspend or expel the student, the student or parent/guardian/family may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

**Time Limit for Requesting a Conference:** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian/family.

**During the Conference:** During the informal conference, the principal or designee must provide the student and parent/guardian/family the opportunity to: (a) share the student's perspective and explanation regarding the behavioral violation; (b) confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and (c) discuss other forms of discipline that may be administered.

**Language Assistance:** The school must ensure the conference is held in a language the student and parent/guardian/family understand, which may require language assistance for student and parents/guardians/families with limited-English proficiency.

**Right to Appeal:** An informal conference must not limit a student's or parent's/guardian's/family's right to appeal the suspension or expulsion, participate in a reengagement meeting, or petition for readmission.

## **IN-SCHOOL SUSPENSIONS AND SHORT-TERM SUSPENSIONS**

### **Additional Conditions and Limitations (WAC 392-400-435)**

A principal or designee ~~school~~ may administer an in-school suspension or short-term suspension, subject to the following additional requirements:

**Other Forms of Discipline:** Before administering an in-school suspension or short-term suspension, a school must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations.

**Length of Exclusion:** A school may not administer an in-school or short-term suspension beyond the school year in which the behavioral violation occurred.

**Grade-level Limitations:** For a student in kindergarten through fourth grade: A school may not administer an in-school or short-term suspension for more than ten cumulative school days during any academic term.

For a student in grades five through twelve: A school may not administer an in-school suspension or short-term suspension for more than fifteen cumulative school days during any single semester, or for more than ten cumulative school days during any single trimester.

**School Personnel:** When administering an in-school suspension, a school must ensure school personnel: (a) are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension; and (b) are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.

## LONG-TERM SUSPENSIONS

### Additional Conditions and Limitations (WAC 392-400-440)

A principal or designee school may administer a long-term suspension subject to the following additional requirements:

**Other Forms of Discipline:** Before administering a long-term suspension, a school must consider other forms of discipline to support the student in meeting behavioral expectations.;

**Limitations on Long-term Suspensions:** A school may only administer a long-term suspension: (a) for behavioral violations under RCW 28A.600.015(6)(a) through (d) [add footnote?]; and (b) after the school has determined that, if the student returned to school before completing a long-term suspension, the student would pose an imminent danger to students or school personnel, or an imminent threat of material and substantial disruption of the educational process.;

**Length of Exclusion:** A long-term suspension may not exceed the length of an academic term or extend beyond the school year in which the behavioral violation occurred. ~~and~~

**Grade-level Limitations:** Except for a firearms violation, a school may not administer a long-term suspension for any student in kindergarten through fourth grade.

## EXPULSIONS

### Additional Conditions and Limitations (WAC 392-400-445)

A principal of designee school may administer an expulsion subject to the following additional requirements:

**Other Forms of Discipline:** Before administering an expulsion, a school must consider other forms of discipline to support the student in meeting behavioral expectations.

**Limitations on Expulsions:** A school may only administer an expulsion: (a) for behavioral violations under RCW 28A.600.015(6)(a) through (d) [add footnote?]; and (b) after the school has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.

-

**Length of Exclusion:** An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the District Superintendent for extension of an expulsion and the extension is granted.

**Grade-level Limitations:** Except for a firearms violation, a school may not administer an expulsion for any student in kindergarten through fourth grade.



## Petition to Extend Expulsion Beyond Academic Term (WAC 392-400-480)

**Petition:** When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the District Superintendent or designee for authorization to exceed the academic term limitation on an expulsion.

The petition must inform the Superintendent or designee of: (a) the behavioral violation that resulted in the expulsion and the public health or safety concerns; (b) the student's academic, attendance and discipline history; (c) any nonacademic supports and behavioral services the student was offered or received during the expulsion; (d) the student's academic progress during the expulsion and the educational services available to the student during the expulsion; (e) the proposed extended length of the expulsion; and (f) the student's reengagement plan.

**Time Limit for Making a Petition:** The principal or designee may petition to extend an expulsion only after the development of a reengagement plan and before the end of the expulsion. For firearms violations, the principal or designee may petition to extend an expulsion at any time.

**Written Notice:** The District must provide written notice of the petition to the student or the parent/guardian/family in person, by mail, or by email within one school business day from the date the Superintendent or designee received the petition.

The written notice must include: (a) a copy of the petition; (b) the student's and parent's/guardian's/family's right to an informal conference with the District Superintendent or designee to be held within five school business days from the date the District provided written notice to the student and parent/guardian/family; and (c) the student's and parent's/guardian's/family's right to respond to the petition orally or in writing to the District Superintendent or designee within five school business days from the date the District provided written notice.

**Written Petition Decision:** The District Superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school placement after the length of an academic term, the student would pose a risk to public health or safety. The District Superintendent or designee must deliver a written decision to the principal, the student and the parent/guardian/family in person, by mail, or by email within ten school business days after receiving the petition.

If the petition is granted, the written decision must include: (a) the date on which the extended expulsion will end; (b) the reason that, if the student were to return to the student's previous school placement before the initial expulsion end date, the student would pose a risk to public health or safety; and (c) notice of the student's and parent's/guardian's/family's right to request the Discipline Appeal Council to review and reconsider the petition decision, including where and to whom to make the request.

If the petition is not granted, the written decision must identify the date on which the expulsion will end.

Language Assistance: The District must ensure that any notices, petition proceedings, and petition decisions are provided in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

## EMERGENCY EXPULSIONS

### Conditions and Limitations (WAC 392-400-510)

A principal or school designee may immediately remove a student from the student's current school placement, subject to the following requirements:

Sufficient Cause: A school must have sufficient cause to believe that the student's presence poses: (a) an immediate and continuing danger to other students or school personnel; or (b) an immediate and continuing threat of material and substantial disruption of the educational process.

Determination of Immediate and Continuing Threat of Disruption: An immediate and continuing threat of material and substantial disruption of the educational process means: (a) the student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and (b) school personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in ~~is~~-meeting behavioral expectations.

Time Limit for Emergency Expulsions: An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

Conversion: If a school converts an emergency expulsion to a suspension or expulsion, the school must: (a) apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and (b) provide the student and parent/guardian/family appropriate notice and due process.

### Notice to Student and Parent/Guardian/Family (WAC 392-400-515)

Initial Notice: After an emergency expulsion, the school must attempt to notify the student's parent/guardian/family, as soon as reasonably possible, regarding the reason the school believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

Written Notice: With ~~24~~twenty-four hours after an emergency expulsion, a school must provide written notice of the emergency expulsion to the student and parent/guardian/family in person, by mail, or by email.

The written notice of disciplinary action must include: (a) the reason the student's presence poses an immediate and continuing danger to other students or school personnel, or an

immediate and continuing threat of material and substantial disruption of the educational process; (b) the duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end; (c) the opportunity to receive educational services during the emergency expulsion; (d) the student's and parent's/guardian's/family's right to an informal conference with the principal or designee; and (e) the student's and parent's/guardian's/family's right to appeal the emergency expulsion, including where and to whom the appeal must be requested.

**Language Assistance:** The school must ensure the initial and written notices are provided in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

### **Optional Conference with Principal (WAC 392-400-520)**

**Requesting a Conference:** If a student or parent/guardian/family disagree with a school's decision to administer an emergency expulsion, the student or parent/guardian/family may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

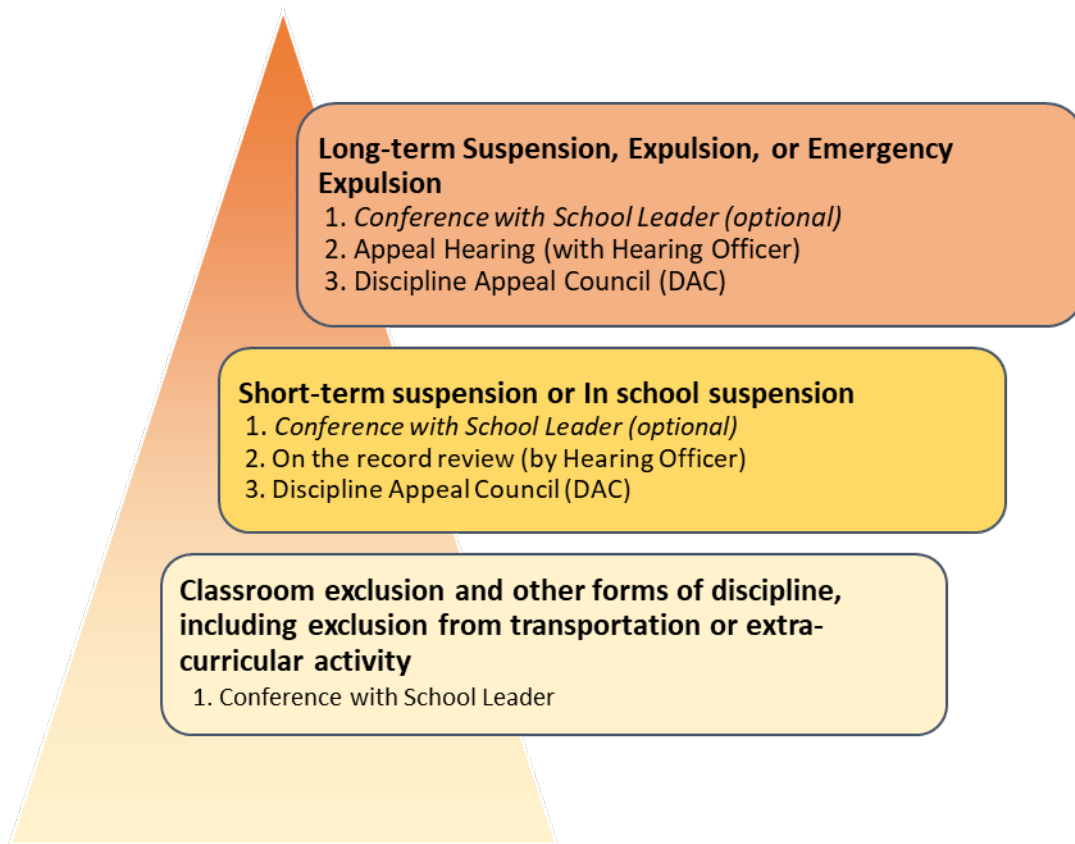
**Time Limit for Holding a Conference:** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian/family.

**Conference:** During the informal conference, the principal or designee must provide the student and parent/guardian/family the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.

**Right to Appeal:** An informal conference must not limit a student's or parent's/guardian's/family's right to appeal an emergency expulsion.

**Language Assistance:** The school must ensure the conference is held in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

**VIII. DISTRICT DISCIPLINARY GRIEVANCE AND APPEAL RIGHTS DISTRICT APPEAL:  
LEVEL ONE APPEAL**



**Grievance Procedure for Classroom Exclusion and Other Forms of Discipline, Including Exclusion from Transportation or Extra-Curricular Activities (District Policy)**

**Requesting a Conference:** If a student or parent/guardian/family disagree with a school's decision to administer a classroom exclusion or other form of discipline, including exclusion from transportation or extra-curricular activities, the student or parent/guardian/family may request a conference with the principal or designee to resolve the disagreement. The request for a conference may be made orally or in writing.

**Time Limit for Holding a Conference:** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian/family.

**Conference:** During the conference, the principal or designee must provide the student and parent/guardian/family the opportunity to: (a) share the student's perspective and explanation regarding the behavioral violation; (b) confer with the principal or designee involved in the incident that led to the disciplinary response; (c) discuss other forms of discipline that may be administered.

**Language Assistance:** The school must ensure the conference is held in a language the student and parent/guardian/family understand, which may require language assistance.

for students and parents/guardians/families with limited-English proficiency.

**Appeal Process for In-school and Short-term Suspensions:**  
**On-the-Record Review (WAC 392-400-465)**

**Appeal Process:** The appeal process for in-school and short-term suspensions is an on-the-record review and decision. On-the-record reviews and decisions will be made by independent contracted student discipline hearing officers.

**Requesting an Appeal:** A student or parent/guardian/family may appeal a school's decision to in-school or short-term suspend a student to the District Discipline Appeals Office orally or in writing.

**Time Limit for Requesting an Appeal:** The appeal request must be received by the District Discipline Appeals Office within five school business days from the date a school provides the student or parent/guardian/family written notice of the in-school suspension or short-term suspension.

**Appeal:** The District Discipline Appeals Office must provide the student and parent/guardian/family the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

**Appeal Decision:** The District Discipline Appeals Office must deliver a written appeal decision to the student and parent/guardian/family in-person, by mail or by email within two school business days after receiving the appeal.

The written appeal decision must include: (a) the decision to affirm, modify, or reverse the suspension; (b) the duration and conditions of the suspension, including the dates on which the suspension began will begin and end; (c) the educational services the school will offer the student during the suspension; and (d) notice of the student's and parent's/guardian's/family's right to request Discipline Appeal Council review and reconsideration of the appeal decision, including where and to whom to make the request.

**Pending Appeal:** If the student or parent/guardian/family request an appeal hearing, the school may temporarily continue to administer the suspension during the appeal period subject to the following requirements: (a) the school may temporarily continue to administer the suspension for no more than ten consecutive school days from the date of the initial hearing with the student or until the appeal is decided, whichever is earlier; (b) any days that the student is temporarily suspended before the appeal is decided must be applied to the term of the student's suspension and may not extend the term of the student's suspension; and (c) if the student who is temporarily suspended returns to school before the appeal is decided, upon the student's return, the school must provide the student an opportunity to make up assignments and tests missed during the suspension.

## Appeal Process for Long-term Suspensions and Expulsions:

### Appeal Hearing (WAC 392-400-465)

**Appeal Process:** The appeal process for long-term suspensions and expulsions is an appeal hearing and decision.

**Requesting an Appeal:** A student or parent/guardian/family may appeal a school's decision to long-term suspend or expel a student to the District Discipline Appeals Office orally or in writing.

**Time Limit for Requesting an Appeal:** The appeal request must be received by the District Discipline Appeals Office within five school business days from the date a school provides the student or parent/guardian/family written notice of the long-term suspension or expulsion.

**Written Notice:** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parent/guardian/family, the District Discipline Appeals Office must provide the student and parent/guardian/family written notice in person, by mail, or by email of: (a) the time, date, and location of the appeal hearing; (b) the name of the hearing officer who will preside over the appeal hearing; (c) the student's and parent's/guardian's/family's right to inspect the student's education records prior to the appeal hearing; (d) the student's and parent's/guardian's/family's right to inspect, prior to the appeal hearing, any documentary or physical evidence and a list of any witnesses that the school will introduce at the hearing; (e) the student's and parent's/guardian's/family's rights during the appeal hearing; and (f) whether the school will offer to hold a reengagement meeting before the appeal hearing.

**Student Reengagement:** Before the appeal hearing, student, parent/guardian/family, and school may agree to hold a reengagement meeting and develop a reengagement plan. The student, parent/guardian/family, and school may mutually agree to postpone the appeal hearing while participating in the reengagement process.

**Time Limit for Holding an Appeal Hearing:** The District must hold an appeal hearing within three school business days from the date the District Discipline Appeals Office received the appeal request, unless otherwise agreed to by the student or parent/guardian/family.

**Pending Appeal:** If the student or parent/guardian/family request an appeal hearing, the school may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements: (a) the school may temporarily continue to administer the long-term suspension or expulsion for no more than ten consecutive school days from the date of the initial hearing with the student or until the appeal is decided, whichever is earlier; (b) any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and (c) if the student who is temporarily suspended or expelled returns to school before the appeal is decided, upon the student's return, the school must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion.

## Appeal Process for Emergency Expulsions:

### Appeal Hearing WAC 392-400-525)

**Appeal Process:** The appeal process for emergency expulsions is an appeal hearing and decision.

**Requesting an Appeal:** A student or parent/guardian/family may appeal a school's decision to emergency expel a student to the District Discipline Appeals Office orally or in writing.

**Time Limit for Requesting an Appeal:** The appeal request must be received by the District Discipline Appeals Office within three school business days from the date the school provides the student or parent/guardian/family written notice of the emergency expulsion.

**Time Limit for Holding an Appeal Hearing:** The District must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the District Discipline Appeals Office received the appeal request, unless otherwise agreed to by the student or parent/guardian/family.

### Appeal Hearing Procedure (WAC 392-400-465 and 525)

**Presiding Official:** The School Board has designated ~~independent~~~~contracted~~ hearing officers to hear and decide school decisions to long-term suspend, expel, and emergency expel students. The hearing officers may not be involved in the student's behavioral violation or decision to long-term suspend, expel, or emergency expel the student, and must be knowledgeable about WAC 392-400 and the District's discipline policies and procedures.

**Evidence and Witnesses:** Upon request, the student, parent/guardian/family, and school may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The student, parent/guardian/family and school must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

Upon request, the student and parent/guardian/family, may review the student's education records. The school must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

If a student or school personnel witness cannot or does not appear at the appeal hearing, the hearing officer may excuse the witness's nonappearance if the school establishes that: (a) the school made a reasonable effort to produce the witness; and (b) the witness's failure to appear is excused by fear of reprisal or another compelling reason.

**Student and Parent/Guardian/Family Rights:** During the appeal hearing, the student and parent/guardian/family have the right to: (a) be represented by legal counsel; (b) question witnesses; (c) share the student's perspective and provide explanation regarding the behavioral violation; and (d) introduce relevant documentary, physical, or testimonial evidence.

**Recording of Hearing:** The appeal hearing must be recorded by manual, electronic, or other type of recording device. The District must provide a copy of the recording to the student or parent/guardian/family upon request.

**Appeal Decision for Suspensions and Expulsions:** The hearing officer must base the written appeal decision solely on the evidence presented at the appeal hearing.

The District must provide the written appeal decision to the student and parent/guardian/family in person, by mail, or by email for suspensions and expulsions, within three school business days after the appeal hearing.

The written appeal decision must include: (a) findings of fact; (b) a determination of whether the student's behavior violated the District's discipline policies or procedures, the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion, and whether the suspension or expulsion is affirmed, modified or reversed; (c) the duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; (d) notice of the student and parent/guardian/family right to request Discipline Appeal Council review and reconsideration of the appeal decision, including where and to whom to make the request; and (e) for long-term suspensions and expulsions, notice of the opportunity to participate in a reengagement meeting and the contact information for the person who will coordinate scheduling of the reengagement meeting.

**Appeal Decision for Emergency Expulsions:** The hearing officer must base the written appeal decision solely on the evidence presented at the appeal hearing.

The District must provide the written appeal decision to the student and parent/guardian/family in person, by mail, or by email within one school business day after the appeal hearing.

The written appeal decision must include: (a) findings of fact; (b) a determination of whether the student's presence continues to pose an immediate and continuing danger to students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process; and (c) whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the District must provide the student and parent/guardian/family notice and due process; and (d) notice of the student's and parent's/guardian's/family's right to request Discipline Appeal Council review and reconsideration of the appeal decision, including where and to whom to make the request.

### **Language Assistance (WAC 392-400-465 and 525)**

The District must ensure that any District Level One Appeal notices, proceedings, and decisions are provided in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/family's with limited-English proficiency.



## IX. SCHOOL BOARD APPEAL RIGHTS: LEVEL TWO APPEAL

### Discipline Appeal Council (WAC 392-400-470, 475, 480 and 530)

**Discipline Appeal Council:** The School Board has designated a Discipline Appeal Council (DAC) to review and reconsider District appeal decisions for long-term suspensions, expulsions, and emergency expulsions. Classroom exclusions and other forms of discipline, including exclusion from transportation and extra-curricular activities, are not eligible to be reviewed by the DAC.

The DAC must consist of at least three persons appointed by the School Board for fixed terms. All members of the DAC must be knowledgeable about WAC 392-400 and the District's discipline policies and procedures.

Decisions of the DAC may be made only by DAC members who were not involved in the behavioral violation, the decision to suspend, expel, or emergency expel the student, nor the District's appeal decision.

**Requesting DAC Review:** A student or parent/guardian/family may request that the DAC review and reconsider the District's appeal decision and/or decision to extend the student's expulsion. A request for DAC review may be made orally or in writing to the Discipline Appeals Office. :

**DAC Review Procedure:** In reviewing the District's appeal decision and/or decision to extend a student's expulsion, the DAC must consider all documentary and physical evidence related to the behavioral violation, any records from the District appeal, relevant State law, and the District's discipline policies and procedures.

The DAC will meet with the student or parent/guardian/family, the principal, witnesses, or school personnel to gather additional information and hear further arguments. Students receiving special education, section 504, or English Language Learner services, have the right to have a personal knowledgeable about their disability, specially designed instruction, accommodations, and/or language/culture present to advise the DAC.

**Language Assistance:** The DAC must ensure that Level Two Appeal proceedings and decisions are in a language the student and parent/guardian/family understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

### DAC Review of Suspensions and Expulsions (WAC 392-400-470)

**Time Limit for Requesting DAC Review:** A student or parent/guardian/family must request the DAC to review and reconsider the District's appeal decision within ten school business days from the date the District provided the written decision to the student and parent/guardian/family.

**DAC Decision:** The DAC must provide a written decision to the student and

parent/guardian/family in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration.

The DAC's written decision must identify: (a) whether the DAC affirms, modifies, or reverses the suspension or expulsion; (b) the duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and (c) for long-term suspension or expulsions, notice of the opportunity to participate in a reengagement meeting.

### **DAC Review of Petitions to Extend Expulsions (WAC 392-400-480)**

**Time Limit for Requesting DAC Review:** A student or parent/guardian/family must request the DAC to review and reconsider the District's decision to extend a student's expulsion within ten school business days from the date the District Superintendent or designee provided the written decision to the student and parent/guardian/family.

**DAC Decision:** The DAC must provide a written decision to the student and parent/guardian/family in person, by mail or by email within ten school business days after receiving the request for review and reconsideration.

The DAC's written decision must identify: (a) whether the DAC affirms, modifies, or reverses the District's decision to extend the student's expulsion; and (b) the date on which the student's expulsion will end.

Any extension of a student's expulsion may not exceed the length of an academic term.

### **DAC Review of Emergency Expulsions (WAC 392-400-530)**

**Time Limit for Requesting DAC Review:** A student or parent/guardian/family must request the DAC to review and reconsider the District's appeal decision within five school business days from the date the District provided the written decision to the student and parent/guardian/family.

**DAC Decision:** The DAC must provide a written decision to the student and parent/guardian/family in person, by mail, or by email within five school business days after receiving the request for review and reconsideration.

The DAC's written decision must identify: (a) whether the DAC affirms or reverses the District's decision that the student's presence posed an immediate and continuing danger to students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process; and (b) if the emergency expulsion has not ended or been converted, whether the school will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school converts the emergency expulsion to a suspension or expulsion, the school must provide the student and parent/guardian/family notice and due process.

## EXPULSION

### Educational Services (WAC 392-400-610)

**Educational Services:** A school may not suspend the provision of educational services to a student in response to behavioral violations.

During the suspension, expulsion or emergency expulsion of a student, a school must provide the student the opportunity to receive educational services. The educational services must enable the student to: (a) continue to participate in the general educational curriculum; (b) meet the educational standards established within the District; and (c) complete subject, grade-level, and graduation requirements.

When providing a student the opportunity to receive educational services, the school must consider: (a) meaningful input from the student, parent/guardian/family, and the student's teachers; (b) whether the student's regular educational services include English language development services, special education services, accommodations and related services under Section 504, or supplemental services designed to support the student's academic achievement; and (c) access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

A school may provide educational services to the student in an alternative setting or modify the suspension, expulsion, or emergency expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular educational services the student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

**Exclusions for Up to Five Consecutive School Days:** For a student subject to suspension or emergency expulsion for up to five consecutive school days, a school must provide at least the following: (a) course work, including any assigned homework, from all of the student's regular subjects or classes; (b) access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and (c) an opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

**Exclusions for Six Through Ten Consecutive Schools Days:** For a student subject to suspension or emergency expulsion for six through ten consecutive school days, a school must provide at least the following: (a) course work, including any assigned homework, from all of the student's regular subjects or classes; (b) access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel must make a reasonable attempt to contact the student or parent/guardian/family within three school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to: (i) coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and (ii) communicate with the student, parent/guardian/family, and the student's teacher(s) about the student's academic progress; and (c) an opportunity for the student to make up any assignments and tests missed during the period

of suspension or emergency expulsion.

**Exclusions for More Than Ten Consecutive School Days:** For a student subject to suspension or expulsion for more than ten consecutive school days, a school must provide educational services in accordance with WAC 392-121-107.

### **Required Notice (WAC 392-400-610)**

**Written Notice:** As soon as reasonably possible after administering a suspension, expulsion, or emergency expulsion, a school must provide written notice to the student and parent/guardian/family about the educational services the District will provide. The school must provide the written notice in person, by mail, or by email. The notice must include: (a) a description of the educational services that will be provided; and (b) the name and contact information for the school personnel who can offer support to keep the student current with assignments and course work.

**Language Assistance:** The school must ensure that notices and communications required for educational services are provided in a language the student and parent/guardian/family understand, which may require language assistance for a student and parent/guardian/family with limited-English proficiency.

## **XI. STUDENT REENGAGEMENT AFTER LONG-TERM SUSPENSION OR EXPULSION**

### **Reengagement Meeting (WAC 392-400-710)**

When a school administers a long-term suspension or expulsion, the school must convene a reengagement meeting with the student and parent/guardian/family to discuss a plan to reengage the student. Before convening a reengagement meeting, a school must communicate with the student and parent/guardian/family to schedule the meeting time and location.

The reengagement meeting must occur: (a) within three calendar days of the start of the student's long-term suspension or expulsion; or (b) as soon as reasonably possible, if the student and parent/guardian/family request a prompt reengagement meeting.

Reengagement meetings do not replace appeal hearings or petitions for readmission.

### **Reengagement Plan (WAC 392-400-710)**

The school must collaborate with the student and parent/guardian/family to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school.

In developing a reengagement plan, the school must consider: (a) the nature and circumstances of the incident that led to the student's suspension or expulsion; (b) as appropriate, the student's cultural history and context, parent/guardian/family cultural

norms and values, community resources, and community and parent/guardian/family outreach; (c) shortening the length of time the student is suspended or expelled; (d) providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and (e) supporting the student, parent/guardian/family, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

The school must document the reengagement plan and provide a copy to the student and parent/guardian/family.

**Language Assistance:** The school must ensure that the reengagement meeting and plan are in a language the student and parent/guardian/family understand, which may require language assistance for a student and parent/guardian/family with limited-English proficiency.

## REENTRY PROGRAM FOR HIGH SCHOOL STUDENTS

### Reentry Program for High School Students (District Policy)

A reentry program is provided for high school students who have been long-term suspended or expelled from school. Long-term suspended or expelled high school students will be referred to Interagency Academy's reentry program. Students will attend an orientation at Interagency Academy and will then be assigned to one of several Interagency Academy sites for the remainder of their suspension. District practice at the high school level is to provide free access to behavior modification instruction to the extent possible when it is required for suspensions and expulsions (generally, when the suspension or expulsion is for an offense that involves violence.) This assignment will continue if there is a requirement for behavior modification and such instruction has not been completed by the end of the suspension or expulsion.

Suspended high school students with a requirement to complete behavior modification may return to their suspending school when the behavior modification instruction is satisfactorily completed, and their suspension is served. Students whose disciplinary response did not include a behavior modification requirement may return to their suspending school when the suspension is over. For students who want to attend a different school at the completion of their suspension, please refer to Superintendent's Procedure 3130 (Student Assignment).

Expelled high school students cannot return to their expelling school. If a student is also long-term suspended a referral will be made to Interagency Academy. Expelled students who do

## Discipline Case Management Services for Middle School Students (District Policy)

Middle school students who are eligible for behavior modification, based on the referring behaviors of concern (please see SPS Discipline Matrix for eligibility), may be short-term suspended and the school leader may request Discipline Case Management services through the Discipline Office. If the school chooses to impose a long-term suspension, then Discipline Case Management Services will not be provided. The goal of Discipline Case Management Services is to minimize lost instructional time for all students while increasing student success (both academically and behaviorally) by providing long term support (a semester or more) to students, parents/guardians/families, and schools in response to significant behaviors.

Discipline Case Management services will include a comprehensive behavior and social skill assessment conducted with the student and the parent/guardian/family; interviews with school staff; referrals to community based organizations if needed; securing Releases of Information (ROIs); coordination with community based providers; the development of a school success reentry plan based on the story and strengths of the student and projected needs when they return; and scheduling of a reentry meeting.

Discipline Case Management Services will also include ongoing weekly and/or biweekly communication with parent/guardian/family, school staff, community-based providers, and the student. If the comprehensive assessment indicates a need for direct instruction in skill building, Discipline Case Management Services may also include time limited skill building instruction. Discipline Case Management Services will continue until stability is regained and a transition back to school level case management occurs.

### ~~Elementary School Students~~ ~~Elementary School Students~~ (WAC 392.400.440 and 445)

Elementary school students may not be long-term suspended or expelled from their school. Therefore, there is not a reentry program or case management services for elementary students.

~~Expelled elementary school students are reassigned to another elementary school as quickly as possible (not to exceed ten (10) days) after the expulsion to minimize lost instructional time.~~

### ~~Students Eligible for Special Education or Section 504 (District Policy)~~ ~~Students with Disabilities~~

Prior to being referred to Interagency Academy (high school), ~~or~~ Discipline Case Management Services (middle school), or for a threat assessment (all grade levels) a Manifestation Determination Review Team (MDRT) meeting must occur.

## DISCIPLINE CASE MANAGEMENT SERVICES FOR MIDDLE SCHOOL STUDENTS

[Per SRR 2018-2019 page 15—Erin to edit as this is entirely District language.]

## XII. ADDITIONAL DUE PROCESS PROTECTIONS FOR STUDENTS

### Protecting Victims of Certain Offenses (WAC 392-400-810)

A school may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses. See Appendix A Definitions.

### **Behavior Agreements (WAC 392-400-815)**

A school may enter into a behavior agreement with a student and a parent/guardian/family in response to a behavioral violation, including an agreement to reduce the length of a suspension conditioned on the student's participation in treatment or assessment services, an agreement in lieu of suspension or expulsion, or an agreement holding a suspension or expulsion in abeyance.

A school must ensure that a behavior agreement does not waive a student's opportunity to participate in a reengagement meeting or receive educational services during a suspension, expulsion, or emergency expulsion.

The duration of behavior agreements must not exceed the length of an academic term.

A school may administer discipline for behavioral violations that occur after the school enters into a behavior agreement with a student and parent/guardian/family.

The school must ensure any behavior agreement is provided in a language the student and parent/guardian/family understand, which may require language assistance for a student and parent/guardian/family with limited-English proficiency.

### **Mandated Treatments and Assessments Not Allowed**

Schools are not allowed under ~~current or prior~~ State law to mandate that students participate in treatment or assessment services as a condition for returning to school following a suspension or expulsion.

Schools may reduce the length of a student's suspension or expulsion conditioned on the student's participation in treatment or assessment services; however, nothing in State law requires a student or parent/guardian/family to do so, and a school cannot indefinitely suspend a student pending any scheduling or completion of such services.

### **Firearm Rules and Exceptions (WAC 392-400-820)**

**Firearms Rules:** A school must expel a student for no less than one year if the school has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, areas of facilities being used exclusively as District property, or at school-sponsored events or activities. The District Superintendent may modify the expulsion on a case-by-case basis.

A school may suspend or expel a student for up to one year if the student acts with malice,

as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, areas of facilities being used exclusively as District property, or at school-sponsored events or activities.

**Firearms Exceptions:** The above firearms rules do not apply to: (a) any student while engaged in military education authorized by the District in which rifles are used; (b) any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the District in which rifles of collectors or instructors are handled or displayed; or (c) any student while participating in a rifle competition authorized by the District.

### **Corporal Punishment, Restraint and Isolation (WAC 392-400-825)**

**Corporal Punishment:** A school may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student.

Corporal punishment does not include: (a) the use of reasonable physical force by a school administrator, teacher, school personnel, or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property; (b) physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or (c) physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips, or vocational education projects.

**Restraint and Isolation:** A school may not use ~~other uses of restraint, -isolation, or other uses of physical intervention restraint, or a restraint device~~ on any student except as provided for in School Board Policy 3246 (Restraint, Isolation, and Other Uses of Physical Intervention).

### **School Meals (WAC 392-400-830)**

A school may not administer any discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.





## Short-Term Suspensions

Principals, assistant principals, and their designees may short term suspend a student for engaging in behavior defined in the Student Behavior section of the Student Rights & Responsibilities. Before principals, assistant principals, and their designees may short term suspend a student they must follow certain general rules, which are listed below:

1. Principals, assistant principals, and their designees must make a decision to suspend a student by considering mitigating and aggravating factors. Principals, assistant principals, and their designees must reasonably believe a short term suspension will provide an explicit benefit to the student and the school, and that other classroom and school based responses have been exhausted.
2. In grades Pre school through Grade 4, principals, assistant principals, and their designees may not short term suspend a student for more than ten (10) consecutive or cumulative school days during a single semester or trimester, depending on the school.
3. In grade five or above, principals, assistant principals, and their designees may not short term suspend a student for more than fifteen (15) consecutive or cumulative school days during any semester or ten (10) consecutive or cumulative school days during any trimester, depending on the school.
  - a. No loss of grades or credit may be imposed because of a short term suspension.
4. Any student who has been short term suspended may request a lesser disciplinary response, including being allowed to return to school immediately. This request is made to the school principal either verbally or in writing, and is considered a Step 1 grievance.
5. Mediation: If the disciplinary response is mediated at this time the student and/or parent/guardian/family agree that by signing the mediation agreement all factual and legal issues related to a particular discipline are final and fully resolved, and that the student and parent/guardian/family will file no further appeals related to this discipline incident. If mediation is not agreed to by either party, the grievance meeting moves forward and the school leader makes a decision.
6. A short term suspension starts immediately, regardless whether the parent or student appeals the disciplinary response.

### Notice to Student and Parents/Guardians/Families of Short-term Suspensions

A student is entitled to a conference before he or she is short term suspended. During the conference, the student must be given orally or in writing:

1. — An explanation of the alleged behavior and identifies the school rule that the student allegedly violated;
2. — A review of the evidence that supports the allegations;
3. — An explanation of the disciplinary response that will occur; and
4. — An opportunity to explain themselves.

Notwithstanding this entitlement to have a conference prior to being short term suspended, a student

may be short term suspended without a conference if he or she refuses to participate

in, or has made themselves unavailable for, a conference.

A **parent/guardian/family** is entitled to verbal and written notice within twenty four (24) hours of the proposed disciplinary response in the language spoken by the parent/guardian/family. A written notice is called a Notice of Disciplinary Action (NDA). Translations of the NDA are available. The NDA should include:

1. The reason for the suspension and the length of the suspension.
2. Conditions relating to the suspension, such as a requirement for completion of a particular activity (e.g., parent/guardian/family conference, drug/alcohol assessment, or behavior modification requirement, etc.)
3. Their appeal rights and the process for making an appeal.

Within twenty four (24) hours of the disciplinary decision, all short term suspensions and the reasons for the suspensions must be entered into PowerSchool and made available for access by the Discipline Appeals Office.

**Grievance (Appeal) Procedure: Short Term Suspensions or Other School-based Disciplinary Responses** An appeal of a short term suspension is called a "grievance". Seattle Public Schools has adopted and implemented the grievance procedure found in WAC 392-400-240. This grievance procedure gives the appealing party an opportunity to dispute a school-based disciplinary response and/or a short term suspension. During a grievance hearing, the appealing party requests that the principal change a disciplinary response because they believe a rule was unfairly applied to his or her child or there was something wrong with the way the child was disciplined.

The short term suspension starts immediately and may not be held in abeyance unless the principal agrees to hear the grievance prior to imposing the short term suspension.

This grievance procedure is not designed for situations involving claims of staff misconduct. If a parent/guardian/family agrees that his/her child was disciplined appropriately, but is concerned that the manner in which the administrator behaved was not appropriate, the complainant may contact the Executive Director for the school.

Any student, parent, or guardian may appeal the discipline of the student. There are three steps for appealing discipline at this level, called a grievance:

1. Parents and/or guardians appealing a discipline sanction have the right to request an informal grievance conference with the building principal or designee **within three business days** of learning of the discipline sanction. The school official who disciplined the student will be told that the discipline is being appealed.

During the informal conference, the principal or designee may question the person appealing, and the person who is appealing may question school staff who were involved in the incident that resulted in discipline. The principal or designee will decide whether the discipline sanction should stand.

2. If the person appealing is dissatisfied with the decision at Step One, he or she may present a written or oral request to the Seattle Public Schools' Disciplinary Appeals Office. This grievance must be received within three (3) school business days of receiving the decision at Step One. A hearing officer will be assigned by the Disciplinary Appeals Office to hear the Step Two grievance. The hearing officer will issue a finding within five (5) school business days.

3. If the person appealing is still dissatisfied with the decision at Step Two, he or she may

present a written or oral request for an appeal hearing to the Disciplinary Appeals Council (DAC). This written or oral request must be received within three (3) school business days after receiving the decision from Step Two. The written request is sent to:

Student Discipline Appeals Office  
Mail Stop 31-177  
PO Box 34165  
Seattle, WA 98124-1165.

The DAC will usually schedule this hearing within ten (10) school business days of receiving the written request. After the hearing, the DAC will make its decision and notify the family by a written decision mailed within ten (10) school business days after the hearing.

A student receiving a short term suspension must begin his or her suspension immediately. The short term suspension continues even if the suspended student or parent/guardian/family appeals unless the principal waives this requirement. The principal has the discretion to continue or not continue the short term suspension pending any appeal and the appealing party may not appeal this decision.

#### Long Term Suspensions or Expulsions from School

Principals, assistant principals, and their designees may long term suspend or expel a student for engaging in behavior defined in the Student Behavior section of the Student Rights & Responsibilities. Before principals, assistant principals, and their designees may long term suspend or expel a student they must follow certain general rules, which are listed below:

- 1.— Principals, assistant principals, and their designees may make a decision to suspend or expel a student by considering mitigating and aggravating factors. Principals, assistant principals, and their designee must reasonably believe must reasonably believe a long term suspension or expulsion will provide an explicit benefit to the student and the school, and that other classroom and school based options have been exhausted.
- 2.— Principals, assistant principals, and their designees may not long term suspend or expel a student unless they have used progressive discipline.
- 3.— Mediation: If the disciplinary response is mediated at this time the student and/or parent/guardian agree that by signing the mediation agreement all factual and legal issues related to a particular disciplinary action is final and fully resolved, and that the student and parent/guardian/family will file no further appeals related to this discipline incident. If mediation is not agreed to by either party, the long term suspension moves forward as follows:
- 4.— A long term suspension or expulsion starts on the fourth (4th) school day after the day of the incident to ensure that parents/guardians are aware of the proposed disciplinary response and to provide them time to appeal the suspension if they wish. Students have a right to attend school while an appeal is in process.
- 5.— An emergency expulsion, starts on the day of the incident and may be as long as ten (10) school days. Emergency expulsions are allowed when the school believes that the student's presence in the school constitutes an immediate and ongoing danger to the student, other students or staff, or the educational process of the school.
- 6.— A long term suspension is from 11 days to 90 days (the length of an academic term). The student will return to the suspending school at the end of a

long term suspension.

7.—An expulsion from a specific school is permanent and the student may not return to that specific school. There are other schools and educational programs within Seattle Public Schools that are available to a student who has been expelled from a specific high school, including a reentry program at Interagency Academy. With the exception of expulsion from the District for possession of a firearm, the time a student may be compelled to be unassigned to any school or educational program due to an expulsion from a specific school is limited to ten (10) school days.

8.—So that discipline is applied equitably, Seattle Public Schools has published a matrix with a range of disciplinary responses for schools to use in determining when a student may be long term suspended or expelled.

9.—The Seattle School Board has directed that no student be suspended or expelled for non attendance.

10.—In pre kindergarten through grade five, principals, assistant principals, and their designees may not long term suspend students, but they may expel students in pre kindergarten through grade five.

11.—In grade six and above, principals, assistant principals, and their designees may long term or expel students, but those students are entitled to educational services for the duration of the disciplinary response.

12.—Students and parents must be notified of the student's right to continue an educational program in the high school reentry program at Interagency Academy, and how to access the program.

13.—Students have a right to a reengagement meeting under RCW 28A.600.022, to be scheduled within 20 days of the student's long term suspension. Seattle Public Schools requires that a reengagement meeting be held within three (3) days of when the Notice of Disciplinary Action (NDA) is created and provided to families. The reengagement meeting will be scheduled with the parent/guardian/family and the notice of the meeting date will be included on the NDA letter.

### **Exception to progressive discipline rule**

Seattle Public Schools may expel for the first offense without regard to progressive discipline when aggravating factors warrant this disciplinary response.

### **Notice to parents/guardians of long term suspension or expulsion**

Before a student may be long term suspended or expelled, the student and his/her parent(s) or guardian(s) must receive a written Notice of Disciplinary Action (NDA) that includes information about their right to appeal the long term suspension or expulsion and the opportunity for a hearing. This notice must be either delivered in person or by certified mail.

1. The written notice will be in the language the parent/guardian/family and student speak and understand, to the extent feasible,
2. The written or verbal notice will explain the alleged misconduct and the Student Behavior(s) alleged to have been violated,
3. The written notice will identify the disciplinary response being proposed,
4. The written notice will explain the rights of the student and/or his/her parent(s) or guardian(s) or family to a hearing to appeal the allegation(s), and
5. The written notice will explain how to appeal the allegations and the timeline by which the request for a hearing must be received.

Parents/guardians/family have certain decisions to make after their child has been long term suspended or expelled. The first decision is whether to appeal the suspension or expulsion from school. This decision should be made as soon as possible because there is a three (3) day deadline for requesting an appeal, starting from the day parents/guardians/families have

been notified in writing that their child has been long-term suspended or expelled. Parents/guardians of **high school students** who decide not to appeal should contact Interagency Academy to arrange for an assignment to an appropriate reentry program through Enrollment Services. All students are entitled to educational services for the duration of the disciplinary response.

Expelled students should immediately go to Enrollment Services to arrange for assignment to an appropriate educational program because they may not return to the same school unless they are successful with a petition to the school leader to be readmitted.

Once the student has completed the terms of a long-term suspension, including verification that they have completed any program they are required to participate in as part of the disciplinary action, the student will be automatically readmitted to the school that issued the long-term suspension. A student who has been expelled from a school may not be reassigned to that school unless they petition for re-admittance and are approved by the school leader to return.

### **Special rule for re-admittance to same school following an expulsion**

Normally, expulsion from a school means that the student may not attend that school again. However, parents/guardians/families and students may petition in writing for a student to return to the same school. The written petition must be addressed and sent to the principal of the school that expelled the student. The student or parent/guardian/family must set out the reasons why the student should be readmitted to the school. The decision whether to re-admit an expelled student is at the discretion of the school principal. The principal's decision may not be appealed.

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

When a student has been long-term suspended or expelled a parent/guardian/family or the student may appeal the long-term suspension or expulsion to the Superintendent. In Seattle Public Schools, the Superintendent has designated that hearing officers will hear appeals as the designee of the Superintendent. Hearing officers are community members who have been trained in state law and school District policy and understand due process rules. Hearing officers may mediate, modify, reverse or affirm the disciplinary response. The following process is used:

#### *A. Timeline of the Appeal Process*

1. The appealing party must request an appeal hearing from the Discipline Appeals Office within three (3) school business days after they receive written notice of the disciplinary response or discipline being proposed. The request for an appeal hearing may be either written or oral, including being made by telephone. The Discipline Appeals Office telephone number is 206-252-0820.
2. If the request for an appeal is not received within three (3) school business days after receiving written notice of the disciplinary response or discipline being proposed, the school will impose the proposed long-term suspension or expulsion, and the parent/guardian/family or student will not have any further opportunity to appeal the matter.
3. If the request for a hearing is received within the three-day (3) time limit, the Discipline Appeals Office will schedule a hearing to be held within three (3) school business days from the day the appeal was received.

#### *B. Parent/guardian/family and student rights*

— Parents/guardians and students have certain due process rights before, during, and after their requested hearing. These rights have been approved by our state legislature and are found in

~~— WAC 392-400. These rights include but are not limited to the following:~~

- ~~1. The appealing party has the right to inspect before the hearing any written or physical evidence that the school may be presenting at the hearing, including witness statements. Student names may be removed to protect confidentiality.~~
- ~~2. The appealing party has the right to be represented by an attorney at private, not public, expense. Seattle Public Schools will have its attorney present if the appealing party has an attorney, so the Discipline Office must be notified as soon as possible if the student is represented.~~
- ~~3. The appealing party has the right to question witnesses at the hearing. This right may be limited when Seattle Public Schools has made a reasonable effort to produce~~  
~~— a witness and is unable to do so, or when it is not advisable for the student to appear due to an expectation and fear on the part of the administrator that the student might be retaliated against if she or he appears as a witness.~~
- ~~4. The appealing party has the right to present his or her explanation of the alleged misconduct.~~
- ~~5. The appealing party may request that witnesses who saw or have knowledge of the incident in question be allowed to speak at the hearing, including other students, and~~
- ~~6. The appealing party may present any written or physical evidence that supports the student's case.~~

### ~~C. School's rights before the hearing~~

~~— The school leader or other person presenting the school's case has the right to inspect in advance of the hearing any written or physical evidence that the parent(s) or guardian(s) may be presenting at the hearing. Students and parents/guardians/families must provide sufficient copies for the school leader of any written documentation to be provided to the hearing officer.~~

### ~~D. At the Hearing~~

- ~~1. The participants at the hearing will be limited to those with a relevant interest in the matter at hand, typically the school leader, the student and their parent/guardian/family and witnesses to the incident. If the student is represented by an attorney, a District attorney also will be present to advise the school leader. Other family members or friends should not expect to attend, although the parent may have a support person present so long as that person is not also a witness. The hearing officer has the authority to determine who may be present.~~
- ~~2. A sign in sheet will be provided and all persons present must sign in.~~
- ~~3. All persons present at a hearing must maintain respectful behavior. Expectations include refraining from shouting, name calling, cursing, badgering of witnesses, or other bullying, intimidating or disruptive behavior. The hearing officer may end the hearing should these behaviors be present. The hearing officer will then determine whether to reschedule the hearing for another day or make a decision based on information already presented up to that point in the hearing.~~
- ~~4. If the school leader, student and parent/guardian/family agree to mediate the disciplinary response, a mediation agreement stating all particulars of the changes to be made is prepared and signed. The student and parent/guardian/family agree that by signing the mediation agreement all factual and legal issues related to a particular disciplinary response is final and fully resolved, and the student and parent/guardian/family will file no further appeal related to this discipline incident. If either party decides that attempting to mediate is not appropriate for whatever reason, the hearing goes forward.~~
- ~~5. Witnesses may not be allowed to be present in the hearing room except at the time~~



they are providing testimony. When they have completed testimony, they may be asked to leave the room.

6. Only the evidence presented at the hearing will be used by the hearing officer to make a decision. No information may be provided to the hearing officer outside of the hearing.
7. The hearing officer will make a decision based on the following due process criteria:
  - a. Preponderance of the evidence: Did the alleged behavior occur?
  - b. Student Behavior discipline: Did the school have the right to discipline the student in the manner chosen, based on the District and school rules?
  - c. Are there mitigating or aggravating factors recognized by the District that the school should have taken into account in deciding whether to discipline the behavior or in choosing the disciplinary response?
8. The hearing officer is neutral. He or she may not be a witness to the incident that resulted in discipline or testify in the hearing.
9. The hearing will be audio recorded.
10. The hearing officer may mediate, modify, reverse, or affirm the disciplinary response. The hearing officer will provide a written decision, which will be sent to the parent/guardian/family by certified mail from the Discipline Appeals Office within five (5) school business days of the hearing date. Translation of the hearing decision into the home language of the family will be provided, at District expense.

## Emergency Expulsions

### Emergency removal from a class, subject, or activity

A student may be immediately removed from a class or subject or activity by a staff person and sent to the principal, assistant principal, or their designee, provided that there is sufficient reason to believe that the student's presence poses an immediate and continuing danger to students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school. This disciplinary response assures safety and/or order for students, staff, and the school environment. The student's removal will continue only until: (a) the danger or threat is no longer present, or (b) the principal, assistant principal, or their designee acts to convert to another form of disciplinary response. The emergency expulsion may not run concurrently with another disciplinary response.

### Emergency Expulsion

A principal, assistant principal, or their designee may emergency expel a student immediately, provided that there is sufficient reason to believe that the student's presence is dangerous and/or it would cause substantial disruption within the school to have the student present in classes, for activities and/or at other related school events. Emergency expulsions may last no longer than ten (10) school days. Emergency expulsions shall continue through the specified end date unless rescinded by the principal, assistant principal, or their designee or modified at an appeal hearing.

The principal, assistant principal or their designee will meet with the student no later than the next school day following the student's removal and initiate appropriate disciplinary response. The person responsible for removing the student will be notified of the disciplinary response taken before the student returns to the classroom or activity.

### Notice to parent/guardian/family of an Emergency Expulsion

Parents/guardians/families will be orally notified of an emergency expulsion and their hearing rights as soon as possible, but no later than twenty four (24) hours. In addition, the Notice of

Disciplinary Action (NDA) must be either delivered in person or by certified mail within twenty-four (24) hours:

1. The written notice will be in the language the parent/guardian/family and student speak and understand, to the extent feasible;
2. The written notice will explain the alleged misconduct and the Student Behavior(s) alleged to have been violated;
3. The written notice will identify the disciplinary response being proposed;
4. The written notice will explain the rights of the student and/or his/her parent(s) or guardian(s) to a hearing to appeal the allegation(s), and
5. The written notice will explain how to appeal the allegations and the timeline by which the request for a hearing must be received.

#### **Appeal procedure for an emergency expulsion**

If the emergency expulsion is the only disciplinary response on the written notice, student(s) and/or parent(s) or guardian(s) have up to ten (10) business days after receiving notice of the emergency expulsion to request an appeal hearing from the Discipline Appeals Office, 206-252-0820. According to Seattle Public Schools policy, the request for an appeal may be written (including by e-mail) or made by telephone.

#### **A. — Timeline of the Appeal Process**

1. — The appealing party must request an appeal hearing from the Discipline Appeals Office within ten (10) school business days after they receive notice of the disciplinary response or discipline being proposed.
2. — If the appeal is not received within ten (10) school business days, the emergency expulsion will continue and the student and parent(s) or guardians(s) will not have further opportunity to appeal the matter. The request for an appeal hearing may be either written or oral, including being made by telephone.

The Discipline Appeals Office telephone number is 206-252-0820.

3. — When the request for a hearing is received within the ten (10) day time limit, the Discipline Appeals Office will schedule a hearing to be held within three (3) school business days from the day the appeal was received.

#### **B. — Parent/guardian/family and student rights**

Parents/guardians/families and students have certain due process rights before, during, and after their requested hearing. These rights have been approved by our state legislature and are found in WAC 392-400. Rights include but are not limited to the following:

1. — The appealing party has the right to inspect before the hearing any written or physical evidence that the school may be presenting at the hearing, including witness statements. Student names may be covered. Given the short time line for an appeal hearing, copies of written statements may not be available until twenty-four (24) hours before the hearing.
2. — The appealing party has the right to be represented by an attorney at private, not public, expense. If an attorney represents the student at the hearing, Seattle Public Schools will have its attorney present, so it is necessary to notify the Discipline Appeals Office as soon as possible if the student becomes represented.
3. — The appealing party has the right to question witnesses. This right may be limited when Seattle Public Schools has made a reasonable effort to produce a witness and is unable to do so, or when it is not advisable for the student to appear due to an expectation and fear on the part of the school administrator that the student might be retaliated against if she or he appears as a witness.
  4. The appealing party has the right to present his or her explanation of the alleged misconduct.
  5. The appealing party may request that witnesses who saw or have knowledge of the

- incident in question be allowed to speak at the hearing.
6. The appealing party may present any written or physical evidence that supports their case.

*C. School's rights before the hearing*

The school leader or other person presenting the school's case has the right to inspect in advance of the hearing any written or physical evidence that the parent(s) or guardian(s) may be presenting at the hearing. Students and parents/guardians/families must provide sufficient copies for the school administrator of any written documentation to be provided to the hearing officer.

*D. At the Hearing*

1. The participants at the hearing will be limited to those with a relevant interest in the matter at hand, typically the school leader, the student and his/her parent or guardian or family, and witnesses to the incident. If the student is represented by an attorney, a District attorney also will be present to advise the school leader. Other family members or friends should not expect to attend, although the parent may have a support person present so long as that person is not also a witness.

The hearing officer has the authority to determine who may be present.

2. A sign in sheet will be provided and all persons present must sign in.

3. All persons present at a hearing must maintain respectful behavior. Expectations include refraining from shouting, name calling, cursing, badgering of witnesses, or other bullying, intimidating or disruptive behavior. The hearing officer may end the hearing should these behaviors be present. The hearing officer will then determine whether to reschedule the hearing for another day or make a decision based on information already presented up to that point in the hearing.

4. If the school leader, student and parent/guardian/family agree to mediate the disciplinary response, a mediation agreement stating all particulars of the changes to be made is prepared and signed. The student and parent/guardian agree that by signing the mediation agreement all factual and legal issues related to a particular disciplinary response is final and fully resolved, and that the student and parent/guardian/family will file no further appeal related to this discipline incident. If either party decides that attempting to mediate is not appropriate for whatever reason, the hearing goes forward.

5. Witnesses may not be allowed to be present in the hearing room except at the time they are providing testimony. When they have completed testimony, they may be asked to leave the room.

6. Only the evidence presented at the hearing will be used by the hearing officer to make a decision. No information may be provided to the hearing officer outside of the hearing.

7. The hearing officer will make a decision based on the following due process criteria:

- a. Preponderance of the evidence: Did the alleged behavior occur?

- b. Student Behavior discipline: Did the school have the right to discipline the student in the manner chosen, based on the and school rules?

- c. Are there mitigating or aggravating factors recognized by the District that the school should have taken into account in deciding whether to discipline the behavior or in choosing the disciplinary response?

8. The hearing officer is neutral. He or she may not be a witness to the incident that resulted in discipline or testify in the hearing.

9. The hearing will be audio recorded.

~~10.—The hearing officer may mediate, modify, reverse, or affirm the disciplinary response.~~

~~The hearing officer will provide a written decision, which will be sent to the parent or guardian by certified mail within a week of the hearing date. Translation of the hearing decision into the home language of the family will be provided, at District expense.~~

~~11.—When the emergency expulsion is the only action, a decision will be given within one (1) school business day after the hearing and the student or parent(s)/guardian(s) will be notified by U.S. certified mail within one (1) calendar week.~~

~~E.—Length of Emergency expulsions~~

~~A student's emergency expulsion must end or be converted to another form of disciplinary response within ten (10) school days from the date of expulsion.~~

## **Appeal to the School Board**

~~Parents/guardians/families have a right to request a review of a hearing officer's decision if the Hearing Officer upholds or modifies the school's disciplinary response for a suspension, expulsion, or emergency expulsion, and the parent/guardian is dissatisfied with the decision of the Hearing Officer. The Seattle School Board has delegated its authority to hear and decide long-term suspension and expulsion appeals (reviews) to the Disciplinary Appeals Council (DAC).<sup>29</sup> The DAC is appointed by the School Board, and consists of at least three persons who serve fixed terms.~~

~~Parents/guardians/families must provide an oral or written request to the Student Discipline Appeals Office within three (3) school business days after receiving the decision of the hearing officer, requesting that the DAC review the hearing officer's decision. This request should include information about the basis of the appeal (explaining why they wish to have the hearing officer's decision reviewed) and information about what responses they wish the DAC to take in the matter. Parents/Guardians/Families should contact the Discipline Appeals Office at 206-252-082 or Mail Stop 31-177, PO Box 34165, Seattle, WA 98124-1165.~~

~~It is important to understand that the DAC will conduct a review and hear arguments at the hearing based upon the existing record (i.e., the hearing officer's decision). The DAC will not hold a new (de novo) hearing. Therefore, witness testimony is discretionary.~~

~~If the appealing party does not request a review of the hearing officer's decision, the long-term suspension or expulsion will be imposed on the calendar day following the expiration of the three-day appeal time frame.~~

~~Appealing parties must request a review within three (3) business days. However, a student's long-term suspension or expulsion may be imposed during the appeal period under the following conditions:~~

~~1.—A long-term suspension or expulsion may be imposed while the decision is~~

~~suspended.~~

~~for no more~~

whichever is shorter;

2. ~~Any days that the student is suspended or expelled before the appeal is decided will be applied to the student's suspension or expulsion and will not extend the term of the suspension or expulsion;~~

3. A student who is subjected to a suspension or expulsion and who returns to school before the appeal is decided will be given the opportunity, when he or she returns, to make up assignments and tests missed.

### **Disciplinary Appeals Council Procedures**

The Seattle School Board has chosen to delegate all appeals at the School Board level to the Disciplinary Appeals Council (DAC). If the student or his or her parent/guardian/family requests, orally or in writing, an appeal with the Discipline Appeals Office within the required three (3) school business days, the DAC will schedule and hold a meeting to review the matter within ten (10) school business days after receiving the notice.

The purpose of the meeting is to meet with the student and/or his or her parent/guardian/family and a representative of the school to review the decision of the hearing officer and determine whether there is additional information that should have been considered that would change the hearing officer's decision. Students with section 504 accommodation plans or those receiving Special Education or English Language Learner services have the right to have a person knowledgeable about their accommodations, disability and/or language/culture present to advise the DAC.

1. Prior to the meeting, members of the DAC will review the written decision of the hearing officer.
2. At the meeting with the DAC, the student or his or her parent/guardian/family (or legal counsel) has the right to be heard and provide additional information that he or she believes is pertinent to the situation. Similarly, the representative from the school also has the right to provide additional information to support the decision to discipline the student. The person knowledgeable about the student's disability or language/cultural issues will also provide information as it applies to their discipline to the DAC.

3. The DAC may affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student. The DAC will send a written decision to the parent or guardian and student within ten (10) business days of the date of the hearing. The decision will be made only by those DAC members who have heard or read the evidence, who have not acted as a witness in the matter, and only at a meeting at which a quorum of the DAC is present, and by a majority vote.

4. An appeal from the decision of the Disciplinary Appeals Council is to Superior Court. Whether or not the suspension or expulsion should be imposed while the student or his or her parent/guardian/family is appealing to the courts will be a decision of the DAC, unless a court orders otherwise. The DAC does not need to give any reason for denying a request to waive the suspension or expulsion pending an appeal to the courts.

### **Discipline of Special Education Students<sup>30</sup>**

The discipline of special education students is generally subject to the same rules under the Seattle Public Schools' Student Rights & Responsibilities as applied to nondisabled students with the modifications required by the federal Individuals with Disabilities in Education Act (IDEA) listed below.<sup>31</sup>

#### **Short-term suspensions and emergency removals**

**The general procedures relating to school-based disciplinary responses, short-term suspension, and emergency removal apply to special education students when the response proposed or**

<sup>30</sup> This section also applies to students who are eligible for services and/or accommodations under Section 504. The SIT team replaces the MDT with responsibility for determining whether the student's behavior is a manifestation of his/her disability.

<sup>31</sup> Discipline will be imposed in a manner consistent with the Individuals with Disabilities Education Act ...." 20 U.S.C. § 7151(c).

taken does not result in a change of placement (i.e., the loss of ten (10) or more consecutive school days or a pattern of exclusion from school) for a special education student, or is not governed by a behavior intervention plan (BIP). If a BIP exists, the responses in the plan should have been implemented before resorting to a short term suspension or emergency expulsion.

## **Suspension/Expulsion**

~~When considering disciplining a special education student with a suspension or expulsion, which may constitute a change of placement (i.e., the loss of ten (10) or more consecutive school days or a pattern of exclusion from school), the following procedures must be observed:~~

- ~~• Determine whether the suspension or expulsion will result in a change of placement (i.e., the loss of ten (10) or more consecutive school days or a pattern of exclusion from school). If there is no change in placement, the sanction may be imposed. If there is a change in placement, the school must convene a Manifestation Determination Team (MDT) meeting.~~
  - ~~• Notify the parent/guardian/family of the need to conduct a MDT meeting and the procedural safeguards given by law, including the right to contest the disciplinary response in an administrative due process hearing.~~
  - ~~• A MDT meeting must be held within 10 days of the change in placement. Participants must include parents/guardians/families, the student's special and regular education teachers, a School District representative knowledgeable about the student's disability, and the student, when appropriate. This meeting must be fully documented. The purpose of the meeting is to determine whether the student's conduct resulting in discipline is a manifestation of (caused by or a result of) the student's disability or whether the student's conduct is a result of a failure to implement the student's Individualized Education Plan (IEP) (including a behavior intervention plan (BIP)).~~
  - ~~• The suspension or expulsion may be imposed if the MDT determines that the conduct was not caused by or a result of the student's disability, or not the result of a failure to implement the student's IEP (including a BIP).~~
  - ~~• The discipline may not be imposed if the MDT determines the conduct was a manifestation of the student's disability or a failure to implement the student's IEP (including a BIP). Instead, the meeting should be used to consider what changes in the student's IEP, BIP, and/or Special Education placement are appropriate to address the student's behavior.~~

## **Interim Alternative Educational Setting (IAES)**

~~School personnel may remove an eligible student to an interim alternative educational setting (IAES) determined by the student's IEP team, regardless of whether the student's behavior was a manifestation of his or her disability for up to 45 school days if he or she:~~

- ~~1. Carries a weapon to school or has a weapon at school, on school premises, or at a school function under the authority of a school district;~~
- ~~2. Knowingly has or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a school district; or,~~
- ~~3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a school district.~~

## **Obligations to students to provide educational services**

~~From the time the parents/guardians/families initiate a due process hearing through the appeal process, Seattle Public Schools is required to continue providing educational services. Seattle Public Schools is also required to provide services to students who have been long term suspended or expelled because their behavior is not related to their disability, and to students~~

~~on short term suspension who have been suspended for more than ten (10) cumulative days in the school year. The principal of the school proposing the disciplinary sanction may instruct the appropriate teacher(s) to assign and monitor homework.~~

~~Even where a disciplinary response is imposed, including suspension and expulsion, the special education student must continue to receive the special education and related services required to receive a free and appropriate public education (FAPE).~~

### **Behavior Intervention Plans**

~~A behavioral intervention plan (BIP) is a requisite component for the IEP of a child whose behavior impedes his/her learning or that of others. The plan should contain appropriate strategies, including positive behavioral supports and interventions, to address the behavior. When a special education student has a BIP addressing conduct subject to discipline, the plan governs and prescribes the necessary response for that conduct. Conduct not addressed in the behavior plan should be disciplined with attention to the special considerations that apply to special education students as addressed above.~~

### ~~Notice to Students and Parents Required by Federal Drug-Free Schools and Communities Act of 1989~~

~~Seattle Public Schools prohibits the unlawful possession, use, or distribution of drugs and alcohol by students on school property, on school-sponsored transportation, or as part of school activities. Compliance with this rule is mandatory; students who disregard the prohibition may be suspended or expelled. Seattle Public Schools offers or can assist in arranging access to drug and alcohol education, counseling, and recovery support. For further information, contact your school leader or counselor.~~

## **APPENDIX appendix A: DEFINITIONS**

### **Definitions (Erin Note: WAC 392-400-025 plus some old.)**

The following are key definitions used in various parts of this document:-

**Appealing Party:** ~~A student or parent/guardian/family~~ parent, guardian, family, or student who is using the discipline appeals procedures found in WAC 392-400 to dispute a student's school based disciplinary response, suspension, expulsion or emergency expulsion. ~~disciplinary response that has been assigned to a student.~~

**Behavior Intervention Plan (BIP):** A plan developed for a special education or Section 504 student eligible for special education or section 504 student whose behavior impedes the student's learning or the learning of others. When an IEP or Section 504 Plan contains a BIP addressing a specific behavior, the BIP governs and prescribes the necessary disciplinary response for that behavior. See Appendix B.

**Behavioral Violation:** A student's behavior that violates the District's discipline policies or procedures adopted under WAC 392-400.

**Change of Placement:** The removal of a special education or Section 504 student eligible for special education or section 504 student from the student's their current educational placement: (a) for more than ten (10) consecutive school days; or (b) for a series of removals that constitute a pattern of exclusion because the removals cumulate to more than ten (10) school days in a school year. A pattern of exclusion is determined on a case-by-case basis.



**Classroom Exclusion:** The exclusion of a student from a classroom or instructional or activity area for behavioral violations under WAC 392-400. Classroom exclusions do not include actions that result in missed instruction for a brief duration (less than ~~30~~<sup>thirty</sup> minutes) when: (a) ~~a teacher or other school personnel~~<sup>teacher or other school personnel</sup> attempt other forms of discipline to support the student in meeting behavioral expectations; and (b) the student remains under the supervision of the teacher or other school personnel during such brief duration.

**Corporal Punishment:** Any act that willfully inflicts or willfully causes the infliction of physical pain on a student. The use of corporal punishment is prohibited by the District. See Board Policy 3244.

**Culture Competency:** Knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent/guardian/family outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

**Culturally Responsive:** Has the same meaning as cultural competency.

**Discipline:** Any action taken by a school or the District in response to behavioral violations. For the purpose of this document, all forms of disciplinary responses, whether school based or resulting in suspension or expulsion from school.

**Disruption of the Educational Process:** The interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

**Emergency Expulsion:** The removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process. Immediate removal of a student from school for misbehavior on the basis that an administrator has good and sufficient reason to believe that the student's presence is a danger to himself/herself or others, or an immediate or continuing threat of substantial disruption to the educational process of the school.

**Exceptions for the Purpose of Protecting Victims:** A school may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses, as follows: (a) **Teacher Victim.** A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned; and (b) **Student Victim.** A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

**Expulsion:** A denial of admission to the student's current school placement in response to a behavioral violation. An expulsion is the formal exclusion for misbehavior of a student from ever returning to the specific school in Seattle Public Schools that he or she is attending. If the expulsion is from Seattle Public Schools, the student may not return to any school or program in Seattle Public Schools for a period of up to one calendar year.

**Functional Behavioral Assessment (FBA):** An evaluation of a ~~special education or Section 504 student eligible for special education or section 504 student~~ whose behavior impedes the student's learning or the learning of others. An FBA is conducted to understand the purpose of a student's concerning behaviors so that appropriate strategies and interventions can be developed to reduce or eliminate such behaviors. ~~Schools use~~ FBAs are used to develop ~~B~~Behavior Intervention Plans (BIP).

**Individualized Education Plan (IEP):** An individualized education plan for a student who is eligible for special education services.

**In-school Suspension:** A suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days. This is a state reportable action that the school uses as disciplinary response to remove a student from instruction or school activities. This response requires a Notice of Disciplinary Action.

**Interim ~~a~~Alternative ~~e~~Educational ~~s~~Settings (IAES):** An IAES is a temporary placement, not to exceed 45 school days, used when a ~~special education or Section 504 student eligible for special education or section 504 student~~: (a) carries a weapon to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the District; (b) knowingly has or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or (c) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. A school may remove a ~~special education or Section 504 student eligible for special education or section 504 student~~ who engages in the above behavior from the student's current educational placement to an IAES regardless of whether the student's behavior was a manifestation of the student's disability. See Appendix B. In cases that involve weapons as defined by state and federal law, controlled substances, or serious bodily injury, school personnel may order a change in placement of a special education student to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days. The interim alternative educational setting is selected by the student's IEP team so as to enable the student to continue to progress in the general curriculum while in another setting, and to continue to receive services and modifications described in the student's current IEP that will enable the student to meet the goals set out in the IEP.

**Length of an Academic Term:** The total number of school days in a single trimester or semester, as defined by the School Board.

**Long-term ~~s~~Suspension:** A suspension in which a student is excluded from school for more than ten consecutive school days. A suspension that is anywhere from eleven (11) days to ninety (90) days. A student is entitled to educational services for the duration of the suspension. Elementary students may not be long term suspended.

**Manifestation Determination Review:** A meeting at which a student's parent/guardian/family and relevant members of the student's IEP or Section 504 team review relevant information and determine if a student's behavior for which discipline is being proposed: (a) was caused by or had a direct and substantial relationship to the student's disability; and (b) was the direct result of the school's failure to implement the student's IEP or Section 504 Plan. If the student's behavior is not a manifestation of the student's disability, the school may discipline the student for the same reasons, in the same manner, and for the same duration that it implements disciplinary removals of students without disabilities. See Appendix B, review of the relationship between a special education or a Section 504 student's disability and the behavior that led to the disciplinary response. If the result of the review is that the behavior did not occur as a result of his/her disability or the failure to implement the student's current Individual Educational Plan (IEP), the student may be disciplined in the same manner as a non-disabled student would be for the same offense. Manifestation determination for a Special Education student is with an IEP team or Manifestation Determination Team (MDT). Manifestation determination for a student with a Section 504 plan is conducted by the Student Intervention Team (SIT) at the school. Parents/guardians are invited to be members of these teams when the behavior of their student is discussed.

**Mediation:** An agreement between the school and student or parent/guardian/family that a specific disciplinary response will be changed and how it will be changed. The student and parent/guardian/family agree that by signing the mediation agreement all factual and legal issues related to a particular disciplinary response are final and fully resolved, and that the student and parent/guardian/family will file no further appeal related to the disciplinary incident. The mediation form for Substance Abuse is in Appendix C, and the mediation form for all other disciplinary mediations is in Appendix D.

**Notice of Disciplinary Action (NDA):** Written notice to students and parents/-guardians/families about the that a student's behavioral violation is resulting in a school-based disciplinary response, suspension, expulsion, or emergency expulsion, disciplinary response.

**Other Forms of Discipline:** Actions used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, including exclusion from transportation or extra-curricular activities.

**Parent:** A student's parent/guardian/family.

**Progressive Discipline:** The use over time of successively more restrictive disciplinary responses intended to shape behavior. Progression may include classroom-based response(s), school-based response(s), in-school suspension, short-term, and long-term suspension. For the purpose of establishing progressive discipline, schools may not consider behavioral violations offenses that occurred prior to the beginning of the current school year, or 180 school days in the past.

**Reasonable Use of Physical Force:** See definition of Restraint, Isolation, and Other Uses of Physical Intervention. The use of sufficient physical force by a school administrator, teacher, school employee, or volunteer as needed to maintain order or to prevent a student from harming themselves, himself/herself, other students, school staff and/or property. Such Use of physical force is not considered to be corporal disciplinary response.

**Reengagement Meeting:** A ~~required~~ meeting ~~for~~ with students and parents/guardians/families ~~who are long-term suspended or expelled~~ to discuss a plan to reengage the student following a long-term suspension or expulsion. ~~Student, parents/guardians/families, and appropriate school staff will be part of this~~

meeting. The reengagement meeting is scheduled at the time of suspension/expulsion and must occur within 3 days of the suspension/expulsion. At the meeting, a written reengagement plan will be developed that identifies the educational services the student will receive while the student is suspended or expelled. The plan must also identify supports that will aid the student in taking the necessary steps to remedy the situation and/or repair and restore relationships that led to the suspension or expulsion.

**Reengagement Plan:** A culturally sensitive and culturally responsive written plan tailored to a student's individual circumstances to support the student in successfully returning to school following a long-term suspension or expulsion.

**Reentry Program:** A District program for high school students who have been long-term suspended or expelled from school. A reentry program provides such students behavior modification instruction as well as academic course work.s for students who have been long-term suspended or expelled from their school for behaviors as noted in the Seattle Public Schools' Discipline Matrix for the 2018-2019 school year.

**Restraint, Isolation and Other Uses of Physical Intervention:** May be used on any student when reasonably necessary to control spontaneous behavior that poses an "imminent likelihood of serious harm," as defined by RCW 70.96B.010. Serious harm includes physical harm to self, another, or property. See Board Policy 3246. ~~[Erin: Left this for you to write consistent with Board P/P 3246. Suggest you reference Board P/P 3246 at end of definition.]~~

**Safety Plan:** A plan put in place to ensure that a vulnerable student feels safe at school, on school premises, and at school functions under the jurisdiction of the District.

**School Board:** The governing board of directors of the District.

**School ~~b~~Business ~~d~~Day:** Any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the District Superintendent is open to the public for business. Any day when Seattle Public Schools is open to the public for business, except for school holidays.

**School Day:** Any day or partial day that students are in attendance at school for instructional purposes.

**School Threat Assessment Team (STAT):** ~~A~~ STAT is part of the District's Safety and Security Office. ~~A~~ STAT collaborates with school-based teams ~~to~~ and ~~assess~~ assesses the credibility of threats; ~~it~~ assists administrators ~~to~~ in identifying and mitigate ~~te~~ teing the circumstances and variables known to correlate with youth violence; ~~it~~ develops safety plan ~~s~~ and ~~provides~~ case-management services.

**School Year Limitation:** ~~School Year Limitation:~~ Disciplinary responses imposed upon a student during one school year may not carry over the next school year. Discipline sanctions imposed upon a student during one school year generally do not carry over and affect discipline in succeeding years unless the disciplinary response is imposed at the very the end of the school year. For the purpose of establishing progressive discipline, schools may not consider offenses that occurred prior to the beginning of the previous school year or 180 school days in the past, whichever is greater, except in the case of some types of threats of violence.

**Search and Seizure:** Students should be free from unreasonable search and seizure. For the protection of all, however, the following rules apply:

General searches of school property, including lockers and desks, may be conducted without prior notice. Items such as firearms, other weapons, firecrackers, or anything else that might reasonably be a threat to safety or security, or disruptive to the educational process may be seized and removed from a student's possession.

In general, searches of students' persons (other than strip searches) or property may be conducted if reasonable suspicion that contraband or other evidence of misconduct is present, so long as the methods used are reasonably related to the objectives of the search and the search is not excessively intrusive in light of the age and sex of the student, the nature of the suspected infraction, and the information upon which the search is based.

Washington law (RCW 28A.600.230(3)) prohibits strip searches of students by school administrators and persons acting under their supervision. "Strip search" is defined broadly: "[H]aving a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, anus, or undergarments of the person or breasts of a female person."

**Section 504 Student:** A student who has a physical or mental impairment that substantially limits one or more major life activities (e.g., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, etc.). The ability to participate in and benefit from school is a major life activity for school-aged students.

**Short-term sSuspension:** A suspension in which a student is excluded from school for up to ten consecutive school days. A suspension that is not longer than ten (10) consecutive school days. In the Seattle Public Schools, a student subjected to a short-term suspension normally returns—to the same school at the end of the suspension period. A student with a short-term suspension has the right to educational services for the duration of the suspension.

**Special Education Student:** A student who meets the eligibility requirements for one or more of the disability categories identified in ~~the~~ WAC 392-172A, and who needs is in need of specially designed academic or behavioral instruction.

**Special Populations:** Special populations include special education and Section 504 students, and students with limited English proficiency who are English Language Learners (ELL).

**Suspension:** A denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions.

Formal exclusion of a student from attending school for a stated period of time. This does not include an informal removal from a class for "discipline" purposes. However, if a student is removed for more than three hours of instructional time on a given day, the disciplinary response must be recorded in PowerSchool as a state reportable action and a NDA-created with notification to the parent/guardian/family. A student suspended from school has the right to educational services for the duration of the suspension.

**Threat Assessment Referral:** An evaluation conducted by the District's Student Threat Assessment Team (STAT) ~~Done to~~ evaluate the risk posed by a student in response to an actual or perceived threat or concerning behavior. Threat assessments are typically conducted in correlation with ~~the an~~ emergency expulsion of a student who from school when the student has made a credible lethal threat or is displaying sexually provocative or sexually aggressive behavior. ~~despite~~

interventions and disciplinary responses. As a result of the referral, a threat assessment will be conducted by the Student Threat Assessment Team. A plan for safely returning and managing the student in the school or District must be in place before the student is allowed to return. An emergency expulsion may be appealed by a student and/or parent/guardian/family in accordance to State law.

## APPENDIX B: DISCIPLINE PROTECTIONS FOR STUDENTS ELIGIBLE FOR SPECIAL EDUCATION AND SECTION 504

Students eligible for special education and Section 504 are at a greater risk for having disciplinary removals significantly interrupt their learning and negatively impacting their academic outcomes.

When a school excludes a student eligible for special education or Section 504 from their classroom or school for disciplinary reasons, it must follow Washington State's discipline rules (WAC 392-400) that apply to all students, and it must also provide the student the following State and Federal discipline protections for students with disabilities:

### Behavior Intervention Plan:

If a student eligible for special education or section 504 demonstrates behavior that impedes the student's learning or the learning of others, the school must include a behavior intervention plan (BIP) in the student's IEP or Section 504 Plan.

A BIP must, at a minimum, describe: (a) the pattern of behavior that impedes the student's learning or the learning of others; (b) the instructional and/or environmental conditions or circumstances that contribute to the pattern of behavior; (c) the positive behavioral interventions or supports that the school will provide to reduce the concerning behavior and increase expected behavior; (d) how the school will ensure that it consistently implements the positive behavioral interventions and supports across the student's school day; and (e) the skills that will be taught and monitored as alternatives to the student's concerning behavior.

When an IEP or Section 504 Plan contains a BIP addressing student behaviors, the BIP governs and prescribes the necessary disciplinary response for that behavior. Behavior not addressed in a BIP should be disciplined with attention to the other protections that apply to the discipline of students eligible for special education and Section 504.

### Disciplinary Removals That Do Not Constitute a Change of Placement:

A school can implement a disciplinary removal of a student eligible for special education or section 504 from the student's current educational placement for the same reasons and in the same manner that it implements disciplinary removals of students without disabilities if: (a) the removal does not constitute a change of placement; and (b) the student's behavior is not governed by a BIP.

A change of placement occurs when a school removes a student eligible for special education or section 504 from the student's current educational placement: (a) for more than ten consecutive school days; or (b) for a series of removals that constitute a pattern of exclusion because the removals cumulate to more than ten school days in a school year.

### Disciplinary Removals That Do Constitute a Change of Placement:

If a disciplinary removal constitutes a change of placement for a student eligible for special education or section 504, within ten school days of any decision to change the student's placement, the student's IEP or Section 504 team must hold a Manifestation Determination Review (MDR)

A Manifestation Determination Review is a meeting at which the student's parent/guardian/family and members of the student's IEP or Section 504 team review all relevant information in the student's file, including the student's IEP or Section 504 Plan, any teacher observations, and any other information provided by the parent/guardian/family or student, and determine if a student's behavior for which discipline is proposed: (a)



was caused by or had a direct and substantial relationship to the student's disability; and (b) was the direct result of the school's failure to implement the student's IEP or Section 504 Plan.

The student's behavior is considered a manifestation of the student's disability if either (a) or (b) is met. The behavior is not considered a manifestation of the student's disability if neither (a) nor (b) is met.

If the student's behavior is the direct result of the school's failure to implement the student's IEP or Section 504 Plan, the school must take immediate steps to remedy such failure.

If the student's behavior is a manifestation of the student's disability, the student's IEP or Section 504 team must either: (a) conduct a functional behavioral assessment (FBA), unless the school has already conducted an FBA, and develop and implement a BIP for the student; or (b) if the student already has a BIP, review the BIP and modify it as necessary to address the behavior. Unless the student's behavior involved weapons, illegal drugs or serious bodily injury (see below), return the student to the placement from which the student was removed, unless the parent/guardian/family and school agree to a change of placement as part of the modification of the student's BIP.

If the student's behavior is not a manifestation of the student's disability, the school may discipline the student for the same reasons, in the same manner, and for the same duration that it implements disciplinary removals of students without disabilities, except that the student must: (a) continue to receive educational services that enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP or Section 504 Plan; and (b) receive, as appropriate, a functional behavior assessment (FBA) and behavior intervention services and modifications that are designed to address the student's behavioral violation so that it does not recur.

The student's IEP or Section 504 team determines: (a) the student's appropriate services which may be provided in an interim alternative educational setting (IAES); and (b) the student's interim alternative educational setting (IAES).

### Special Circumstances:

#### 1. Weapons, Illegal Drugs, and Serious Bodily Injury:

If a student eligible for special education or section 504: (a) carries a weapon to or possess a weapon at school, on school premises or to or at a school function under the jurisdiction of the District; (b) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or (c) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District, the school may remove the student to an interim alternative educational setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability.

#### 2. Students Not Yet Deemed Eligible for Special Education or Section 504:

Parent/Guardian/Family Requested Evaluation: If a student engages in a behavior violation after the student's parent/guardian/family has requested that the student be evaluated for special education or Section 504 but before the evaluation and eligibility decision have been made, all of the discipline protections described above apply.

Teacher or Other School Personnel Expressed Concern: If a student engages in a behavior violation after the student's teacher or other school personnel has expressed specific concerns to the District's special education director or other supervisory personnel that the student may need special education or Section 504 services but before any evaluation decision has been made, all of the discipline protections described above apply.

**3. Students Whose Parent/Guardian/Family Has Revoked Consent for Special Education and/or Section 504 Services:**

**Revoked Special Education and Consented to Section 504:** If a student who received special education services engages in a behavioral violation after the student's parent/guardian/family has revoked consent for special education services but has consented to a Section 504 Plan, all of the discipline protections described above continue to apply.

**Revoked Special Education and Does Not Consent to Section 504:** If a student who received special education services engages in a behavioral violation after the student's parent/guardian/family has revoked consent for special education services and has revoked or not consented to a Section 504 Plan, the school may discipline the student for the same reasons, in the same manner, and for the same duration as it disciplines students without disabilities and does not need to provide the student the discipline protections described above.

---



APPENDIX C: MITIGATING AND AGGREGATING FACTORS

#### Possible Mitigating Factors

- Little or no prior documented misconduct
- Minimal damage
- No injury or damaged caused
- Little potential of harm
- No evidence that student intended to display or use the weapon
- Student offers credible evidence that they had the weapon for legitimate purposes away from school and unintentionally brought the object to school
- The weapon was a small pocket knife with a blade of 2.5 inches or less
- Student was primarily acting defensively
- Student's intent or purpose
- Student's age and/or inability to understand potential consequences of the conduct
- Admitted or self-reported conduct
- Student attempted, but failed to or was prevented from, carrying out the conduct
- Subsequent remedial steps, including restitution to district or victim of misconduct
- Subsequent action taken by student to make amends for misconduct with school staff
- Property returned to victim
- Cultural or linguistic factors that may have played a role in the misconduct
- Appropriateness of student's academic placement
- Student's willingness to repair the harm

#### Possible Aggravating Factors

- Pattern of similar misconduct
- Significant impact of incident on overall school community
- Substantial disruption to learning of others caused by student's defiance
- Student attempts to solicit or incite others to engage in behavior
- Significant damage (in extent or cost)
- Potential of serious harm
- Intent or purpose in setting fire
- Serious actual or potential injury
- Use of an object or weapon
- Premeditated conduct
- Multiple students assaulting a single student
- Prior assault(s), threat(s), harassment, or bullying by the student against the same victim
- Exceptional severity or cruelty
- Previous discipline record of student warranting progressive discipline
- Student's presence on campus is determined to be a threat to the safety of others
- Conduct is motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of the victim
- Student used the weapon in furtherance of an assault, to intimidate another, cause injury and/or to cause physical damage to property
- Student displayed, activated or discharged the weapon in a reckless manner
- Evidence of premeditation
- Threats of serious injury
- Pattern of similar misconduct against the same victim
- The weapon is a firearm
- The object appears to be a firearm and the student displaying or using the object does so with malice



Vertical line on the left side of the page.

Vertical line on the left side of the page.



## APPENDIX D: OTHER FORMS OF DISCIPLINE

<u>Possible Classroom Responses</u>	<u>Possible School Based Responses</u>
<ul style="list-style-type: none"><li>- Student tells their side of the story</li><li>- Student determines how to repair the harm</li><li>- Self-reflection activity</li><li>- Reteach behavioral expectations</li><li>- Behavior agreement with recognition system</li><li>- Change in environment (special seating, providing a distraction, removal of triggers, use of a break system)</li><li>- Increased proximity when discussing the situation</li><li>- Student spends extra time in classroom where harm occurred to repair the relationship(s) with staff/students</li><li>- Loss of classroom privileges</li><li>- Offer leadership opportunities in classroom to highlight strengths</li><li>- Teach replacement skills directly related to behavior of concern</li><li>- Model replacement skills directly related to behavior of concern</li><li>- Teacher or designated staff counsels with student in private</li><li>- School leaders take over instruction, allowing the teacher to step out of the classroom to problem solve with the student in private</li><li>- Teacher or designated staff notifies parent/guardian</li><li>- Teacher or designated staff counsels with student and if possible, the parent/guardian</li></ul>	<ul style="list-style-type: none"><li>- Family conference with teacher, school staff and administrator</li><li>- Creation of Positive Behavior Intervention Plan (PBIP)</li><li>- Reevaluate support/safety plans that are currently in place</li><li>- Peer mediation</li><li>- Restorative practices</li><li>- Referral to school level support staff (counselor, social worker, nurse, Health Center)</li><li>- Mediation</li><li>- Restitution of damages or stolen property</li><li>- Loss of computer privileges</li><li>- Loss of credit</li><li>- Community service</li><li>- Class schedule change</li><li>- Informal/formal check ins with designated staff</li><li>- Development of support/safety/crisis plan</li><li>- Detention (before school, after school, Saturday, or free period for a set period of time)</li><li>- Referral to Student Intervention Team (SIT)</li><li>- If the student has a disability, reviewing and revising IEP (Individualized Education Plan) or 504 plan</li><li>- Pair student with a mentor</li><li>- Referral to community agency for support with identified needs (housing, food stability, leadership development, mental health counseling, social skill development, drug and alcohol assessment/treatment, etc.)</li></ul>





APPENDIX ~~appendix~~ ~~ECB~~: DRUG/ALCOHOL MEDIATION

Name \_\_\_\_\_ ID: \_\_\_\_\_

This mediation was reached at the conference held with student and parent/guardian/family as a result of the student being charged with Distributing Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs, Distributing Alcoholic Beverages, Distributing Marijuana, Possessing or Using Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs, Possessing or Using Alcoholic Beverages, or Possessing or Using Marijuana, Selling Illegal Drugs, Controlled Substances, Prescription or Over-The-Counter Drugs, Selling Alcoholic Beverages, or Selling Marijuana.

1. The school agrees to the following:
  - a. The charges and description in this matter will be as follows:
    - No changes
    - The wording in these areas is changed to be as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_
  - b. To reduce the Long-term Suspension for the violation of \_\_\_\_\_ to the following number of days upon receiving verification that the student has an appointment to be assessed by a District-approved substance abuse professional and agrees to follow through with recommendations of the assessor:
    - Short-term suspension of \_\_\_\_\_ days (not allowed for Selling violations).
    - Long-term suspension of \_\_\_\_\_ days.
  - c. The school further agrees to change the incident information in the District's Student Information System (screens in PowerSchool) to reflect this agreement, and to provide an amended Notice of Disciplinary Action (NDA) to the parent/guardian/ family within three3 school days.
2. The student/parent/guardian/family agrees to the following:
  - a) Obtain an assessment by a District-approved substance abuse agency, at parent/guardian/family expense;-
  - b) Follow through with recommendations of the assessment; and-.  
and-
  - c) Sign releases to allow the school to exchange information with the substance abuse agency.
3. In addition, the following conditions may be in place:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The school, student, and parent/guardian/family agree that by signing this mediation agreement all factual and legal issues related to this discipline are finally and fully resolved, and that the student and parent/guardian/family will file no further appeals related to this discipline incident.

If \_\_\_\_\_ fails to carry out the terms of this mediation, the original charges and discipline will be reinstated.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Student

\_\_\_\_\_  
Parent/Guardian/Family

\_\_\_\_\_  
Date









APPENDIX ~~ppendix~~ FDG: MEDIATION FOR \_\_\_\_\_

Student ID: \_\_\_\_\_

Date: \_\_\_\_\_

This mediation was reached at the disciplinary appeal hearing held on this date. The parties agree to the following terms of mediation:

1. The school agrees to do the following: that the charges and description in this matter will be as follows:

\_\_\_\_\_  
\_\_\_\_\_

2. The school agrees to do the following: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The student agrees to do the following: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. In addition, the following conditions may be in place (check agreed conditions):

- Student will have a weekly progress report through \_\_\_\_\_.
- Student will exhibit good behavior and have no further incidents of similar behavior in class or on the campus.
- Student will attend all classes and be on time for all classes. Student will be   -ready to work when class starts. Consequence for violation of this provision will be \_\_\_\_\_.

If \_\_\_\_\_ fails to carry out the terms of this mediation, the original charges and discipline will be reinstated. The student and parent/guardian/family agree that by signing this mediation agreement all factual and legal issues related to this discipline are final and fully resolved, and that the student and parent/guardian/family will file no further appeal related to this discipline incident.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Hearing Officer or other witness

\_\_\_\_\_  
Student

\_\_\_\_\_  
Parent/Guardian/Family

