



SCHOOL BOARD ACTION REPORT

DATE: May 19, 2020
FROM: Denise Juneau, Superintendent
LEAD STAFF: Erin Romanuk, Student Support Services Supervisor, Behavior & Discipline, 206-252-0822
Patricia Sander, Executive Director, Coordinated School Health, 206-252-0705
Wyeth Jessee, Chief of Schools & Continuous Improvement, 206-252-0067

For Introduction: June 24, 2020
For Action: July 8, 2020

1. TITLE

Approval of the *2020-2021 Student Rights & Responsibilities (SR&R)*

2. PURPOSE

This motion would approve the *2020-2021 Students Rights & Responsibilities (SR&R)*, which contains rules and regulations for student behavior. This document is annually brought before the Board for approval per Policy No. 3200 - *Written Rules of Student Conduct*. This year's proposed document contains only minor edits.

3. RECOMMENDED MOTION

I move the School Board approve the *2020-2021 Student Rights & Responsibilities* document, as attached to the Board Action Report.

4. BACKGROUND INFORMATION

a. Background

The discipline laws in the state of Washington have changed significantly over the past five years. Partly as a result of these changes, and partly due to the commitment of Seattle Public Schools, the *SR&R* document has also changed significantly since the 2015-2016 school year. In September 2015, the District and the School Board made the commitment to reduce the use of exclusionary practices and to focus on implementing disciplinary responses that are least disruptive to the student-school relationship and minimize the loss of instructional time. At that time, further recognition, ownership, and emphasis was placed on the disproportionality in discipline rates in the District and the disastrous outcomes exclusionary practices have on students, especially students of color, students receiving special education services, and students identified as English Language Learners.

The Coordinated School Health and Behavior and Discipline departments have proposed, and the Board has approved, substantial changes to the *SR&R* document starting with the

2016-2017 school year and every year since then. The document has shifted from one of compliance to one that speaks to the values and beliefs of Seattle Public Schools.

The 2019-2020 school year focused on the full implementation of the legislative mandates that arose out of 2SHB 1541 (Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee) which was effective starting June 2016. Due to the significant changes and requirements school districts were required to make, the state allowed for a several year phase in approach. All of the legislative mandates were fully implemented for the 2019-2020 school year.

Prior to determining if any changes to the *SR&R* were needed for the 2020-2021 school year, the Behavior and Discipline department invited 176 students, from grades 2 to 12, to provide input on the existing document and its implementation. Feedback received directly from Seattle Public Schools' students during the Discipline Focus Groups suggests that while the *SR&R* is a well-written and well-intended document, there were concerns raised regarding the implementation and execution of discipline policies and procedures.

For the 2020-2021 *SR&R*, based on student feedback, minor grammatical and formatting changes were made, language around school culture and climate were updated to align with the 2019-2024 Strategic Plan *Seattle Excellence*, hyperlinks were updated, and definitions specific to threat assessments were changed in order to align with WSSDA Model Policy and Procedure 3225, School Based Threat Assessment.

The Behavior and Discipline department will pursue avenues that focus on meaningful and impactful implementation of these policies and procedures, some of which may include partnering with a school to develop advisory lessons on the *SR&R*, implementing Positive Behavioral Interventions and Supports (PBIS) within an MTSS framework, working with educators to grow and elevate their culturally responsive practices around building and maintaining relationships with students and families, implementing evidence based classroom practices such as active supervision, opportunities to respond, 5:1 positive acknowledgement, and wise feedback. In addition, the Behavior and Discipline department will continue to provide consultative services to school leaders when faced with a situation involving behavior and/or discipline.

b. Alternatives

Keeping the *SR&R* from 2019-2020 is not recommended because the recommended changes include necessary grammatical changes, updated links to valuable information, updated definitions, and making the wording clearer and accessible.

c. Research

Beginning in September 2016 a timeline for feedback was created, and throughout the fall months of 2016 and winter months of 2017, community and student 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 made to the to the *SR&R* for the 2017-2018 school year.

Besides being focused on implementing with fidelity the legislative changes during the 2019- 2020 school year, the focus was also to solicit student voice around the impact of these changes on students, their peers, their school environment, and their families. In total, 149 students from 10 different schools participated in focus groups led by the staff from the Behavior and Discipline department in the months of January, February, and March 2020. Students represented a variety of schools, including Bailey Gatzert Elementary, Beacon Hill International School, Dearborn Park International School, West Seattle Elementary School, Catherine Blaine K-8 School, Aki Kurose Middle School, Jane Addams Middle School, Franklin High School, Ingraham High School, and Rainier Beach High School.

Consideration was also given to the 2019-2024 Strategic Plan; the Seattle School Board Resolution No. 2014/15-35 (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**

The total fiscal impact of this motion is \$11,300.

The changes for the upcoming school year to the *SR&R* are minimal, which will require a small amount of budget to update the graphic design of the document and translate the *SR&R* and the *Basic Rules of Seattle Public Schools* into the top five languages.

Graphic design services from Publishing Services to format the *SR&R* is estimated to be \$300 (10 hours of work at \$30 an hour) from the Behavior and Discipline department's budget.

Translations of the updated *SR&R* and *Basic Rules of Seattle Public Schools* into five (5) languages (Amharic, Chinese, Somali, Spanish, and Vietnamese) are estimated to cost \$3,000 (10 hours of extra time at \$60 an hour per language (\$600 x 5)) from the Behavior and Discipline department's budget.

Copies of the *Basic Rules of Seattle Public Schools* will be printed for the welcome packets each student receives at the beginning of the school year at an estimated cost of \$8,000 from the Behavior and Discipline department's budget.

The revenue source for this motion is general funds allocated from Coordinated School Health - Behavior and Discipline department.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

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
- Tier 2: Consult/Involve
- Tier 3: Collaborate

Over the past four 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 proposed revisions are minor and more grammatical in nature. In the *SR&R* revisions for the 2020-2021 school year, the Behavior and Discipline department was careful to not omit any of the work that community stakeholder groups put forward in the previous four years. It was felt 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.

The community engagement focus for each of the past four years had a slightly different lens for each year. Student voice, parent/guardian voice, and community voice was first solicited during the 2016-2017 school year; during the 2017-2018 school year, staff voice and additional community voice was solicited; while during the 2018-2019 school year, the focus was on implementing the legislative mandates while being careful to not omit the work of the key stakeholder groups from the previous two years. For the 2019-2020 school year, the decision was made early on to solicit student voice again, but on a much larger scale. As mentioned above, during January, February, and March of 2020, several discipline focus groups were convened. The details are listed below:

- 1/14/20 - Met with 13 students from Beacon Hill International Elementary School
- 1/31/20 & 2/7/20 – Met with a combined total of 14 students from Franklin High School
- 2/3/20 – Met with 19 students from Bailey Gatzert Elementary School
- 2/4/20 – Met with 12 students from Dearborn Park International Elementary School
- 2/5/20 – Met with 13 students from Catharine Blaine K-8 School
- 2/10/20 – Met with 19 students from Jane Addams Middle School
- 2/11/20 – Met with 4 students from Ingraham High School
- 2/12/20 – Met with 10 students from Rainier Beach High School
- 2/26/20 – Met with 34 students from Aki Middle School
- 3/3/20 – Met with 10 students from West Seattle Elementary School

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 boys and young men

and other students of color furthest from educational justice. Over the last four years this lens has influenced substantial changes to the *SR&R*, shifting adult beliefs and elevating 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, participants at the Seattle Alliance for Black School Educators, “My Brother’s Keeper- A White House Initiative event,” members of the Seattle Minority Engagement and Discipline Reduction Research Collaborative (MENDR) with the University of Washington, and the Superintendent’s Equity and Race Advisory Committee (ERAC).

Prior to determining if any changes to the *SR&R* were needed for the 2020-2021 school year, the Behavior and Discipline department invited 176 students, from grades 2 to 12, to provide input on the existing document and its implementation. Families were notified of the invitation via email as available, and letter when email was not available; these notifications were provided in English in addition to being translated into nine different home languages. In partnership with schools, the department staff engaged with a range of students who reflected the diverse student population of their schools. The race and ethnicity breakdown of students who were invited to participate was 15% Asian, 38% Black, 16% Caucasian, 11% Hispanic, 18% Multiracial, and 2% Pacific Islander. Of the 176 students who were invited to participate, 148 were able to give direct feedback on the *SR&R* to the Behavior and Discipline department staff.

In addition, the questions in the Racial Equity Analysis Tool guide the work of the Behavior and Discipline department staff 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 safe and welcoming environment that includes shared behavioral expectations and a common language for talking about expected behavior, students can focus on learning. In addition, this work directly aligns with the SPS Strategic Plan *Seattle Excellence*, which is laser-focused on supporting students of color who are furthest away from educational justice, beginning with African American boys and young men. This work is not about changing students. It is about changing broken systems and undoing legacies of racism in public education. By actively addressing racism in our educational system, and ensuring students furthest from educational justice thrive, conditions in Seattle Public Schools will improve for all.

In addition, the feedback received directly from Seattle Public Schools’ students during the Discipline Focus Groups suggests that while the *SR&R* is a well-written and well-intended document, there were concerns raised regarding the implementation and execution of discipline policies and procedures. Based on this feedback, only minor grammatical changes were made to the *SR&R* at this time. The Behavior and Discipline department will pursue avenues that focus on meaningful and impactful implementation of these policies and procedures.

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
- 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 June 9, 2020. The Committee reviewed the motion and moved the item forward with a recommendation for consideration with edits by the full Board.

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. In addition, the *Basic Rules of Seattle Public Schools* will be updated to reflect changes for the 2020-2021 school year, printed, sent to schools, translated and uploaded on the District's website.

[While this Board Action would approve the SR&R for the 2020-21 school year, conversations regarding the SR&R would continue to ensure alignment with School Board Resolution 2019/20-38, Affirming Seattle Public Schools' Commitment to Black students, policy work related to the resolution, and an Anti-Racism Policy planned for Board action in the fall. It is anticipated that beginning in December 2020, staff will gather feedback from Directors on the current SR&R to use as a starting point for discussions around the 21-22 SR&R, which is planned to be brought to the Board for action in May-June 2021 to reflect any legislative changes from the 2021 legislative session.](#)

13. **ATTACHMENTS**

- SR&R Proposed for 2020-2021 (Clean – for approval)
- SR&R Proposed for 2020-2021 (Track Changes – for reference)



Student Rights and Responsibilities

2020-2021

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, Discipline and Behavior
evromanuk@seattleschools.org

The Student Rights and Responsibilities. This document reviews District Commitments, School Responsibilities, Student Rights, Student Responsibilities, Required Discipline Protections, Student Behavioral Violations, Disciplinary Responses, District Grievance Procedures and Appeal Rights, School Board Appeal Rights, Educational Services, Reengagement Services, Additional Due Process Protections, Definitions of terms used in the document, Discipline Protections for Special Education and Section 504 Students, Mitigating and Aggravating Factors, Other Forms of Discipline, Drug/Alcohol Mediation Form, Mediation Form, Nondiscrimination Notice, Reporting Sexual Harassment.

Seattle Public Schools

Student Rights & Responsibilities 2020 - 2021



SEATTLE SCHOOL BOARD

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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 98124-1165

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 98124-1165
(206)252-0024

hreeoc@seattleschools.org



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

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 welcoming environment 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 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 safe and welcoming environment that includes shared school-wide 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 Behavioral 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 expectations at school as well as what students can expect from adults at school.

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 July 2020. 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 Chapter 392-400 WAC. A copy of the regulations may be requested by contacting the Discipline Appeals Office at 206-252-0820 or downloading the regulation at:

<https://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:

- Ensuring racial equity in our educational system;
- Addressing unapologetically the needs of students of color who are furthest from educational justice;
- Working to undo the legacies of racism in our educational system;
- 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.

II. SCHOOL RESPONSIBILITIES

School staff has a responsibility to:

- Create healthy, supportive, culturally responsive classrooms 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.*

Additionally, as citizens, students have fundamental rights (WAC 392-400-805) 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 welcoming environment;
- Respect and be mindful of the rights of others;
- Understand and follow “The Basic Rules of Seattle Public Schools” and individual school rules;
- Dress for school in ways that will not cause safety or health problems or contribute to a hostile or intimidating school environment (See School Board Policy No. 3224);
- Identify themselves to and follow the instructions of school staff; and
- Respect the property of others and the school. (See School Board Policy No. 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 Proficiency

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 Harassment¹ (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.

¹ 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 are 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. ²

Computer Trespass, Tampering, and Misuse ³

Intentionally violating a school or Seattle Public School's computer system or database.

Dangerous Weapons ⁴

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.

² See, [Trespass for other purposes of being unlawfully present on District property or in District buildings.](#)

³ See, [Disruptive Conduct for behavior with computers that is unintentional or otherwise does not rise to the level of Computer Trespass.](#)

⁴ 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 ⁵

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.

⁵ See, Property Damage for graffiti causing more than \$100 damage.

Hazing⁶ (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 injury⁷ or endangerment. (See also Bullying, Intimidation, or Harassment.)

Inappropriate Language⁸ (Please see Bullying, Intimidation or Harassment when determining the severity of the behavior.)

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 Touching⁹

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:
 - Persistent¹⁰ 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 Conduct¹¹

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.)

⁶ See, [Bullying, Intimidation, and Harassment](#) for less serious behaviors.

⁷ See, [Assault](#) for hazing behaviors that involve physical assault

⁸ See, [Threats of Violence](#) for credible, focused threats of violence.

⁹ See, [Sexual Assault](#) for more serious behavior or inappropriate touching.

¹⁰ See, [Inappropriate Language](#) for less than persistent use.

¹¹ See, [Sexual Assault](#), for behavior using force or physical harm. Also, see [Sexual Misconduct](#) for inappropriate sexualized behaviors.

Malicious Harassment ¹² (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 \$100.¹³

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 ¹⁴

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.

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

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

¹⁴ 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: marijuana leaves, stems, seeds and flowers; edible marijuana products; vaporizing marijuana concentrates; and/or drug paraphernalia including but not limited to pipes, handmade devices, and electronic vapor devices containing a marijuana substance.

Pursuant to Board Policy No. 3423 and Washington state law, students with a valid Washington recognition card for medical marijuana under RCW 69.51A.220 may be administered marijuana-infused products on school grounds, aboard a school bus, or while attending a school-sponsored event by their parent/guardian. However, no student is permitted to possess or self-administer marijuana for any purpose including medical. Students with a recognition card who possess or self-administer marijuana may be subject to discipline just as any other student without a recognition card would be (See Board Policy No. 3423).

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 ¹⁵

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

¹⁵ See, Board Policy No. 3208 – Sexual Harassment, and Superintendent Procedure 3208SP.

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.)

Small Folding Knives ¹⁶

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 Violence¹⁷

An expression of an intent to cause physical harm to self/others. The threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through any other means; and is considered a threat regardless of whether it is observed by or communicated directly to the target of the threat or observed by or communicated to a third party; and regardless of whether the target of the threat is aware of the threat.

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.¹⁸

Using or Possessing Tobacco Products ¹⁹

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 anyone 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 subject to a disciplinary response. 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.

¹⁶ See, *Toy Guns and Toy Weapons* for toys that do not appear to be real knives

¹⁷ See, *School Board Policy No. 3225 – School-Based Threat Assessment, and Superintendent Procedure No. 3225SP*

¹⁸ See, *Burglary* for trespass related to theft of property.

¹⁹ 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 for 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 for 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 disagrees 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 (10) 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 (15) 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 (5) 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 (5) 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 (10) 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: Within 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.

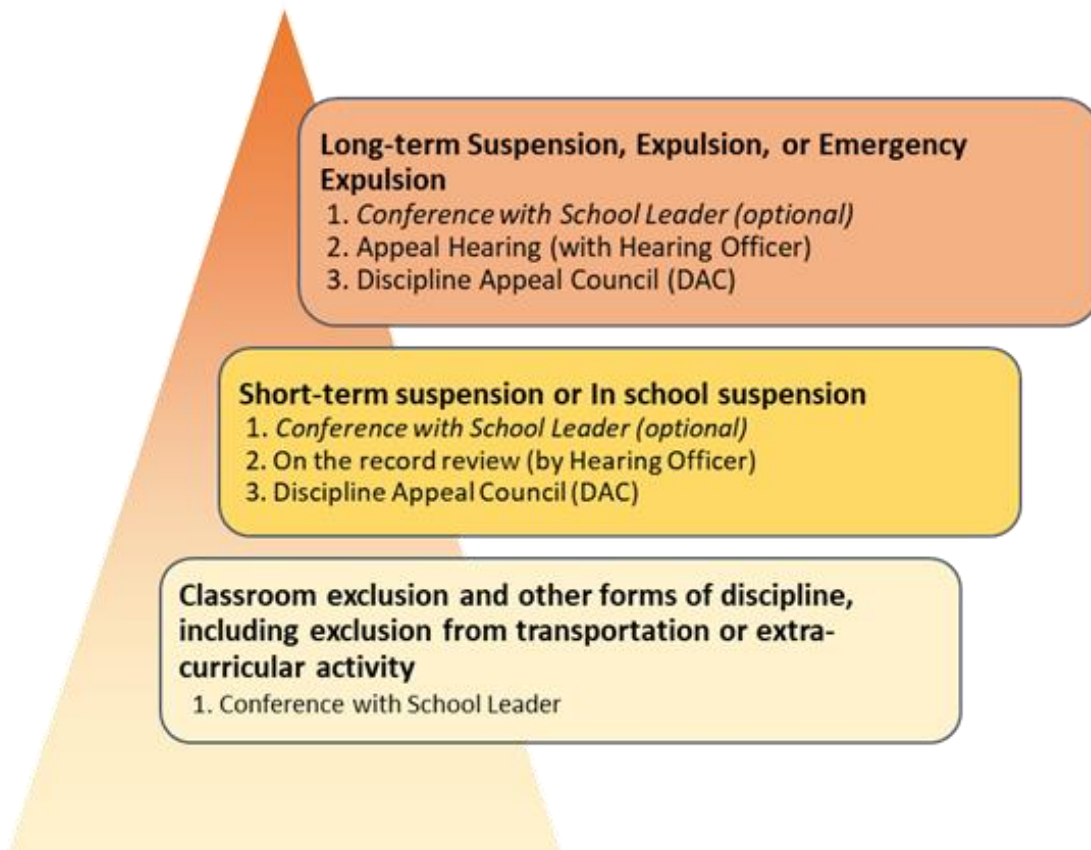
Time Limit for Holding a Conference: The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian/family.

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 ended (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 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 (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 in-school suspension, short-term suspension, 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 (3) 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 person 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 (10) 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 (5) Consecutive School Days: For a student subject to suspension or emergency expulsion for up to five (5) 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 (6) Through Ten (10) Consecutive Schools Days: For a student subject to suspension or emergency expulsion for six (6) through ten (10) 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 (3) 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 (10) Consecutive School Days: For a student subject to suspension or expulsion for more than ten (10) 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 a behavioral violation 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 (10) 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) or Discipline Case Management Services (middle school) 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 voluntary 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 (1) 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 No. 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 and/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 (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.

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.

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. 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 (10) 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 (10) 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 No. 3246.

Safety Plan: A plan put in place to ensure that a 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-Based Threat Assessment: The formal process in which a school, in partnership with a central office threat assessment team member, works together in evaluating the threatening, or potentially threatening, behavior of a student, and the circumstances surrounding the threat, to uncover any facts or evidence that the student or other actor is likely to carry out the threat. See Board Policy No. 3225 and Superintendent Procedure No. 3225SP.

School-Based Threat Management: The development and implementation of a plan to manage or reduce the threatening, or potentially threatening, behavior of a student in a way that increases the physical and psychological safety of students, staff, and visitors, while providing for the education of all students. See Board Policy No. 3225 and Superintendent Procedure No. 3225SP.

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 (10) consecutive school days.

Special Education Student: A student who meets the eligibility requirements for one (1) 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.

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 (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.

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 (10) 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 possesses 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 AGGRAVATING FACTORS

<u>Possible Mitigating Factors</u>	<u>Possible Aggravating Factors</u>
<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - 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

APPENDIX D: OTHER FORMS OF DISCIPLINE

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

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 behavioral 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: _____

3. 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 this behavioral violation of this provision will be _____.

If _____ fails to carry out the terms of this mediation, the original charges and disciplinary response 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 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
- **For disability discrimination concerns** contact: ADA/Section 504 Grievance Coordinator, (206) 252-0178, or 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

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



Seattle Public Schools

Student Rights & Responsibilities

~~2020 - 2021~~ ~~19-2020~~



SEATTLE SCHOOL BOARD

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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 98124-1165

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 98124-1165

(206)252-0024

hreeoc@seattleschools.org



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Questions about the Student Rights and Responsibilities may be directed to the Discipline Office at: 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/cms/One.aspx?portalId=627&pageId=15630>

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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 [welcoming environment](#) [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 [safe and welcoming environment](#) [positive school climate](#) that includes shared school-wide 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 Behavioral 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 expectations at school as well as what students can expect from adults at school.

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 ~~July 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 [Chapter 392-400](#), ~~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:

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

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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:

- Ensuring racial equity in our educational system;
- Addressing unapologetically the needs of students of color who are furthest from educational justice;
- Working to undo the legacies of racism in our educational system;
- 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.

II. SCHOOL RESPONSIBILITIES

School staff has a responsibility to:

- Create healthy, supportive, culturally responsive classrooms 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 (WAC 392-400-805) 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

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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 [welcoming environment/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, [or contribute to a hostile or intimidating school environment \(See School Board Policy No. 3224\)](#);
- Identify themselves to and follow the instructions of school staff; and
- Respect the property of others and the school. (See School Board Policy [No. 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 Proficiency**

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 Harassment¹ (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.

¹ 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 are 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. ²

Computer Trespass, Tampering, and Misuse ³

Intentionally violating a school or Seattle Public School's computer system or database.

Dangerous Weapons ⁴

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.

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

³ See, Disruptive Conduct for behavior with computers that is unintentional or otherwise does not rise to the level

of Computer Trespass.

⁴ 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 ⁵

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.

⁵ See, Property Damage for graffiti causing more than \$100 damage.

Hazing ⁶ (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 injury⁷ or endangerment. (See also Bullying, Intimidation, or Harassment.)

Inappropriate Language ⁸ (Please see Bullying, Intimidation or Harassment when determining the severity of the behavior.)

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 ⁹

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:
 - Persistent¹⁰ 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 ¹¹

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.)

⁶ See, Bullying, Intimidation, and Harassment for less serious behaviors.

⁷ See, Assault for hazing behaviors that involve physical assault

⁸ See, Threats of Violence for credible, focused threats of violence.

⁹ See, Sexual Assault for more serious behavior or inappropriate touching.

¹⁰ See, Inappropriate Language for less than persistent use.

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

Malicious Harassment ¹² (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 \$100.¹³

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 ¹⁴

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.

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

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

¹⁴ 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: marijuana leaves, stems, seeds and flowers; edible marijuana products; vaporizing marijuana concentrates; and/or drug paraphernalia including but not limited to pipes, handmade devices, and electronic vapor devices containing a marijuana substance.

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Pursuant to Board Policy No. 3423 and Washington state law, students with a valid Washington recognition card for medical marijuana under RCW 69.51A.220 may be administered marijuana-infused products on school grounds, aboard a school bus, or while attending a school-sponsored event by their parent/guardian. However, no student is permitted to possess or self-administer marijuana for any purpose including medical. Students with a recognition card who possess or self-administer marijuana may be subject to discipline just as any other student without a recognition card would be (See Board Policy No. 3423).

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~~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 ¹⁵

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.)

¹⁵ See, Board Policy No. 3208 – Sexual Harassment, and Superintendent Procedure 3208SP.

Small Folding Knives ¹⁶

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 Violence¹⁷

~~An expression of an intent to cause physical harm to self/others. The threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through any other means; and is considered a threat regardless of whether it is observed by or communicated directly to the target of the threat or observed by or communicated to a third party; and regardless of whether the target of the threat is aware of the threat. 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.¹⁸⁷

Using or Possessing Tobacco Products ¹⁹⁸

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 anyone 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 subject to a disciplinary response, 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.

¹⁶ See, Toy Guns and Toy Weapons for toys that do not appear to be real knives

¹⁷ See, School Board Policy No. 3225 – School-Based Threat Assessment, and Superintendent Procedure No. 3225SP.

¹⁸ See, Burglary for trespass related to theft of property.

¹⁹ See, School Board Policy No. 4215 - Tobacco Free Environment, and Superintendent Procedure No. 4215SP.

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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 for 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 for 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 disagrees 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 (10) 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 (15) 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 (5) 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 (5) 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 (10) 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: Within 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.

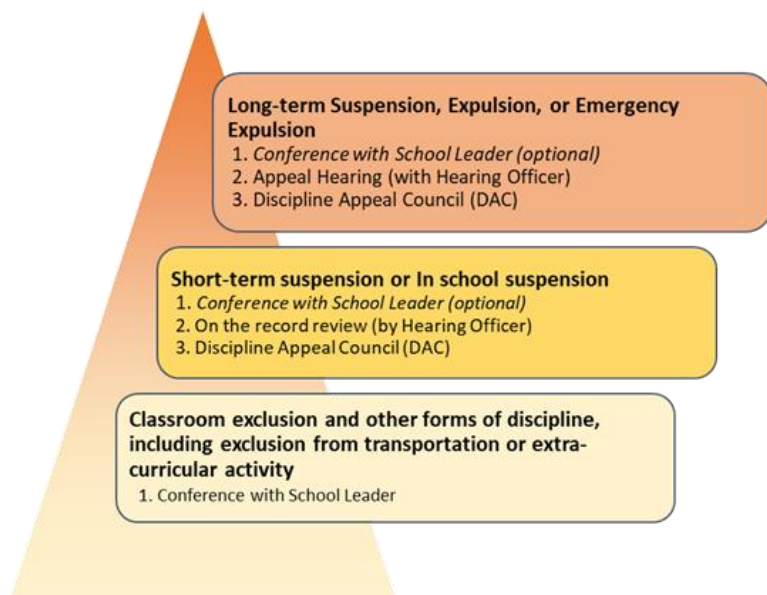
Time Limit for Holding a Conference: The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian/family.

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 ended (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 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 (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 in-school suspension, short-term suspension, 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 (3) 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 person 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.

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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 (10) 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 (5) Consecutive School Days: For a student subject to suspension or emergency expulsion for up to five (5) 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 (6) Through Ten (10) Consecutive Schools Days: For a student subject to suspension or emergency expulsion for six (6) through ten (10) 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 (3) 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 (10) Consecutive School Days: For a student subject to suspension or expulsion for more than ten (10) 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 a ~~behavioral violation~~ ~~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 (10) 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) ~~or~~ 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 voluntary 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 (1) 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 [No. 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 and/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 (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.

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.

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. 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 (10) 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 (10) 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 [No. 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-Based Threat Assessment Team (STAT):** The formal process, established by a school district, of evaluating the threatening, or potentially threatening, behavior of a student, and the circumstances surrounding the threat, to uncover any facts or evidence that the student or other actor is likely to carry out the threat. See Board Policy No. 3225 and Superintendent Procedure No. 3225SP. 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-Based Threat Management:** The development and implementation of a plan to manage~~

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or reduce the threatening, or potentially threatening, behavior of a student in a way that increases the physical and psychological safety of students, staff, and visitors, while providing for the education of all students. See Board Policy No. 3225 and Superintendent Procedure No. 3225SP.

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 (10) consecutive school days.

Special Education Student: A student who meets the eligibility requirements for one (1) 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 (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.

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 (10) 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 possesses 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 AGGRAVATING FACTORS

<u>Possible Mitigating Factors</u>	<u>Possible Aggravating Factors</u>
<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - 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

APPENDIX D: OTHER FORMS OF DISCIPLINE

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

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 behavioral 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: _____

3. 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 **this behavioral** violation of this provision will be _____.

If _____ fails to carry out the terms of this mediation, the original charges and disciplinary **response** 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

Appendix G: Nondiscrimination Notice

Seattle Public Schools



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 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
- For disability discrimination concerns contact: ADA/Section 504 Grievance Coordinator, (206) 252-0178, or 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

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



