



# Basic Rules of SPS 2023-24 Handbook

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The Basic Rules of Seattle Public Schools 2023-24.

- School and Staff Responsibilities
- Student Rights and Responsibilities
- District Student Behavioral Violations
- Types of Disciplinary Responses
- District Grievance and Appeal Rights
- School Board Appeal Rights
- Educational Services
- Student Reengagement
- Additional Safety Considerations

# Basic Rules of Seattle Public Schools

2023 - 2024



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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.*

## Safe and Welcoming Environments

Meaningful learning occurs in environments that are inclusive, safe, welcoming, consistent, and predictable. Significant increases in academic outcomes for students furthest from educational justice are possible when culturally responsive practices that build trusting relationships, engage students, and empower the voices of students, families, and community in meeting their needs are used.

Seattle Public Schools is committed to furthering inclusivity and cultural responsiveness that respects and values the diversity in schools and in classrooms across the district with an intentional focus on African American boys and teens. This commitment serves to guide decisions in promoting fair and equitable treatment for all.

**In committing to safe and welcoming environments in Seattle Public Schools,** we recognize the racial disproportionality in the disciplinary responses across our school system AND are dedicated to creating the conditions and relationships for all students to be successful. When students can show up as their authentic selves, they feel valued, welcomed and safe in school, and are

more likely to participate, stay in school, and learn. To accomplish this, we will need to:

- eliminate barriers that keep students from learning by using trauma informed and culturally responsive practices to support students academically, behaviorally, socially and emotionally;
- address the undeniable harm and impact on student engagement and graduation rates when exclusionary practices are used;
- provide inclusive and welcoming environments that center student motivation, learning and sense of belonging;
- Design learning that provides students with flexible options to learn and share what they know;
- Use student voice to co-create options that ensure more inclusive and equitable learning.

Successful safe and welcoming environments can be measured by students who feel comfortable speaking to school staff when they experience emotional and/or physical stressors that negatively impact their behavior and staff who demonstrate their commitment to supporting students identifying them as a trusted adult.

Community agencies offer assistance and information on health and human services available to King County residents. To access information call 800-621-4636 or 211. For mental health support call 988.

## District Values and Philosophy

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 require staff to understand the meaning of students' behaviors;
- Students, parents, and guardians have a right to be active partners in providing input prior to the school engaging in the disciplinary decision-making process;
- Those involved with the disciplinary decision-making process should consider mitigating and extenuating factors; and
- There is an undeniable negative impact on student engagement and graduation rates when exclusionary practices are used.

## Basic Rules of Seattle Public Schools

The Basic Rules of Seattle Public Schools sets forth the rules and regulations of Seattle Public Schools regarding student behavior. It is created in compliance with the requirements of state law and is 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 established through the lens of prevention within an inclusive, safe, and welcoming environment. Stakeholders, students, families, educators, administrators, district staff, and volunteers, co-create shared school-wide behavioral expectations, common language, as well as discipline procedures and strategies that aim to maximize instructional time and reduce out of classroom and school consequences for behavior. School staff are committed to implementing disciplinary responses that affirm all students' connection to their school community, while nurturing and restoring student-school relationships.

This document applies to all students and is designed to communicate student rights and discipline policies to all members of the educational community including rules, regulations, and due process procedures. Parents and guardians are encouraged to review the Student Rights & Responsibilities with their student. It describes expectations at school as well as what students may expect from adults at school.

Seattle Public Schools also publishes Seattle Public Schools Basic Rights Brochure 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 2023. 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 regulations at: <https://apps.leg.wa.gov/WAC/default.392-400>.

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## I. SCHOOL AND STAFF RESPONSIBILITIES

Seattle Public Schools Staff are ethically bound to:

- Ensure an inclusive, safe, and welcoming environment where students feel seen, heard, and valued;
- Know, care for, and establish positive relationships with students;
- Utilize verbal de-escalation skills in addressing student behavior;
- Provide students the opportunities to learn from mistakes with culturally responsive behavioral, social, and emotional support;
- Implement disciplinary responses that are least disruptive to the student-school relationship, while also maximizing instructional time;
- Partner with students and their families to identify and support their needs;
- Examine their own implicit bias, while working from a culturally responsive and trauma informed lens;
- Seek out, attend, and engage in professional learning that promotes the use of anti-racist practices;
- Be responsible for teaching and modeling accountability, repairing and restoring relationships with students, and ensuring fair and transparent responses to practices.

## II. STUDENT RIGHTS

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

- An inclusive, safe and welcoming classroom and school culture;
- Access to a high-quality education and extracurricular activities;
- Be seen, known, cared for, heard, and valued;
- Experience visibility and representation of your culture in your school's staff and throughout the curriculum;
- Be given opportunity to learn from mistakes with culturally responsive social emotional and behavioral support;
- A clear pathway for reporting racist activity without retaliation;
- Be given the opportunity to learn from mistakes and be supported to make desired changes as identified by you, your parent and guardian and school staff;

Additionally, 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 of Influence

Freedom from Unreasonable Searches and Seizures

Freedom to Pursue and Education while in the Custody of the District

Right to Equal Educational Opportunity

If you break a school rule, you have a right to:

- Timely investigations into disciplinary incidents;
- Be treated with dignity. be allowed to tell your side of the story, and have it documented;
- Explanation of disciplinary decision/response to you and family;
- An actively anti-racist disciplinary response with reasonable consequences, including restorative practices and/or mediation;
- Written notification within 24 hours to you and family after initial verbal notification;
- Provide communication in your identified home language;
- Have your family involved in any disciplinary response;
- Stay informed in your identified home language;
- Request appeal of suspensions and expulsions within five (5) school business days and emergency removals within three (3) school business days;
- Be provided information on your right to appeal.

### III. STUDENT RESPONSIBILITIES

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

- **Share** with a trusted adult when you are experiencing emotional and/or physical stressors for the purpose of obtaining culturally appropriate resources or support;
- **Ask** for help with meeting your educational, cultural, social, and emotional needs;
- **Engage** in mutually respectful dialogue with staff and other students;
- **Attend** school and be prepared for classes to the best of your ability;
- **Contribute** to an inclusive, safe and welcoming environment;
- **Respect** and be mindful of the rights of others;
- **Follow** Seattle Public Schools Student Rights & Responsibilities and individual school rules;
- **Dress** in school in ways that are consistent with School Board Policy No. 3224;
- **Identify** yourself to and follow reasonable requests from school staff; and
- **Respect** the property of others and the school. (See School Board Policy No. 3520)

When a student does not follow these responsibilities, they may experience a disciplinary response.

**If you believe that your student rights have been violated, please contact the discipline office at: 206-252-8020 or email: [discipline@seattleschools.org](mailto:discipline@seattleschools.org)**



## IV. DISTRICT STUDENT BEHAVIORAL VIOLATIONS

See Appendix F – Corresponding State Behavior Codes

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

The behavioral violation codes in this section are subject to State and/or District policies. Behavioral violations codes that are not eligible for exclusionary discipline are noted.

**Academic Dishonesty/Plagiarism** (Not eligible for exclusionary discipline per District policy)  
Knowingly submitting the work of others represented as the student's own or assisting another student in doing so or using unauthorized sources.

### **Arson**

Intentionally setting a fire or causing an explosion.

**Assault** (See also 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.

**Computer Misuse, Tampering, and Trespass** (See also Disruptive Conduct for behavior that is unintentional or otherwise doesn't rise to the level of Computer Misuse, Tampering, and Trespass.) Inappropriately using or tampering with school computers; or intentionally violating a school or Seattle Public School's computer system or database including: changing grades or attendance records without authorization of a school official.

### **Dangerous Weapons**

Carrying onto or possessing a small folding knife or other 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. See, RCW 9A.12.280. (See Superintendent Procedure No. 3248SP)

**Discriminatory Harassment** (See also Harassment, Intimidation or Bullying or Inappropriate Language when the harassment is not based on status or personal characteristics and when determining the severity of the behavior.)

Conduct that is based on a person's status as a member of 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 by a person with a disability.) and creates a hostile environment. Harassment creates a hostile environment when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in, or benefit from, the school's education programs, services, or activities.

Factors to consider when evaluating hostile environment may include a targeted student's grades, attendance, demeanor, interaction with peers, interest and participation in activities, and other indicators. (See, WAC 392-190-0555)

**Discriminatory Language** (See also Discriminatory Harassment; Inappropriate Language.) Using or displaying vulgar or abusive language that is directed to a group of persons, including racial, ethnic, or religious group slurs, which materially and substantially interferes with the educational process.

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 by a person with a disability) it would constitute discriminatory language.

**Disobedience** (Not an exclusionary response for K-5 students per District policy) 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 per District policy) 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.

#### **Distributing Tobacco/Nicotine Products** (Not eligible for exclusionary discipline per District policy)

Distributing, sharing, or passing around tobacco/nicotine products, including but not limited to cigarettes, electronic vaping devices and vaping products, cigars, smokeless tobacco, nicotine, non-FDA approved nicotine delivering devices, and any other smoking/vaping equipment material, or tobacco innovation. (See School Board Policy No. 4215 – Tobacco Free Environment, and Superintendent Procedure No. 4215SP).

### **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 A.

### **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.

**Graffiti** (See also Malicious Property Damage for graffiti causing more than \$100 in damage.) 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.

**Harassment, Intimidation, or Bullying** (Not an exclusionary response for K-5 students per District policy)

(See also Inappropriate Language for elementary school students for incidents that have occurred only once and Malicious Harassment for harassing and intimidating behavior based on protected class or status.)

The intentional electronic, written, verbal, or physical act that:

- physically harms a student or damages the student's property; or
- has the effect of substantially interfering with a student's education; or
- is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- has the effect of substantially disrupting the orderly operation of the school.

Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, interest and participation in activities, and other indicators. Conduct that may rise to the level of harassment, intimidation, or bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images relating to an individual or group. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation, or bullying.

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 by a person with a disability.) it would constitute discriminatory/malicious harassment.

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

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

- Conducting electronic harassment, intimidation, and bullying, 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 harassment, intimidation, or harassment. See, RCW 28A.600.477.

### **Hate Group Activity**

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

**Hazing** (See also Harassment, Intimidation, or Bullying for less serious behaviors and Assault for hazing behaviors that involve physical assault.)

Initiating or harassing another student through humiliating tasks or unsafe or illegal behaviors that cause, or are likely to cause, physical injury or endangerment.

**Inappropriate Language** (See also Threats of Violence for credible, focused threats of violence.) Using words that are hurtful, harmful, demeaning, offensive, or embarrassing, including words that are crude or vulgar, and name-calling.

**Inappropriate Touching** (See also Sexual Assault for more serious behaviors.)

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:
  - o Persistent use of abusive or foul language directed at a school District employee (See also Inappropriate Language for less than persistent use);
  - o 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
  - o 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** (See also Inappropriate Touching; Sexual Assault; Sexual Harassment.)

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.

### **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. (See School Board Policy No. 3520 – Student Fees, Charges, Fines, Restitution, and Damage Deposits.)

### **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.
- 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.

### **Other Exceptional Misconduct**

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

### **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 a 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 School Board Policy No. 3423).

### **Possessing or Using Tobacco/Nicotine Products** (Not eligible for exclusionary discipline per District policy)

Possessing or using tobacco/nicotine products, including but not limited to cigarettes, electronic vaping devices and vaping products, cigars, smokeless tobacco, nicotine, non-FDA approved nicotine delivering devices, and any other smoking/vaping equipment material, or tobacco innovation. (See School Board Policy No. 4215 – Tobacco Free Environment, and Superintendent Procedure No. 4215SP)



**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 per District policy)

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** (See also Inappropriate Touching; Lewd Conduct; Sexual Harassment.)

Sexually assaulting or taking indecent liberties with another person. (See School Board Policy No. 3208 – Sexual Harassment, and Superintendent Procedure No. 3208SP.)

**Sexual Harassment** (See also Inappropriate Touching; Lewd Conduct; 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 School Board Policy No. 3208 – Sexual Harassment, and Superintendent Procedure No. 3208SP.)

**Theft**

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

**Threats of Violence**

An expression of an intent to cause physical harm to 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. (See School Board Policy No. 3225 – School-Based Threat Assessment, and Superintendent Procedure No. 3255SP.)

**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.

## **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, school social worker, or school counselor.

### **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 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 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 give timely warning to school officials that the conduct may occur.

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, including speech transmitted through electronic means, 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.



## V. TYPES OF DISCIPLINARY RESPONSES

When considering what an appropriate disciplinary response might be for a particular behavior the school staff must consider possible mitigating and extenuating behaviors (Appendix B).

### Definitions

**Discipline:** Any action taken by a school or District, as a teaching moment, in response to behavioral violations.

**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.

**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 Removal:** 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.

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

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

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

**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.

**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 removals.

- **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.
- **Short-term Suspension:** A suspension in which a student is excluded from school for up to ten (10) consecutive school days.
- **Long-term Suspension:** A suspension in which a student is excluded from school for more than ten (10) consecutive school days



## **SCHOOL MEALS**

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.

## **OTHER FORMS OF DISCIPLINE**

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 C for alternatives to classroom exclusions, suspensions, and expulsions.

## **CLASSROOM EXCLUSIONS**

**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 notice and due process for a suspension, expulsion, or emergency removal.

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

**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**

**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 Families:** The teacher, principal, or designee must notify the student's parent/guardian regarding the classroom exclusion as soon as reasonably possible. The school must ensure that this notification is in the language the parent/guardian understands, which may require language assistance for a parent/guardian 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 to determine and administer appropriate discipline.

## **SUSPENSIONS AND EXPULSIONS**

### **General Conditions and Limitations**

A school building administrator 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 in efforts to support students in meeting behavioral expectations and must make every reasonable attempt to involve the student and parent/guardian in the resolution of behavioral violations.

**Considerations:** Before administering any suspension or expulsion, a school must consider the student's individual circumstances such as eligibility for Special Education services or Section 504 accommodation, and/or eligibility for special status such as McKinney-Vento/Foster Care, 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.



## **Initial Hearing with Student**

**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 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.

**Parent/Guardian 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 to provide an opportunity for the parent/guardian 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 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 understand, which may require language assistance for students and parents/guardians with limited-English proficiency.

## **Notice of Disciplinary Action**

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

**Initial Notice:** Before administering any suspension or expulsion, a school must attempt to notify the student's parent/guardian 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 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 right to an informal conference with the principal or designee; (f) the student's and parent's/guardian'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 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 understand, which may require language assistance for students and parents/guardians with limited-English proficiency.

## **Optional Informal Conference with Principal or Designee**

**Requesting a Conference:** If a student or parent/guardian disagrees with the school's decision to suspend or expel the student, the student or parent/guardian 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.

**During the Conference:** During the informal conference, the principal or designee must provide the student and parent/guardian 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 understand, which may require language assistance for student and parents/guardians with limited-English proficiency.

**Right to Appeal:** An informal conference must not limit a student's or parent's/guardian'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**

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 short-term suspension is for up to 10 consecutive school days. 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 (10) 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.

**Additional Support for Elementary School Students:** Prior to short-term suspending students, staff should explore options that will keep students in their current school in coordination with the Behavioral Health and Discipline office. Staff from the Behavioral Health and Discipline office will work in partnership with school staff to inventory and assess current Tier 1 and Tier 2 practices to:

- Identify culturally appropriate supports that may be needed;
- Co-design student support plans;
- Connect students/families/school staff to community resources; and
- Build school-based staff capacity to support the behavioral and mental health needs for students.

## **LONG-TERM SUSPENSIONS**

### **Additional Conditions and Limitations**

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).

**Additional Support for Secondary School Students:** In coordination with the Behavioral Health and Discipline office, prior to long-term suspending or expelling students, staff should explore options that may allow students to remain in their current school. Staff from the Behavioral Health and Discipline office will work in partnership with school staff to:

- Inventory and assess current Tier 1 and Tier 2 practices;
- Identify culturally appropriate supports that may be needed;
- Co-design student support plans, connect students/families/school staff to community resources; and
- Build school-based staff capacity to support the behavioral and mental health needs for students.

## **EXPULSIONS**

### **Additional Conditions and Limitations**

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. See section directly above on additional support for secondary school students.

**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. (See also Firearms Rules below)

**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).

### **Firearm Expulsions: Rules and Exceptions**

**Firearms Rules:** A school district 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.

### **Petition to Extend Expulsion**

**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 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 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; and (c) the student's and parent's/guardian'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 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 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 understand, which may require language assistance for students and parents/guardians/families with limited-English proficiency.

### **EMERGENCY REMOVALS (Formerly Emergency Expulsions)** **Conditions and Limitations**

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 in supporting the student in meeting behavioral expectations.

**Time Limit for Emergency Removals:** An emergency removal may not exceed ten (10) consecutive school days. An emergency removal must end or be converted to another form of discipline within ten school days from the start of the emergency removal.

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

### **Notice to Student and Parent/Guardian**

**Initial Notice:** After an emergency removal, the school must attempt to notify the student's parent/guardian, 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 removal, a school must provide written notice of the emergency removal to the student and parent/guardian 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 removal, including the dates on which the emergency removal will begin and end; (c) the opportunity to receive educational services during the emergency removal; (d) the student's and parent's/guardian's right to an informal conference with the



principal or designee; and (e) the student's and parent's/guardian's right to appeal the emergency removal, 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 understand, which may require language assistance for students and parents/guardians with limited-English proficiency.

### **Optional Conference with Principal**

**Requesting a Conference:** If a student or parent/guardian disagree with a school's decision to administer an emergency removal, the student or parent/guardian 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.

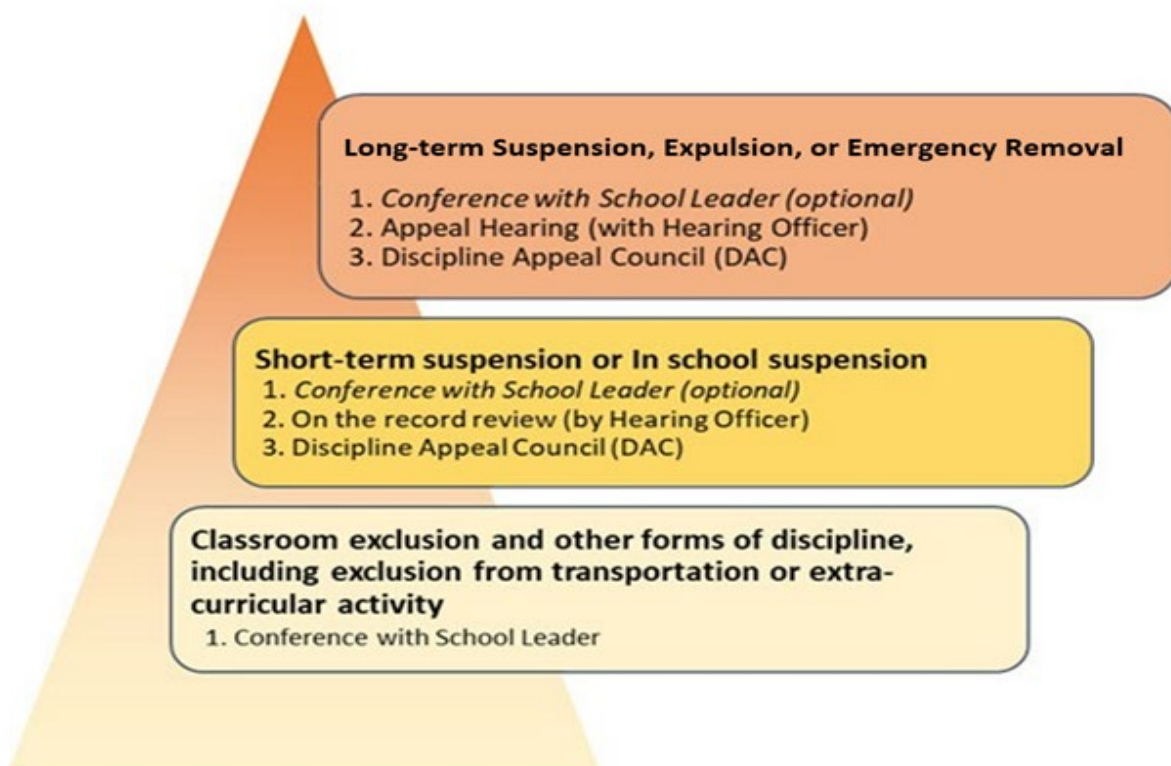
**Time Limit for Holding a Conference:** The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian.

**Conference:** During the informal conference, the principal or designee must provide the student and parent/guardian the opportunity to share the student's perspective and explanation regarding the events that led to the emergency removal.

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

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

## **VI. DISTRICT GRIEVANCE AND APPEAL RIGHTS**





## **Grievance Procedure for Classroom Exclusion and Other Forms of Discipline**

**Requesting a Conference:** If a student or parent/guardian 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 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.

**Conference:** During the conference, the principal or designee must provide the student and parent/guardian 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 understand, which may require language assistance for students and parents/guardians with limited-English proficiency.

### **Alternative Dispute Resolution**

#### **Mediation**

A school and student or parent/guardian may reach an agreement through mediation that a specific disciplinary response will be changed and how it will be changed. The student and parent/guardian 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 will file no further appeal related to the disciplinary incident. The mediation form for substance abuse and for all other disciplinary mediations is available online.

#### **Behavior Agreements**

A school may enter into a behavior agreement with a student and a parent/guardian 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 removal.

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

## **District Appeal Processes**

### **Definitions**

**Appealing Party:** A student or parent/guardian 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 removal.

**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.

### **Language Assistance**

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

### **Appeal Process for In-school and Short-term Suspensions: On-the-Record Review (OTRR)**

The appeal process for in-school and short-term suspensions is an On-the-Record Review (OTRR) and decision. OTRR reviews and decisions will be made by independent hearing officers.

**Requesting an Appeal:** A student or parent/guardian 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 written notice of the in-school suspension or short-term suspension.

**Appeal:** The District Discipline Appeals Office must provide the student and parent/guardian 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 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 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 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**

**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 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 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, the District Discipline Appeals Office must provide the student and parent/guardian 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 right to inspect the student's education records prior to the appeal hearing; (d) the student's and parent's/guardian'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 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, and school may hold a reengagement meeting and develop a reengagement plan. The student, parent/guardian, and school may mutually agree to postpone the appeal hearing while participating in the reengagement process.

After an appeal hearing, student, parent/guardian, and school must hold a reengagement meeting and develop a reengagement plan. The student, parent/guardian, 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.

**Pending Appeal:** If the student or parent/guardian 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 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 Removals:**

### **Appeal Hearing**

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

**Requesting an Appeal:** A student or parent/guardian may appeal a school's decision to emergency remove 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 written notice of the emergency removal.

**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.

### **Appeal Hearing Procedure**

**Presiding Official:** The School Board has designated independent hearing officers to hear appeals and determine findings on school decisions to long-term suspend, expel, and emergency remove students. The hearing officers may not be involved in the student's behavioral violation or decision to long-term suspend, expel, or emergency remove 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 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 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, 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 Rights:** During the appeal hearing, the student and parent/guardian 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 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 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 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 Removals:** 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 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 removal or convert the emergency removal to a suspension or expulsion.

If the District converts the emergency removal to a suspension or expulsion, the District must provide the student and parent/guardian notice and due process; and (d) notice of the student's and parent's/guardian's right to request Discipline Appeal Council review and reconsideration of the appeal decision, including where and to whom to make the request.

## **VII. SCHOOL BOARD APPEAL RIGHTS**

### **Discipline Appeal Council**

**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 removals. 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 remove the student, nor the District's appeal decision.

**Requesting DAC Review:** A student or parent/guardian 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 may request to meet with the student or parent/guardian, 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 request that a person knowledgeable about their disability, specially designed instruction, accommodations, and/or language/culture be present to advise the DAC.

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



## **DAC Review of Suspensions and Expulsions**

**Time Limit for Requesting DAC Review:** A student or parent/guardian 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.

**DAC Decision:** The DAC must provide a written decision to the student and parent/guardian 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**

**Time Limit for Requesting DAC Review:** A student or parent/guardian 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.

**DAC Decision:** The DAC must provide a written decision to the student and parent/guardian 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 Removals**

**Time Limit for Requesting DAC Review:** A student or parent/guardian 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.

**DAC Decision:** The DAC must provide a written decision to the student and parent/guardian 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 removal has not ended or been converted, whether the school will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the school converts the emergency removal to a suspension or expulsion, the school must provide the student and parent/guardian notice and due process.

## **VIII. EDUCATIONAL SERVICES DURING SUSPENSION, EXPULSION OR EMERGENCY REMOVAL**

**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 removal 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, 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 removal 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 removal 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 removal.

**Exclusions for Six (6) Through Ten (10) Consecutive Schools Days:** For a student subject to suspension or emergency removal 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 within three (3) school business days following the start of the suspension or emergency removal and periodically thereafter until the suspension or emergency removal 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, 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 removal.

**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.

## **Educational Services During Long Term Suspensions for Secondary Students** **(District Policy)**

In coordination with the Discipline office, prior to long-term suspending students, staff from the student's school of origin should explore options that may allow students to remain in their current school. When a school is considering a long-term suspension, a school leader should call the Discipline office to schedule a consultation meeting. This meeting will include the school leader, Executive Director of Schools, a central office Discipline representative, and an Admissions representative to collectively discuss whether the situation warrants a long-term suspension. If the long-term suspension is implemented, the school leader must coordinate the transition to the reassignment school. Steps to take include 1. collaborating with the Admissions Office (fmmanu@seattleschools.org), 2. coordinating with the school leader at the reassignment school once the reassignment school has been determined by the Admissions Office, and 3. participating in the development of a support plan that addresses a successful transition for the student.

Depending on the time frame of a long-term suspension, secondary students may complete their suspension at a reassignment school before returning to their school of origin. The Admissions Office will utilize the district's expulsion chart to determine the temporary reassignment school during a long-term suspension. Online learning options may also be explored.

Long-term suspended high school students have the option to request a referral to the Interagency Academy. Before placement to one of Interagency Academy sites, students will be reassigned to Interagency Academy intake site to attend an orientation at Interagency Academy. Staff from the student's school of origin will provide required exit paperwork for the Interagency Academy staff; the Behavioral Health and Discipline office will provide additional support to assess student needs and identify culturally responsive community-based services to meet those identified needs as part of the transition.

Expelled students without 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 or for students who want to attend a different school at the completion of their long-term suspension, please refer to Superintendent's Procedure No. 3130 (Student Assignment).

### **Notice of Educational Services**

**Written Notice:** As soon as reasonably possible after administering a suspension, expulsion, or emergency removal, a school must provide written notice to the student and parent/guardian 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 understand, which may require language assistance for a student and parent/guardian with limited-English proficiency.

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

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; or (c) the student is otherwise precluded under law from returning to the student's regular educational setting.

### **Reengagement Meeting**

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

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

### **Reengagement Meetings Do Not Replace Appeal Hearings or Petitions for Readmission** **Reengagement Plan**

**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.

The school must collaborate with the student and parent/guardian 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.

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

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 cultural norms and values, community resources, and community and parent/guardian 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, 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.

**Elementary School Students:** Elementary school students may not be long-term suspended or expelled from their school, with the exception of a Firearm violation. Therefore, there is not a reentry program or case management services for elementary students.

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

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

Schools are not allowed under State law to mandate students to 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 to do so, and a school cannot indefinitely suspend a student pending any scheduling or completion of such services.

### **Protecting Victims of Certain Offenses**

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:

- **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
- **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.

### **Students Eligible for Special Education or Section 504**

Prior to being referred to Interagency Academy (high school), a Manifestation Determination Review (MDR) meeting must occur.

## **X. ADDITIONAL SAFETY CONSIDERATIONS**

### **Threat Assessment Case Management**

**School Based Threat Assessment** means 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).

**School-Based Threat Management** means 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).

**Safety Plan** means 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.

The goal of Threat Assessment Case Management Services is to provide wrap-around support for students, parents/guardians, and school staff after a threat is made. Threat Assessment Case Management services begin after a Student Threat Assessment is conducted and determination of risk level is identified. A safety plan and/or care plan is developed based upon the unique characteristics of the threat and the stated needs of the student, parent/guardian, and school staff. The Threat Assessment Case Manager oversees the implementation of the school safety plan and/or care plan. Threat Assessment Case Management services may also include referrals to community resources and ongoing



communication with the student, parent/guardian, school staff, and community-based providers centered on the student's specific needs. See Board Policy No. 3225 and Superintendent Procedure 3225SP.

### **Corporal Punishment, Restraint and Isolation**

**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. See School Board Policy No. 3244.

**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:** Students shall remain free from unnecessary or unreasonable restraint, restraint devices, isolation and other uses of physical intervention. The use of restraints on students is prohibited except in situations when there is an imminent likelihood of serious bodily harm to a person. In such situations, restraint may be used only as a last resort and only to the extent necessary to prevent or minimize imminent bodily harm to the student or others. The use of isolation is prohibited under all circumstances. (See, Board Policy No. 3246 and Superintendent Procedure No. 3246SP)

### **Searches of Students**

**Reasonable Suspicion** means there are reasonable grounds for school staff to suspect that a search will provide evidence that a student has violated the law, or a school policy or rule. What is reasonable depends upon the totality of facts and circumstances known at the time of the search. School staff may know several minor facts, one significant fact, or information gathered from an anonymous source that points to a student engaging in behavior that violates a school policy or rule. A search may begin with a reasonable suspicion for one item, and the search itself may give rise to a reasonable suspicion for another item.

**Searches of Students/Property:** 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.

A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW 9.41.280.

A school administrator or their designee may search a student's person (other than strip and body cavity searches) or possessions if they have reasonable suspicion that contraband or other evidence of misconduct is present, so long as the scope of the search is proper.

The scope of the search is proper if 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 or body cavity searches of students by school administrators and persons acting under their direction.

“Strip search” means having a person remove or arrange some or all of their clothing so as to permit an inspection of the genitals, anus, or undergarments of the person or breasts of a female person.

“Body cavity search” means the touching or probing of a person’s body cavity (i.e. the stomach or rectum of a person and the vagina of a female person), whether or not there is actual penetration of the body cavity.

At SPS, these definitions also apply to non-binary and transgender students.

### **School Safety and Security Services Program**

Safety and Security staff support each school’s principal in keeping the school safe. They may help address exterior issues, like unauthorized adults attempting to enter the building or interior issues, like students fighting. In all cases, their focus is on matters related to safety. The Safety and Security team is interested in fostering an optimal learning environment and acting as a deterrent to unsafe or poor behavior. While law enforcement may be called in extreme circumstances, like when there is a gun on campus, most safety issues are handled by Safety and Security and school administration team without law enforcement involvement. If you need help in staying safe in school, you can reach out to your school security specialist, principal, or the Safety and Security Office at 206-252-0707. (See, Board Policy No. 4311 and Superintendent Procedure No. 4311SP)

## APPENDIX A: Special Education and Section 504 Discipline Protections

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.

### Definitions

**Behavior Intervention Plan (BIP):** A plan developed for a student eligible for special education services or Section 504 accommodations 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.

**Change of Placement:** The removal of a student eligible for special education services or Section 504 accommodations from the student's current educational placement: (a) for more than ten (10) consecutive school days; or (a)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.

**Functional Behavioral Assessment (FBA):** An evaluation of a student eligible for special education services or Section 504 accommodations 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, supports, and interventions may 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.

**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 services or Section 504 accommodations: 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 services or Section 504 accommodations 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.

**Manifestation Determination Review:** A meeting at which a student's parent/guardian 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/or (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.

**Section 504:** A federal civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal funds. Students ages 3-22 who have a disability qualify to receive accommodations and/or related services under Section 504. A student with a disability is defined as a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities (e.g., caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, etc.); (2) has a record of an impairment; or (3) is regarded as having such an impairment.

**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.

### **Discipline Protections**

When a school excludes a student eligible for special education services or Section 504 accommodations 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 services or Section 504 accommodations 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 supports or interventions 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 supports and interventions 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 services and Section 504 accommodations.

#### **When the Student has Been Removed 10 or Fewer Days**

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

A school may implement a disciplinary removal of a student eligible for special education services or Section 504 accommodations from the student's current educational placement for not more than ten consecutive school days for the same reasons and in the same manner that it implements disciplinary removals of students without disabilities if the removal does not constitute a change of placement.

A change of placement occurs when a school removes a student eligible for special education services or Section 504 accommodations 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.

#### **When the Student has Been Removed More Than 10 Days**

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

If a disciplinary removal constitutes a change of placement for a student eligible for special education services or Section 504 accommodations, 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 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 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/or (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.

If the behavior is determined to be a manifestation of the student's disability, the school must return the student to the placement from which the student was removed for more than ten days unless the student's behavior involved weapons, illegal drugs or serious bodily injury (see below), or unless the parent/guardian and school agree to a change of school assignment or placement as part of a MDR/IEP team decision.

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

## **3. Students Whose Parent/Guardian 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 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 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 B: Mitigating and Extenuating Factors

<u>Possible Mitigating Factors</u>	<u>Possible Extenuating Factors</u>
<ul style="list-style-type: none"> <li>- Student has a pattern of behavior that has not been adequately addressed by school staff</li> <li>- Student has an IEP or 504, a Manifestation Determination Review has been completed and the behavior is determined to be a function of their disability</li> <li>- Little or no prior documented misconduct</li> <li>- Student has experienced systemic racism in the education system</li> <li>- Student may have been impacted by the implicit bias of school staff</li> <li>- Minimal damage</li> <li>- No injury or damaged caused</li> <li>- Little potential of harm</li> <li>- No evidence that student intended to display or use the weapon</li> <li>- Student offers credible evidence that they had the weapon for legitimate purposes away from school and unintentionally brought the object to school</li> <li>- The weapon was a small pocket-knife with a blade of 2.5 inches or less</li> <li>- Student was primarily acting defensively</li> <li>- Student's intent or purpose</li> <li>- Student's age and/or inability to understand potential consequences of the conduct (consider the developmental age)</li> <li>- Admitted or self-reported conduct</li> <li>- Student attempted, but failed to or was prevented from, carrying out the conduct</li> <li>- Subsequent remedial steps, including restitution to district or victim of misconduct</li> <li>- Subsequent action taken by student to make amends for misconduct with school staff</li> <li>- Property returned to victim</li> <li>- Cultural or linguistic factors that may have played a role in the misconduct</li> <li>- Appropriateness of student's academic placement</li> <li>- Student's willingness to repair the harm</li> </ul>	<ul style="list-style-type: none"> <li>- Pattern of similar misconduct</li> <li>- Significant impact of incident on overall school community</li> <li>- Substantial disruption to learning of others caused by student's defiance</li> <li>- Student attempts to solicit or incite others to engage in behavior</li> <li>- Significant damage (in extent or cost)</li> <li>- Potential of serious harm</li> <li>- Intent or purpose in setting fire</li> <li>- Serious actual or potential injury</li> <li>- Use of an object or weapon</li> <li>- Premeditated conduct</li> <li>- Multiple students assaulting a single student</li> <li>- Prior assault(s), threat(s), harassment, or bullying by the student against the same victim</li> <li>- Exceptional severity or cruelty</li> <li>- Previous discipline record of student warranting progressive discipline</li> <li>- Student's presence on campus is determined to be a threat to the safety of others</li> <li>- Conduct is motivated by perceived race, color, national origin, gender, sexual orientation, gender expression, disability, or any similar actual or perceived characteristic of the victim</li> <li>- Student used the weapon in furtherance of an assault, to intimidate another, cause injury, and/or to cause physical damage to property</li> <li>- Student displayed, activated, or discharged the weapon in a reckless manner</li> <li>- Evidence of premeditation</li> <li>- Threats of serious injury</li> <li>- Pattern of similar misconduct against the same victim</li> <li>- The weapon is a firearm</li> <li>- The object appears to be a firearm and the student displaying or using the object does so with malice</li> </ul>

## APPENDIX C: Other Forms of Discipline

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



# Discrimination is Against the Law!

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

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

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

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

- **For sex discrimination concerns**, including sexual harassment, contact: Title IX Grievance Coordinator, (206) 252-0367, or [Title.IX@seattleschools.org](mailto:Title.IX@seattleschools.org)
- **For disability discrimination concerns** contact: ADA/Section 504 Grievance Coordinator, (206) 252-0885, or [504coordinator@seattleschools.org](mailto:504coordinator@seattleschools.org)

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

## Appendix E: Reporting Sexual Harassment

# *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 they 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](mailto:Title.IX@seattleschools.org)
- OSPI Equity and Civil Rights Office: 360-725-6162, [equity@k12.wa.us](mailto:equity@k12.wa.us)
- US Dept. of Education, Office for Civil Rights: 206-607-1600, [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

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



SPS may not discriminate on the basis of sex, race, color, creed, religion, national origin, sex, age, disability, marital status, sexual orientation, gender identity and expression, veteran or military status, or the use of a service animal by a person with a disability, and must provide equal access to all designated youth groups. For questions or complaints, please contact your school principal, or the SPS Office of Student Civil Rights at 206-252-0306 or [OSCR@seattleschools.org](mailto:OSCR@seattleschools.org). **Rev. 8/2016**



## Appendix F: Corresponding State Behavior Codes

Seattle Public Schools' behavior violations are listed as subcodes of the state of Washington behavior types. Below is a list of our district behavior violations in alpha order and the corresponding state behavior types they can be found under. Note that some of these violations such as *Assault* and *Fighting* can be found under multiple state behavior types. Pick the state behavior type that best represents the district behavior violation. State Behavior Code descriptions are available online at: [\[LINK\]](#)

District Behavior Code	State Behavior Code
Academic Dishonesty/Plagiarism	Academic Dishonesty/Plagiarism
Arson	Arson
Assault	Violence without Major Injury Violence with Major Injury Serious Bodily Injury (Special Ed Only)*
(Physical) Aggression	Fighting Without Major Injury Violence Without Major Injury
Computer Misuse, Tampering, and Trespass	Destruction of Property/Vandalism Disruptive Conduct
Dangerous Weapons	Possession of a Weapon
Discriminatory Harassment	Discriminatory Harassment
Discriminatory Language	Discriminatory Harassment
Disobedience	Failure to Cooperate
Disruptive Conduct	Disruptive Conduct
Distributing Alcoholic Beverages	Alcohol
Distributing Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs	Illicit Drug
Distributing Marijuana	Marijuana
Distributing Tobacco/Nicotine Products	Tobacco
Extortion, Blackmail, Coercion	Violence without Major Injury Threat to Other
False Alarm	Disruptive Conduct
False Reporting	Intimidation/Non-Sexual Harassment
False Threats	Disruptive Conduct
Fighting	Fighting without Major Injury Violence with Major Injury Serious Bodily Injury (Special Ed Only)*
Firearms	Possession of a Weapon
Fireworks, Explosives, Chemicals and Incendiary Devices	Possession of a Weapon
Gambling	Disruptive Conduct
Graffiti	Destruction of Property/Vandalism
Harassment, Intimidation, and Bullying	Bullying Discriminatory Harassment Intimidation/Non-Sexual Harassment
Hate Group Activity	Discriminatory Harassment

Hazing	Bullying Intimidation/Non-Sexual Harassment Violence without Major Injury Violence with Major Injury Disruptive Conduct Serious Bodily Injury (Special Ed Only)*
Inappropriate Language	Disruptive Conduct
Inappropriate Touching	Disruptive Conduct
Interference with School Authorities	Failure to Cooperate Violence without Major Injury Disruptive Conduct
Intimidation of School Authorities	Violence without Major Injury Threat to Other
Lewd Conduct	Sexually Inappropriate Conduct
Malicious Property Damage	Destruction of Property/Vandalism
Misrepresentation	Disruptive Conduct Failure to Cooperate
Other Exceptional Misconduct	Other Behavior Resulting In A Corrective or Disciplinary Action
Possessing or Using Alcoholic Beverages	Alcohol
Possessing or Using Illegal Drugs, Controlled Substances, Prescription or Over-the-Counter Drugs	Illicit Drug
Possessing or Using Marijuana	Marijuana
Possessing or Using Tobacco/Nicotine Products	Tobacco
Possessing Stolen Property	Theft or Possession of Stolen Property
Robbery	Violence without Major Injury Violence with Major Injury
Rule Breaking	Failure to Cooperate
Selling Alcoholic Beverages	Alcohol
Selling Illegal Drugs and Controlled Substances	Illicit Drug
Selling Marijuana	Marijuana
Sexual Assault	Violence without Major Injury Violence with Major Injury Serious Bodily Injury (Special Ed Only)*
Sexual Harassment	Sexual Harassment
Theft	Theft or Possession of Stolen Property
Threats of Violence	Threat to Others
Trespass	Other Behavior Resulting in a Corrective Disciplinary Action

\*\* Serious bodily injury means a bodily injury that involves: a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty.

