

	DISCIPLINE APPEAL COUNCIL	Policy No. 3201 September 3, 2024 Page 1 of 4
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Student Rights to Appeal to the Discipline Appeal Council

Students or their parent/guardian can appeal suspensions, expulsions, and emergency removals to a hearing officer serving as the Superintendent’s designee. If a student or their parent/guardian disagrees with that hearing officer’s decision, they may appeal further to the Discipline Appeal Council, which provides a secondary level of review and serves as the Board’s designee per this policy.

Notification of Appeal Rights

State law provides that students and their parent/guardian must be notified of these appeal rights. The Notice of Disciplinary Action provided to students and their parent/guardian includes information about the opportunity to have an informal conference with the school administrator and the right to appeal to a hearing officer. The hearing officer’s decision letter then provides information about the right to a secondary appeal, which under this policy is decided by the Discipline Appeal Council as the Board’s designee.

The district must ensure these notices, appeal proceedings, and decisions are in a language the student and parents/guardians understand.

Hearing Panel and Participants

Appeals to the Discipline Appeal Council are decided by a three-Member panel drawn from Discipline Appeal Council membership (“Member”). Per WAC 392-400-470 and WAC 392-400-530, the Discipline Appeal Council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information as provided in this policy.

If a hearing is requested by the Discipline Appeal Council, hearing participants will include the student, their parent/guardian, a school principal or other administrator, the three-Member panel, and the following, as applicable:

- Interpreter(s) will be provided by the district, as needed, consistent with Board Policy No. 4218 and Superintendent Procedure 4218SP, Language Access.
- The parent/guardian or student may have an attorney present. The family must notify the district that their attorney will be present when the Discipline Appeal Council hearing is scheduled so a district attorney may also attend.
- The parent/guardian or student may have a supporter present to listen and take notes. The supporter does not testify at the hearing unless they have relevant information regarding the discipline being appealed.
- A program or service representative may attend the hearing, upon student or parent/guardian request, as a non-voting advisor to the panel if the student is served by a program or service, such as Special Education, English Learner, or other programs/services for which their advice may be relevant.
- District staff will facilitate the hearing and issuance of the Discipline Appeal Council's decision.

Panel Selection and Conflicts of Interest

The three-Member panels that decide each student appeal will generally include two community members not employed by the district and one district employee unless such Members are unavailable. Each panel will include at least one Member who is representative of the student's race/ethnicity if such a Member serves on the Discipline Appeal Council and is available.

State law provides that the decision on the appeal must be made only by Members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the hearing officer's decision. A Member that was involved in the behavioral violation, discipline of the student, or that otherwise has a conflict of interest including, but not limited to, knowing or having a business relationship with the student or family, will recuse themselves and not serve on the panel.

Appeal Hearing Process

Appeal hearings, if requested by the DAC panel, will be conducted as follows:

- Discipline Appeal Council Members serving on the panel read the hearing officer's decision for the initial appeal. The panel may also review materials in advance of the hearing.
- Parent/guardian and student explain why they are appealing the hearing officer's decision.
- School principal or other administrator explains why they believe the hearing officer's decision should stand.

- Program or service representative, if present, may advise the panel.
- Panel asks relevant questions and provides time for rebuttal.
- Student, parent/guardian, their attorneys and/or supporters, and school administrator leave the room. Staff supporting hearing operations and the Discipline Appeal Council process may remain in the room, but attorneys representing the district will leave.
- Panel discusses the hearing officer's decision and information offered during the hearing and makes a decision. The program/service representative may further advise the panel further during these deliberations.

The Discipline Appeal Council decision is provided by letter to the student and parent/guardian within the time limits required by law.

Board Appointment of Discipline Appeal Council

The Discipline Appeal Council is appointed by the Board and serves as the Board's designee. The Discipline Appeal Council will consist of approximately nine volunteers appointed by the Board to three-year terms. The membership will be comprised of five community members not employed by the district and four district staff such as school administrators, teachers and other building-based staff; central office staff; and/or Board members. The Board may appoint alternate volunteers to serve should any vacancy arise. Alternates may also serve on the three-Member panel as needed when Discipline Appeal Council Members are unavailable.

District discipline data shows that racial disproportionality persists in district disciplinary responses, and the district commits through Board Policy No. 3240, Student Behavior and Disciplinary Responses, to eliminating this racial predictability and disproportionality. The Board will appoint a Discipline Appeal Council that is reflective of the students most impacted by district disciplinary decisions through race, ethnicity, and experience. All Members of the Discipline Appeal Council must be knowledgeable about state and district discipline rules, policies, and procedures.

The Board President will select one or more Board Director(s) to participate in the recruitment and selection of proposed Discipline Appeal Council appointees.

In the absence of a Discipline Appeal Council appointed pursuant to this policy, appeals will be heard by a panel of three Board members operating as otherwise described in this policy.

Student Harassment, Intimidation or Bullying Appeals

The Disciplinary Appeal Council may also be charged with reconsidering the results of the investigation and initial appeal from a Harassment, Intimidation

and Bullying Compliance Officer decision under Board Policy No. 3207, Prohibition of Harassment, Intimidation, or Bullying (HIB) – Students, if provided for in the accompanying Superintendent Procedure. Processes described in this policy, including the size and composition of panels and applicable hearing processes, may be modified or replaced for student harassment, intimidation, or bullying appeals.

Adopted: July 2014

Revised: September 2024 (per Policy No. 1310); September 2023; August 2023 (per Policy No. 1310); July 2023; December 2014

Cross Reference: Policy Nos. 1220; 3207; 3240; 5251

Related Superintendent Procedure: 3207SP

Previous Policies: D84.00; 3201BP

Legal References: Chapter 392-400 WAC Student Discipline; WAC 392-400-465 Suspensions and expulsions—Appeal; WAC 392-400-470 Suspensions and expulsions—Review and reconsideration; WAC 392-400-475 Discipline appeal council; WAC 392-400-525 Emergency expulsions—Appeal.; WAC 392-400-530 Emergency expulsions—Review and reconsideration.

Management Resources: *Basic Rules of Seattle Public Schools* ; Condensed *Basic Rules of Seattle Public Schools* flyer; The Individuals with Disabilities Education Improvement Act and its state and federal implementing legislations; District rules and appeal process information is available at <https://www.seattleschools.org/departments/discipline-and-behavior/>