

K-12 School Discipline

Understanding the Process

to Best Help

Children and Families

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Materials include applicable RCWs and WACs governing school discipline in Washington State.

Revised Code of Washington

Excerpts from

Chapter 28A. 150, Chapter 28A.600, Chapter 28A.645

RCW 28A.150.220 Basic education—Minimum instructional requirements—Program accessibility—Rules.

- (1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.
- (2) Each school district shall make available to students the following minimum instructional offering each school year:
 - (a) For students enrolled in grades one through 12, at least a district-wide annual average of 1,000 hours, which shall be increased beginning in the 2015-16 school year to at least 1,080 instructional hours for students enrolled in grades nine through 12 and at least 1,000 instructional hours for students in grades one through eight, all of which may be calculated by a school district using a district-wide annual average of instructional hours over grades one through 12; and
 - (b) For students enrolled in kindergarten, at least 450 instructional hours, which shall be increased to at least 1,000 instructional hours according to the implementation schedule under RCW 28A.150.315.
- (3) The instructional program of basic education provided by each school district shall include:
 - (a) Instruction in the state learning standards under RCW 28A.655.070;
 - (b) Instruction that provides students the opportunity to complete 24 credits for high school graduation. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;
 - (c) If the state learning standards include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;
 - (d) Supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5)(a) Each school district's kindergarten through 12th grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than 21 years of age, and shall remain accessible to students with disabilities as defined in RCW 28A.155.020 from age 21 until the end of the school year in which those students turn 22 years of age. The program of basic education shall consist of a minimum of 180 school days per school year in such grades as are conducted by a school district, and 180 half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of 180 school days per school year according to the implementation schedule under RCW 28A.150.315.

(b) Schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory.

(c) In the case of students who are graduating from high school, a school district may schedule the last five school days of the 180-day school year for noninstructional purposes including, but not limited to, the observance of graduation and early release from school upon the request of a student. All such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260. Any hours scheduled by a school district for noninstructional purposes during the last five school days for such students shall count toward the instructional hours requirement in subsection (2)(a) of this section.

(6) Subject to RCW 28A.150.276, nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

RCW 28A.150.510 Transmittal of education records—Disclosure of education records—Data-sharing agreements.

(1) In order to effectively serve students who are the subject of a dependency proceeding, education records shall be transmitted to the department of children, youth, and families, the appropriate federally recognized Indian tribe, or the state agency responsible for the implementation of the unaccompanied refugee minors program within two school days after receiving the request from the department, federally recognized Indian tribe, or state agency provided that the department, the appropriate federally recognized Indian tribe, or the state agency responsible for the implementation of the unaccompanied refugee minors program certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of children, youth, and families is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department to provide residential care to the student. The department is also authorized to disclose educational [education] records it obtains pursuant to this section to those entities with which it has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes of students who are the subject of a dependency proceeding pursuant to chapter 13.34 RCW. The department is encouraged to put in place data-sharing agreements to assure accountability.

(2) For the purposes of this section, "students who are the subject of a dependency proceeding" means a child or youth who is located in Washington state, and who is:

(a) The subject of a shelter care or dependency order issued pursuant to chapter 13.34 RCW or an equivalent order of a tribal court of a federally recognized Indian tribe; or

(b) Eligible for benefits under the federal foster care system as defined in RCW 28B.117.020.

**RCW 28A.345.090 Model school district discipline policies—
Adoption and enforcement by school districts.**

- (1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.
- (2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year.

RCW 28A.600.010 Enforcement of rules of conduct—Due process guarantees—Computation of days for short-term and long-term suspensions.

Every board of directors, unless otherwise specifically provided by law, shall:

- (1) Enforce the rules prescribed by the superintendent of public instruction for the government of schools, pupils, and certificated employees.
- (2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.600.015 and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the superintendent of public instruction under RCW 28A.600.015. When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, and the rules of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

- (3) Suspend, expel, or discipline pupils in accordance with RCW 28A.600.015.

RCW 28A.600.015 Expulsions and suspensions—Rules incorporating due process—Short-term and long-term suspensions—Emergency removals— Discretionary discipline.

- (1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a

school district to impose the suspension or expulsion temporarily after an initial hearing for no more than 10 consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, 10 consecutive school days.

(3) Emergency removals must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency removal is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

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

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or

instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

RCW 28A.600.020 Exclusion of student from classroom—Written disciplinary procedures—Long-term suspension or expulsion.

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of

public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280; or

(ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

RCW 28A.600.022 Suspended or expelled students— Reengagement plan.

(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission. [2016 c 72 s 107; 2013 2nd sp.s. c 18 s 308.]

RCW 28A.600.040 Pupils to comply with rules and regulations.

All pupils who attend the common schools shall comply with the rules and regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools, subject to such disciplinary or other action as the local school officials shall determine.

RCW 28A.600.410 Alternatives to suspension—Encouraged.

School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension.

RCW 28A.600.420 Firearms on school premises, transportation, or facilities—Penalty—Exemptions.

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, or state school for the blind, or the director of the Washington center for deaf and hard of hearing youth, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appears to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools.

RCW 28A.600.455 Gang activity—Suspension or expulsion.

(1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds.

(2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

RCW 28A.600.460 Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions.

(1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW 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.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, 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. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.

RCW 28A.600.475 Exchange of information with law enforcement and juvenile court officials—Notification of parents and students.

School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Except as provided in RCW 13.40.480, parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them.

RCW 28A.600.495 Student discipline terminology—"Emergency removal"—Posting of bulletin—Retroactive application.

(1) The legislature recognizes that public schools have the authority to immediately remove a student from school if the student poses an immediate and continuing danger to other students or to school staff, or if the student poses an immediate and continuing threat of material and substantial disruption of the education process. The legislature acknowledges that emergency expulsion is limited to 10 consecutive school days, the school must provide an opportunity for the student to receive educational services during the emergency expulsion, and both the emergency expulsion and any suspension or expulsion that the emergency expulsion is converted to can be appealed. However, the legislature finds that emergency expulsion tarnishes a student's reputation and self-image, which can result in school staff, fellow students, or the student's families making assumptions about the student, and, in some cases, these assumptions result in harassment, intimidation, or bullying of the student. Therefore, the legislature intends to discontinue the use of the prejudicial term "emergency expulsion," and replace it with the term "emergency removal," which is a more accurate description of the temporary removal of a student from school to assess and properly respond to an emergent situation involving the student.

(2) As soon as possible after July 23, 2023, the office of the superintendent of public instruction must publish a bulletin to notify school districts and public schools that the term "emergency removal" must be used instead of the term "emergency expulsion" in the context of student discipline and as required by RCW 28A.300.042 and 28A.600.015. The

legislature's intent as described in subsection (1) of this section must be included in the bulletin. The bulletin must also include guidance about student discipline data collection and historical data comparison.

(3) A student who was emergency expelled between September 1, 2019, and July 23, 2023, may request that any reference to "emergency expulsion" in the student's education record be revised to "emergency removal."

RCW 28A.645.010 Appeals—Notice of—Scope—Time limitation.

(1) Any person, or persons, either severally or collectively, aggrieved by any decision or order of any school official or board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, may appeal the same to the superior court of the county in which the school district or part thereof is situated, by filing with the secretary of the school board if the appeal is from board action or failure to act, otherwise with the proper school official, and filing with the clerk of the superior court, a notice of appeal which shall set forth in a clear and concise manner the errors complained of.

(2)(a) Appeals by teachers, principals, supervisors, superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the appeal provisions of chapters 28A.400 and 28A.405 RCW therefor and in all other cases shall be governed by chapter 28A.645 RCW.

(b) Appeals from nonrenewal or discharge by employees of school districts that are dissolved due to financial insolvency shall be as provided in RCW 28A.315.229.

Chapter 392-400 WAC

Student Discipline

Last update: 6/10/25

(Formerly chapter 180-40 WAC)

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392-400-010

Purpose.

The purpose of this chapter is to ensure that school districts in Washington:

- (1) Provide a safe and supportive learning environment for all students;
- (2) Provide due process to students;
- (3) Implement culturally responsive discretionary and nondiscretionary discipline policies and procedures that provide opportunity for all students to achieve personal and academic success;
- (4) Engage school personnel, students, parents, families, and the community in decisions related to the development and implementation of discretionary and nondiscretionary discipline policies and procedures;
- (5) Ensure fairness and equity in the administration of discretionary and nondiscretionary discipline;
- (6) Administer discretionary discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible;
- (7) Provide educational services that students need to complete their education without disruption; and
- (8) Facilitate collaboration between school personnel, students, and families regarding nondiscretionary discipline to ensure successful reentry into the classroom following a suspension or expulsion.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-010, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-010, filed 7/30/18, effective 8/31/18.]

392-400-015

Authority.

The authority for this chapter is RCW 28A.600.015 and 28A.600.020, which require the office of superintendent of public instruction to establish rules that prescribe the substantive and procedural due process rights of students served by any program or activity conducted by, or on behalf of, school districts.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-015, filed 7/30/18, effective 8/31/18.]

392-400-020

Application.

(1) This chapter establishes the minimum procedural and substantive due process rights of students when they may be subject to discipline in Washington school districts. A school district may establish additional due process protections for students consistent with federal statutes and regulations, state statutes, common law, and rules prescribed by the office of superintendent of public instruction.

(2) This chapter must be construed in a manner consistent with the following laws and rules:

(a) RCW 28A.600.010 through 28A.600.022 and 28A.320.211, regarding the administration of student discipline;

(b) RCW 28A.300.042, regarding the collection, reporting, and disaggregation of student-level discipline data;

(c) Chapter 392-190 WAC, prohibiting unlawful discrimination in Washington public schools, including the requirement under WAC 392-190-048 that school districts annually review disaggregated discipline data to identify and address disproportionality in the administration of discipline on the basis of sex, race, limited-English proficiency (i.e., English learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and Part B of the Individuals with Disabilities Education Act;

(d) WAC 392-172A-05140 through 392-172A-05175, and 34 C.F.R. Part 300.530 through 300.536, regarding the discipline of students with disabilities under the Individuals with Disabilities Education Act; and

(e) RCW 28A.415.410, regarding training to support school personnel in implementing discipline policies and procedures and gaining knowledge and skills in cultural competence.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-020, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-020, filed 7/30/18, effective 8/31/18.]

392-400-025

Definitions.

As used in this chapter the terms:

(1) "Behavioral violation" means a student's behavior that violates a school district's discipline policy adopted under WAC 392-400-110.

(2) "Classroom exclusion" means the exclusion of a student from a classroom and instructional or activity area for a discretionary behavioral violation that creates a disruption of the educational process in violation of the district disciplinary policies subject to the requirements in WAC 392-400-110.

(3) "Corrective action" means disciplinary and nondisciplinary actions taken by a certificated educator. Nondisciplinary actions include evidence-based interventions and support outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action.

(4) "Culturally responsive" has the same meaning as "cultural competency" in RCW 28A.415.443.

(5) "Discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.015(6). Discretionary discipline does not include

evidence-based interventions and support outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations.

(6) "Disruption of the educational process" means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

(7) "Emergency removal" means 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, subject to the requirements in WAC 392-400-510 through 392-400-530.

(8) "Expulsion" means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.

(9) "Length of an academic term" means the total number of school days in a single trimester or semester, as defined by the school board.

(10) "Nondiscretionary discipline" means:

(a) Violations of RCW 28A.600.420;

(b) An offense listed in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

(d) Behavior that adversely impacts the health or safety of other students or educational staff. RCW 28A.600.015.

(11) "Parent" has the same meaning as in WAC 392-172A-01125.

(12) "School business day" means any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the superintendent of a school district is open to the public for business.

(13) "School board" means the governing board of directors of a local school district.

(14) "School day" means any day or partial day that students are in attendance at school for instructional purposes.

(15) "Suspension" means 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 expulsions or emergency removals.

(a) "In-school suspension" means 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 10 consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(b) "Long-term suspension" means a suspension in which a student is excluded from school for more than 10 consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(c) "Short-term suspension" means a suspension in which a student is excluded from school for up to 10 consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-025, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-025, filed 7/30/18, effective 7/1/19.]

DISCIPLINE POLICIES AND PROCEDURES

392-400-110

Discipline policies and procedures—Development, review, and distribution.

(1) School district policies and procedures. Pursuant to RCW 28A.600.010, a school district must adopt and make available to each pupil, teacher, and parent in the district reasonable written policies and procedures regarding pupil conduct, discipline, and rights, including, but not limited to, classroom exclusions, short-term suspensions, long-term suspensions, emergency removals, and expulsions. The policies and procedures must:

(a) Clearly state the types of behaviors for which discretionary and nondiscretionary discipline, including classroom exclusion, suspension, emergency removal, and expulsion, may be administered;

(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;

- (c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;
 - (d) Provide that school personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;
 - (e) Ensure the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere as outlined in: RCW 28A.410.270, 28A.410.278, 28A.405.100, 28A.410.260, and 28A.415.443;
 - (f) Recognize that educators create an environment that welcomes all students and families, recognizing that the school belongs to them and the community. School faculty, staff, and administration highlight and center community expertise for learning partnerships. RCW 28A.410.260 and 28A.415.443;
 - (g) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, and emergency removals;
 - (h) Establish appeal and review procedures related to the administration of suspensions, expulsions, and emergency removals, consistent with WAC 392-400-430 through 392-400-530;
 - (i) Establish grievance procedures to address parents' or students' grievances related to the administration of discretionary and nondiscretionary discipline, including discipline that excludes a student from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;
 - (j) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;
 - (k) Provide for reengagement meetings and plans, consistent with WAC 392-400-710;
 - (l) Provide a process for students who have been suspended or expelled to petition for readmission; and
 - (m) Be consistent with the model policy developed under RCW 28A.345.090.
- (2) Development and review. A school district must develop and periodically review discretionary and nondiscretionary discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During

the development and review of discretionary and nondiscretionary discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

- (a) Monitor the impact of the school district's discipline policies, procedures, and practices; and
- (b) Update the school district's discretionary and nondiscretionary discipline policies and procedures to improve fairness and equity in the administration of discipline.
- (3) Distribution of policies and procedures. A school district must make discretionary and nondiscretionary discipline policies and procedures available to families and the community. The school district must annually provide the district's discretionary and nondiscretionary discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discretionary and nondiscretionary discipline policies and procedures.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-110, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-110, filed 7/30/18, effective 7/1/19.]

392-400-115

Completing academic requirements.

A school district may not:

- (1) Suspend the provision of educational services to a student in response to behavioral violations; or
- (2) Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

[Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-115, filed 5/31/19, effective 7/1/19.]

CLASSROOM EXCLUSIONS

392-400-330

Classroom and instructional or activity area exclusions—Conditions and limitations.

(1) Authority to administer classroom and instructional or activity area exclusions.

Discretionary discipline leading to a classroom exclusion as determined by the school district's written procedures per RCW 28A.600.010 must give the highest consideration to the judgment of qualified certificated educators regarding the conditions necessary to maintain the optimum learning experience.

(2) Conditions. A teacher may exclude a student from the teacher's individual classroom and instructional or activity area while the student is under the teacher's immediate supervision, subject to the requirements in RCW 28A.600.460. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. A classroom exclusion does not include actions that result in missed instruction when:

(a) A teacher or other school personnel uses evidence-based classroom management practices outlined in RCW 28A.410.270, 28A.405.100, and 28A.410.260 to support the student in meeting behavioral expectations; and

(b) The student remains under the supervision of the teacher or other school personnel consistent with RCW 28A.150.240.

(3) Duration.

(a) A classroom exclusion may be administered for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first.

(b) A classroom exclusion that exceeds this time period, and if such students have repeatedly disrupted the learning of other students, consistent with RCW 28A.600.460, may be considered a suspension in accordance with this chapter and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) Removal from school. A student may not be removed from school during a classroom exclusion unless the school district provides notice and due process for a suspension, expulsion, or emergency removal under this chapter.

(5) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school, as well as within each classroom.

(6) Assignments and tests. The school district must provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-330, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-330, filed 7/30/18, effective 8/31/18.]

392-400-335

Classroom exclusion—Notice and procedure.

School boards must ensure they have a policy that determines when a teacher or other school personnel shall report a classroom exclusion to a principal, principal designee, and parent. School district policies under this section must ensure:

(1) The teacher communicates and collaborates with students, families, and all educational partners in an ethical and professional manner to promote student learning. WAC 392-400-110.

(2) Regardless of how the notice is provided to the parents, guardians, or families (electronically, face-to-face), the school district must ensure that this notification is in a language that the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(3) When a classroom exclusion occurs, it must be recorded in a manner consistent with RCW 28A.600.460.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-335, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-335, filed 7/30/18, effective 8/31/18.]

392-400-430

Suspensions and expulsions—General conditions and limitations.

A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

(1) Parent involvement. A school district must:

(a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and

(b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

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

(3) Opportunity to receive educational services. A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

(4) Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

(5) Reentry. After suspending or expelling a student, a school district must:

(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

(b) Allow the student to petition for readmission at any time.

(6) Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.

(7) Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

(8) End date.

(a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.

(b) If a school 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:

(i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;

(ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or

(iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

[Statutory Authority: RCW 28A.600.015 and, 28A.600.020. WSR 19-12-050, § 392-400-430, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-430, filed 7/30/18, effective 7/1/19.]

392-400-435

Short-term and in-school suspensions—Additional conditions and limitations.

(1) Length of exclusion. A school district may not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

(2) Grade-level limitations.

(a) A school district may not administer a short-term or in-school suspension for a student in kindergarten through fourth grade for more than 10 cumulative school days during any academic term; and

(b) A school district may not administer a short-term or in-school suspension for a student in grades five through 12:

- (i) For more than 15 cumulative school days during any single semester; or
 - (ii) For more than 10 cumulative school days during any single trimester.
- (3) School personnel. When administering an in-school suspension, a school district 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 as required under WAC 392-400-610.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-435, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-435, filed 7/30/18, effective 7/1/19.]

392-400-440

Long-term suspensions and expulsions—Additional conditions and limitations.

- (1) Limitations on long-term suspensions and expulsions. A school district may only administer a long-term suspension or expulsion:
- (a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and
 - (b) After the school district has determined that, if the student returned to school before completing a long-term suspension or expulsion, the student would pose an imminent danger to students or school personnel.
- (2) Length of exclusion. Except as provided for under WAC 392-400-480:
- (a) A long-term suspension or expulsion may not exceed the length of an academic term.
 - (b) A school district may not administer a long-term suspension or expulsion beyond the school year in which the behavioral violation occurred.

(3) Grade-level limitations. Except for a violation of WAC 392-400-820, a school district may not administer a long-term suspension or expulsion for any student in kindergarten through fourth grade.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-440, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-440, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-440, filed 7/30/18, effective 7/1/19.]

392-400-450

Suspensions and expulsions—Initial hearing with student.

(1) Initial hearing. Before administering any suspension or expulsion, the principal or designee must conduct an informal initial 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 violation of the school district's discipline policy adopted under WAC 392-400-110;

(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 explanation regarding the behavioral violation.

(2) Parent participation.

(a) Short-term and in-school suspensions. At an initial hearing in which the principal or designee is considering administering a short-term or in-school suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.

(b) 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 parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.

(3) Administrative decision. Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

(4) Language assistance. The school district must ensure that the initial hearing is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-450, filed 7/30/18, effective 7/1/19.]

392-400-455

Suspensions and expulsions—Notice to student and parents.

(1) Initial notice. Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

(2) Written notice. No later than one school business day following the initial hearing with the student in WAC 392-400-450, a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC 392-400-110;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(c) An explanation of the district's decision to administer the suspension or expulsion;

(d) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610;

(e) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-460;

(f) The student's and parents' right to appeal the suspension or expulsion under WAC 392-400-465, 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 parents to participate in a reengagement meeting under WAC 392-400-710.

(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-455, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-455, filed 7/30/18, effective 7/1/19.]

392-400-460

Suspensions and expulsions—Optional conference with principal.

(1) Requesting a conference. If the student or parents disagree with the school district's decision to suspend or expel the student, the student or parents 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.

(2) Time limit. 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 parents.

(3) Conference. During the informal conference, the principal or designee must provide the student and parents the opportunity to:

(a) Share the student's perspective and explanation regarding the behavioral violation; and

(b) Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion.

(4) Language assistance. The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for

students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Right to appeal. An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion under WAC 392-400-465, participate in a reengagement meeting under WAC 392-400-710, or petition for readmission.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-460, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-460, filed 7/30/18, effective 7/1/19.]

392-400-465

Suspensions and expulsions—Appeal.

(1) Requesting an appeal. A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.

(2) Time limit. A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.

(3) Short-term and in-school suspensions.

(a) Appeal. The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

(b) Appeal decision. The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:

(i) The decision to affirm, reverse, or modify the suspension;

(ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;

(iii) The educational services the school district will offer to the student during the suspension under WAC 392-400-610; and

(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request.

(4) Long-term suspensions and expulsions.

(a) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

(i) The time, date, and location of the appeal hearing;

(ii) The name(s) of the official(s) presiding over the appeal;

(iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;

(iv) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;

(v) The student's and parents' rights under (f) of this subsection; and

(vi) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.

(b) Reengagement. Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

(c) Appeal hearing. The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.

(d) Presiding officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(e) Evidence and witnesses.

(i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing.

The school district, student, or parents 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.

(ii) Upon request, the student and parents may review the student's education records. The district 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.

(iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(A) The district made a reasonable effort to produce the witness; and

(B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(f) Student and parent rights. During the appeal hearing, the student and parents have the right to:

(i) Be represented by legal counsel;

(ii) Question witnesses;

(iii) Share the student's perspective and provide explanation regarding the behavioral violation; and

(iv) Introduce relevant documentary, physical, or testimonial evidence.

(g) Recording of hearing. The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(h) Appeal decision. The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:

(i) The findings of fact;

(ii) A determination whether:

(A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;

(B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and

(C) The suspension or expulsion is affirmed, reversed, or modified;

(iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and

(v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710 and the contact information for the person who will coordinate scheduling of the reengagement meeting.

(5) Language assistance. The school district must ensure that the notice, appeal proceedings, and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(6) Pending appeal. If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:

(a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC 392-400-450 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;

(c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

[Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-465, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-465, filed 7/30/18, effective 7/1/19.]

392-400-470

Suspensions and expulsions—Review and reconsideration.

(1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-465. The student or parents may request the review orally or in writing.

(2) Time limit. A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than ten school business days from the date the school district provides the written appeal decision to the student and parents under WAC 392-400-465.

(3) Review procedure.

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal under WAC 392-400-465, relevant state law, and the school district's discipline policy adopted under WAC 392-400-110.

(b) The school board or 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.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision under WAC 392-400-465. If the discipline appeal council presided over the appeal under WAC 392-400-465, the decision must be made by the school board.

(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms, reverses, or modifies 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 suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-470, filed 7/30/18, effective 7/1/19.]

392-400-475

Discipline appeal council.

A school board may designate a discipline appeal council to hear and decide appeals under WAC 392-400-465 or to review and reconsider the district's appeal decisions under WAC 392-400-470. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of the discipline appeal council must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-475, filed 7/30/18, effective 7/1/19.]

392-400-480

Petition to extend expulsion.

(1) Petition. When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the school 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.

(2) Time limit. The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820, the principal or designee may petition to extend an expulsion at any time.

(3) Notice. The school district must provide written notice of the petition to the student and parents 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 parents' right to an informal conference with the school district superintendent or designee to be held within five school business days from the date the district provided written notice to the student and parents; and
- (c) The student's and parents' right to respond to the petition orally or in writing to the school district superintendent or designee within five school business days from the date the district provided written notice.

(4) Written decision. The school 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 of placement after the length of an academic term, the student would pose a risk to public health or safety. The school district superintendent or designee must deliver a written decision to the principal, the student, and the student's parents in person, by mail, or by email within ten school business days after receiving the petition.

(a) If the petition is granted, the written decision must include:

- (i) The date on which the extended expulsion will end;

- (ii) The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
 - (iii) Notice of the student's or parents' right to request review and reconsideration of the appeal decision under subsection (5) of this section, including where and to whom to make the request.
- (b) If the petition is not granted, the written decision must identify the date on which the expulsion will end.
- (5) Review and reconsideration.
- (a) Requesting review. The students or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing.
- (b) Time limit. A school district may establish a time limit for parents and students to request a review under this subsection. The time limit must be no less than ten school business days from the date the school district superintendent or designee provides the written decision under subsection (4) of this section.
- (c) Review procedure.
- (i) The school board or discipline appeal council may request to meet with the student or parents or the principal to hear further arguments and gather additional information.
- (ii) The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision under WAC 392-400-465.
- (d) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:
- (i) Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
 - (ii) The date on which the extended expulsion will end.
- (6) Duration. Any extension of an expulsion may not exceed the length of an academic term.

(7) Language assistance. The school district must ensure that any petition proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(8) Annual reporting. The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-480, filed 7/30/18, effective 7/1/19.]

392-400-510

Emergency removals—Conditions and limitations.

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

(1) Sufficient cause. The school district 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.

(2) Determination of immediate and continuing threat of disruption. For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:

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.

(3) Time limit. An emergency removal may not exceed 10 consecutive school days. An emergency removal must end or be converted to another form of discipline within 10 school days from the start of the emergency removal.

(4) Conversion. If a school district converts an emergency removal to a suspension or expulsion, the district 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 parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Reporting. All emergency removals, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within 24 hours after the start of the emergency removal.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-510, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-510, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-510, filed 7/30/18, effective 7/1/19.]

392-400-515

Emergency removals—Notice to student and parents.

(1) Initial notice. After an emergency removal, the school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district 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.

(2) Written notice. Within 24 hours after an emergency removal, a school district must provide written notice of the emergency removal to the student and parents in person, by mail, or by email. The written notice must include:

(a) The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses 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 under WAC 392-400-610;

(d) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-520; and

(e) The student's and parents' right to appeal the emergency removal under WAC 392-400-525, including where and to whom the appeal must be requested.

(3) Language assistance. The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-515, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-515, filed 7/30/18, effective 7/1/19.]

392-400-520

Emergency removals—Optional conference with principal.

(1) Requesting a conference. If a student or the parents disagree with the school district's decision to administer an emergency removal, the student or parents 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.

(2) Time limit. 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 parents.

(3) Conference. During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency removal.

(4) Language assistance. The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Right to appeal. An informal conference must not limit a student's or parents' right to appeal the emergency removal under WAC 392-400-525.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-520, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-520, filed 7/30/18, effective 7/1/19.]

392-400-525

Emergency removals—Appeal.

- (1) Requesting an appeal. A student or the parents may appeal an emergency removal to the school district superintendent or designee orally or in writing.
- (2) Time limit. A school district may establish a time limit to appeal an emergency removal. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency removal.
- (3) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
 - (a) The time, date, and location of the appeal hearing;
 - (b) The name(s) of the official(s) presiding over the appeal;
 - (c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;
 - (d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and
 - (e) The student's and parents' rights under subsection (7) of this section.
- (4) Appeal hearing. The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.
- (5) Presiding official(s). The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and

decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency remove the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(6) Evidence and witnesses.

(a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents 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.

(b) Upon request, the student and parents may review the student's education records. The school district 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.

(c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(i) The district made a reasonable effort to produce the witness; and

(ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(7) Student and parent rights. The student and parents have the right to:

(a) Be represented by legal counsel;

(b) Question witnesses;

(c) Share the student's perspective and provide explanation regarding the events that led to the emergency removal; and

(d) Introduce relevant documentary, physical, or testimonial evidence.

(8) Recording of hearing. The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(9) Appeal decision. The school district must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:

- (a) The findings of fact;
- (b) A determination whether the student's presence continues to pose:
 - (i) An immediate and continuing danger to students or school personnel; or
 - (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
- (c) Whether the school district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the school district converts the emergency removal to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480; and
- (d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.
- (10) Language assistance. The school district must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-525, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-525, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-525, filed 7/30/18, effective 7/1/19.]

392-400-530

Emergency removals—Review and reconsideration.

- (1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.
- (2) Time limit. A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school

business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.

(3) Review procedure.

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency removal, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.

(b) The school board or 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.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency removal, the decision to emergency remove the student, or the appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the decision must be made by the school board.

(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:

(i) An immediate and continuing danger to students or school personnel; or

(ii) An immediate and continuing threat of material and substantial disruption of the educational process.

(b) If the emergency removal has not yet ended or been converted, whether the school district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the school district converts the emergency removal to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-530, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-530, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-530, filed 7/30/18, effective 7/1/19.]

EDUCATIONAL SERVICES

392-400-610

Educational services during suspension, expulsion, or emergency removal.

(1) Educational services.

(a) A school district may not suspend the provision of educational services to a student in response to behavioral violations.

(b) During the suspension, expulsion, or emergency removal of a student, a school district must provide the student the opportunity to receive educational services. The educational services must enable the student to:

(i) Continue to participate in the general education curriculum;

(ii) Meet the educational standards established within the district; and

(iii) Complete subject, grade-level, and graduation requirements.

(c) When providing a student the opportunity to receive educational services under this section, the school district must consider:

(i) Meaningful input from the student, parents, and the student's teachers;

(ii) Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and

(iii) Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

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

(2) Notice. As soon as reasonably possible after administering a suspension or expulsion, a school district must provide written notice to the student and parents about the educational services the district will provide. The school district 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 as required under this section.

(3) Exclusions for up to five days. For students subject to suspension or emergency removal for up to five consecutive school days, a school district 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.

(4) Exclusions for six to 10 days. For students subject to suspension or emergency removal for six to 10 consecutive school days, a school district 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 parents within three 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, parents, and the student's teacher(s) about the student's academic progress.

(c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency removal.

(5) Long-term suspensions and expulsions. For students subject to expulsion or suspension for more than 10 consecutive school days, a school district must provide educational services in accordance with WAC 392-121-107.

(6) Language assistance. The school district must ensure that notices and communications required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-610, filed 6/10/25, effective 7/11/25. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-610, filed 7/30/18, effective 8/31/18.]

REENGAGEMENT

392-400-710

Student reengagement after long-term suspension or expulsion.

(1) Reengagement meeting. When a school district administers a long-term suspension or expulsion, the district must convene a reengagement meeting with the student and parents to discuss a plan to reengage the student. Before convening a reengagement meeting, a school district must communicate with the student and parents to schedule the meeting time and location. The reengagement meeting must occur:

(a) Within twenty calendar days of the start of the student's long-term suspension or expulsion, but no later than five calendar days before the student returns to school; or

(b) As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

(2) Reengagement plan. The school district must collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to

the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district must consider:

(a) The nature and circumstances of the incident that led to the student's suspension or expulsion;

(b) As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;

(c) Shortening the length of time that 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, parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

(3) Documentation. The school district must document the reengagement plan and provide a copy of the plan to the student and parents.

(4) Language assistance. The school district must ensure that the reengagement meeting and plan are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Student and parent rights. Reengagement meetings do not replace an appeal hearing under WAC 392-400-465 or a petition for readmission.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-710, filed 7/30/18, effective 8/31/18.]

ADDITIONAL DUE PROCESS PROTECTIONS

392-400-805

Fundamental rights.

When administering discipline under this chapter, the school district must not:

(1) Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;

(2) Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;

(3) Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;

(4) Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or

(5) Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by a school district without due process of law.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-805, filed 7/30/18, effective 8/31/18.]

392-400-810

Exceptions for the purpose of protecting victims.

In accordance with RCW 28A.600.460, a school district 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:

(1) 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;

(2) 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.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-810, filed 7/30/18, effective 8/31/18.]

392-400-815

Behavior agreements.

(1) General. A school district may enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance.

(2) Policies and procedures. A school district entering into behavior agreements under this section must adopt written policies and procedures authorizing the agreements.

(3) Reengagement meetings and educational services. A school district must ensure that a behavior agreement does not waive a student's opportunity to participate in a reengagement meeting under WAC 392-400-710, or receive educational services as provided under WAC 392-400-610.

(4) Duration. The duration of behavior agreements must not exceed the length of an academic term.

(5) Subsequent behavioral violations. Nothing in this section precludes a school district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.

(6) Language assistance. The school district must ensure any behavior agreement under this section is provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-815, filed 7/30/18, effective 8/31/18.]

392-400-820

Firearm exceptions.

As provided under RCW 28A.600.420:

- (1) A school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The school district superintendent may modify the expulsion on a case-by-case basis.
- (2) A school district may suspend or expel a student for up to one year if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.
- (3) This section does not apply to:
 - (a) Any student while engaged in military education authorized by the school district in which rifles are used;
 - (b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the school district in which the rifles of collectors or instructors are handled or displayed; or
 - (c) Any student while participating in a rifle competition authorized by the school district.

392-400-825

Corporal punishment, restraint, and isolation.

(1) Corporal punishment. A school district may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school personnel or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;

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

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

(2) Restraint and isolation. A school district may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-825, filed 7/30/18, effective 8/31/18.]

392-400-830

School meals.

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

SAMPLE SCHOOL POLICY

Spokane Public Schools

2026

Student Behavior, Rules of Conduct, Restorative Practices and Discipline

I. Student Behaviors and Rules of Conduct

A. Responsible, Respectful and Safe Student Behaviors

The board believes that responsible, respectful, and safe student behaviors are positively associated with learning. The two main goals in dealing with student behavior are thus to: (1) develop and maintain a school environment where students and staff are responsible, respectful, and safe; and (2) help students behave in ways that contribute to academic achievement and school success.

The board believes that a responsible, respectful, and safe environment along with achievement and success are strengthened when:

- School staff build positive relationships with students, actively engaged in each student's learning, and hold students to high expectations;
- School staff actively engage students in learning and use consistent and effective classroom procedures;
- The school and district climate align with the classroom;
- Students are provided clear rules of conduct;
- Effective restorative practices are used to prevent and respond to misbehavior; and
- Effective discipline is used after misbehavior occurs.

The board also believes that positive and preventative behavioral systems, such as Positive Behavioral Interventions & Supports (PBIS) or social emotional learning are valuable methods to affirmatively teach students behavioral expectations, recognize positive behavior, and provide additional supports or interventions for students who struggle to meet those expectations." In addition, the Board believes in providing staff with ongoing training related to establishing a positive and inclusive school culture. This includes topics related to cultural responsiveness, trauma sensitivity, response to interventions models, and supporting students with special needs.

B. Rules of Conduct

When developing and applying rules of conduct, the board believes it is important to balance the needs of students, the needs of those affected by the behavior, and the needs of the overall school community.

The board requires that all students who attend the district's schools comply with written rules of conduct set forth in the Procedure that accompanies this Policy and in the written student handbooks adopted by each school. Rules of conduct are applicable:

- During any school activity conducted on or off campus whether such activity is during the school day; and
- To student actions off school grounds that materially and negatively affect or interfere with the educational process (including but not limited to actions while

engaged in district sanctioned transportation).

II. Restorative Practices and Discipline

As described in more detail below, the district uses restorative practices and/or discipline to address student behavior issues. The vast majority of student behavior issues should be addressed at the classroom level by teachers. Behaviors that cannot be addressed at this level should receive more intensive interventions. Staff are responsible for using those intensive interventions in a fair, consistent and non-discriminatory manner.

The standard approach to student behavior is to utilize restorative practices and seek to ensure that students remain connected to the learning environment and school community. Specific circumstances involving student behavior issues may require additional support in the form of discipline. Discipline, defined in the following sections, include suspension, expulsion or emergency expulsion, classroom exclusion, and other forms of discipline (i.e., actions taken in response to behavioral violations other than suspension, expulsion or emergency expulsion, or classroom exclusion.) The board believes in applying restorative practices, and when needed, the lowest level of discipline necessary to improve student behaviors and maintain a productive learning environment. This progression of support fosters a positive school and community atmosphere and nurtures an environment for all students to grow as productive citizens.

In that light, restorative practices and discipline will be used without discrimination against racial, ethnic, and other culturally diverse populations, to include religion, ancestry, gender, socioeconomic status, sexual orientation, including gender expression or identity, mental or physical disability or other distinguishing characteristics. The district serves a diverse community. To serve all students and to prepare them to be members of an increasingly diverse community, school and staff must attempt to build an environment which supports cultural awareness and understanding, including the elimination of institutional racism and other discrimination that present barriers to success.

The district will annually review data on discipline taken against students within each school disaggregated by sex, race, limited English proficiency and disability, including students protected by the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. The review must include short-term suspensions, long-term suspensions, expulsions, and emergency expulsions. In reviewing the data, the district will determine whether it has disciplined a disproportionate number of students within any of the disaggregated categories. If disproportionality is found, the district will take action to ensure that it is not the result of discrimination.

A. Restorative Practices

Restorative Practices are based on principles that emphasize the importance of positive relationships as central to building community and involve processes that restore relationships when harm has occurred. When broadly and consistently implemented, restorative approaches proactively build a school community based on cooperation, mutual understanding, trust, and respect as well as promote and strengthen positive school culture and enhance pro-social relationships within the school community.

With restorative practices, all members of the school community share the responsibility of building and sustaining a positive school environment based on strong relationships and recognizes their role as a positive contributing member of the school community.

Restorative practices promote building respectful and trusting relationships as the foundation for teaching and learning while providing meaningful opportunities for students to develop self-discipline and positive behaviors in a caring, supportive environment.

A restorative approach sees conflict or misbehavior as an opportunity for students to learn about the consequences of their actions, to develop empathy with others, and experience how to make amends in such a way as to strengthen the community bonds that may have been damaged. It views conflict primarily through the lens of the harm caused to people and relationships and emphasizes the priority to meet the needs of those affected by this harm.

The board believes in the use of restorative practices. Restorative practices are actions expected to be used by students who engage in misconduct, the student's parent/guardian, or other impacted members of the school community to:

- Understand the harm caused by the misconduct;
- Identify and respond to the needs of the person harmed and the person who caused harm;
- Encourage accountability and responsibility to the school community;
- Reintegrate the student who caused harm in the school community;
- Foster rich learning opportunities;
- Build trust, respect, and relationships;
- Establish mutual understanding;
- Strengthen school culture;
- Increase parent partnerships; and
- Promote equitable input from all stakeholders.

There are a wide variety of Restorative Practices. Examples of Restorative Practices may include, but are not limited to:

- Relationship building;
- Affective statements;
- Restorative conferences;
- Community building circles;
- Restorative dialogues/making agreements;
- Apologies;
- Repairing harm circles;
- Mediation; and/or
- Restitution.

There are five categories of Discipline, each is discussed in detail in the Procedure:

- Other Forms of Discipline (i.e., Discipline other than Classroom Exclusion, Suspension, Expulsion, or Emergency Expulsion);
- Classroom Exclusion;
- Suspension (in-school, short-term, and long-term);
- Expulsion; and
- Emergency Expulsion.

Restorative practices should be considered in all circumstances and could take the form of: (a) alternatives to or interventions in lieu of discipline; and/or (b) supplemental action taken along with discipline.

Use of restorative practices is a collaborative process and is based on the willingness of participation by the individual(s). Thus, the use of restorative practices is not subject to

the appeal process.

B. Discipline

The Board believes in the use of discipline as a form of intensive intervention.

Discipline takes the form of:

- Other Forms of Discipline (i.e., Discipline other than Classroom Exclusion, Suspension, Expulsion, or Emergency Expulsion);
- Classroom exclusion
- Suspension;
- Expulsion; and
- Emergency expulsion.

Discipline must be reasonable and fair under the circumstances. It must also reflect the Board's priority to maintain a safe and positive learning environment for all students and staff. The board also recognizes that student threat assessments may assist the district in addressing student behavior violations and maintaining a safe and positive environment for all students and staff. Accordingly, the board hereby authorizes district personnel or contractors to conduct threat assessments as a part of the disciplinary process as appropriate.

1. Other forms of Discipline

As a rule, the district will attempt or consider imposing other forms of discipline before administering a classroom exclusion, suspension, expulsion, or emergency expulsion. Other forms of discipline may include, but are not limited to:

- Verbal or written warnings;
- Lunch detention;
- Mediation;
- After-school detention; and/or
- Saturday school.

Students and/or their parents/guardians will be provided a grievance procedure for addressing imposition of other forms of discipline.

2. Classroom exclusions

A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements of [procedure 3240](#). The board hereby also authorizes the building principal or designee to exclude a student from a classroom or instructional or activity area for behavioral violations of [procedure 3240](#).

3. Suspensions

Suspensions are in-school or short-term (both of which are not more than ten days), or long-term (more than ten days and up to 90 days) and involve a denial of attendance from one or more subjects or classes.

Violations of the Rules of Conduct can generate either:

- Discretionary discipline or
- Non-discretionary discipline.

Those terms are defined in the Procedure.

For discretionary discipline offenses, the following applies:

- Students may never be long-term suspended or expelled.
- In addition, students may be short-term suspended only after another form of discipline was attempted to help the student in meeting behavioral expectations.

For non-discretionary discipline offenses, the following applies:

- The student may be immediately suspended, either short-term or long-term regardless of whether another form of discipline has been imposed. However, other forms of discipline will be considered before long-term suspending a student.
- Additionally, prior to imposing discipline when a student engages in such an offense, a school administrator should consider:
 - Restorative practices;
 - Alternative actions and settings; and
 - Individual Factors.

For short-term and long-term suspensions, school officials and hearing officers may reduce or overturn suspensions in cases involving extenuating or exceptional circumstances.

Non-discretionary discipline offenses have been set forth by the legislature and are also set forth in the Rules of Conduct accompanying this, Policy.

Short-term suspended students and/or their parents/guardians will be provided a grievance procedure for addressing imposition of the suspension. See the Procedure accompanying this Policy for more detailed provisions regarding short-term suspensions.

No student will be long-term suspended for longer than the length of an academic term, which is defined by the school board as ninety school days.

Long-term suspended students and/or their parents/guardians will be provided a pre-hearing and hearing process for addressing the imposition of the suspension. See the Procedure accompanying this Policy for more detailed provisions regarding suspensions.

The district will assist long-term suspended students in returning to school by providing them with a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension.

4. Expulsions

a. Non-Emergency Expulsions

Non-emergency expulsions are denials of attendance from school for a defined period not to exceed the length of an academic term, which is defined by the school board as ninety school days (unless a longer period is warranted based on public health or safety and is authorized after petition to the superintendent).

No student shall be expelled unless:

- The district has considered other forms of discipline to support the student in meeting behavioral expectations, and
- After the school district 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.

The district will assist expelled suspended students in returning to school by providing them with a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's expulsion.

b. Emergency Expulsions

Emergency expulsions are a denial of attendance for up to, but not exceeding, ten (10) consecutive school days. An emergency expulsion requires: (a) good and sufficient reason to believe that a student's presence poses an immediate and continuing danger to other students or school staff; or (b) an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of discipline within ten (10) school days from the date of the emergency removal from school.

c. Pre-hearing and Hearing Processes

Expelled students and/or their parents/guardians will be provided a pre-hearing and hearing process for addressing the imposition of the expulsion. See the Procedure accompanying this policy for more detailed provisions regarding expulsions.

III. Procedures and Handbooks

The superintendent will establish procedures necessary to implement this policy. The superintendent/designee will develop and make available to all students, their parents, and staff, handbooks pertaining to student rights, conduct, and discipline. The superintendent/designee will also annually disseminate the discipline policies and procedures to students, families, and the community. The school principal and certificated employees in each school building will confer at least annually to develop and/or review: (1) building disciplinary standards; (2) uniform enforcement of those standards as related to the established student handbooks; and (3) notices required by the Drug-Free Schools and Communities Act (Amendments of 1989).

In consultation with school district staff, students, families, and the community, the district will periodically review and update its discipline rules, policies, and procedures. The district will also use disaggregated data collected pursuant to [RCW 28A.300.042](#) to monitor the impact of the school district's discipline policies and procedures. This data will be disaggregated into subgroups as required by [RCW 28A.300.042](#).

The district will strive to provide the trainings developed by the Office of the Superintendent of Public Instruction pursuant to [RCW 28A.415](#) to all school and district staff interacting with students, including instructional staff and non-instructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.

Cross References:

[Policy 2121](#)
[Policy 2161](#)
[Policy 2162](#)

[Policy 3122](#)
[Policy 3210](#)
[Policy 3244](#)
[Policy 3520](#)
[Policy 4210](#)

Legal References:

[RCW 28A.210.310](#)
[RCW 28A.320.128](#)

[RCW 9A.16.100](#)
[RCW 9.41.280](#)

[RCW 28A.150.240](#)

[RCW 28A.225.020](#)
[RCW 28A.225.030](#)

[RCW 28A.400.100](#)

[RCW 28A.400.110](#)

[Chapter 28A.600RCW](#)
[34 CFR Part 100.3](#)

[WAC 392-190-048](#)
[Chapter 392-400 WAC](#)
[RCW 28A.635.060](#)

[RCW 28A.635.090](#)
[RCW 28A.635.100](#)

[RCW 4.24.190](#)

[RCW 9.41](#)
[RCW 9.91.160](#)

Substance Abuse Program
Special Education and Related Services for Eligible Student
Education of Students with Disabilities under Section
504 of the Rehabilitation Act of 1973
Excused and Unexcused Absences
Nondiscrimination
Prohibition of Corporal Punishment
Student Fees, Fines or Charges
Regulation of Dangerous Weapons on School Premises

Prohibition on use of tobacco products on school property
Notice and disclosure policies - Threats of violence - Student
conduct - Immunity for good faith notice - Penalty
Use of force on children - Policy - Actions presumed unreasonable
Possessing dangerous weapons on school facilities - Penalty -
Exceptions
Certificated teaching and administrative staff as accountable for
classroom teaching - Scope - Responsibilities - Penalty
School's duties upon child's failure to attend school
Petition to juvenile court for violations by a parent or child - School
district responsibilities
Principals and vice principals - Employment of - Qualifications -
Duties
Principal to assure appropriate student discipline - Building
discipline standards - Classes to improve classroom management
skills
Students
Regulations implementing Civil Rights Act of 1964 42 U.S.C.
2000d et seq. Civil Rights Act of 1964
Access to course offerings - Student discipline
Student Discipline
Defacing or injuring school property - Liability of pupil, parent, or
guardian - Withholding grades, diploma, or transcripts - Suspension
and restitution - Voluntary work program as alternative - Rights
protected
Interference by force or violence – Penalty
Intimidating any administrator, teacher, classified employee, or
student by threat of force or violence unlawful - Penalty
Action against parent for willful injury to property by minor -
Monetary limitation - Common law liability preserved
Firearms and dangerous weapons
Personal protection spray devices

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11/18/2015
08/24/2016
04/10/2019
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Superintendent: Dr. Shelley K. Redinger

**Student Behavior, Rules of Conduct,
Restorative Practices, and Discipline**

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PROCEDURE

A. Introduction

This Procedure implements the Board's Policy of focusing on responsible, respectful, and safe student behavior. The Procedure describes how the district tries to balance the needs of students who violate Rules of Conduct, the needs of those affected by such behavior, and the needs of the overall school community. Such balancing is based on the requirement in [RCW 28A.600.020\(1\)](#) that student discipline rules be "interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere."

This Procedure addresses Rules of Conduct. It also provides that individual schools may have their own Rules of Conduct, which are adopted by the School Board and incorporated here. Students who violate the Rules of Conduct may be subject to Restorative Practices and/or Discipline.

The school district will ensure that all communications (whether oral or written), hearings, recordings, and records are provided in a language the student and Parent understand, which may require language assistance for a student and Parent with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

There are a wide variety of Restorative Practices. Examples of Restorative Practices may include, but are not limited to:

- Relationship building;
- Affective statements;
- Restorative conferences;
- Community building circles;
- Restorative dialogues/making agreements;
- Apologies;
- Repairing harm circles;
- Mediation; and/or
- Restitution

There are five categories of Discipline, each is discussed in detail in this Procedure:

- Other Forms of Discipline (i.e., Discipline other than Classroom Exclusion, Suspension, Expulsion, or Emergency Expulsion);
- Classroom Exclusion;
- Suspension (in-school, short-term, and long-term);
- Expulsion; and
- Emergency Expulsion.

Students, and their Parent, are entitled to certain procedural and substantive due process rights when they receive Discipline. Those rights vary depending on the type of Discipline imposed, and they are described more fully in this Procedure. The use of Restorative Practices is a collaborative process and is based on the willingness of participation by the individual(s). Thus, the use of Restorative Practices is not subject to the appeal process.

This Procedure also classifies Behavioral Violations in terms of seriousness. Behavioral Violations of certain less serious rules will result in "Discretionary Discipline." For Behavioral Violations of those rules, Long-Term Suspension and Expulsion are not permitted. Behavioral Violations of other more serious rules will result in "Non-Discretionary Discipline." For those violations, Suspensions and Expulsions are allowed even if other forms of Discipline may not have previously been imposed.

B. Definitions

1. **Behavioral Violation** means a student's behavior that violates the school district's discipline policy or Rules of Conduct.
2. **Classroom Exclusion** means the exclusion of a student from a classroom or instructional or activity area for Behavioral Violations, subject to the requirements outlined in this Procedure. Classroom Exclusion does not include actions that result in missed instruction for a brief duration when: (a) teacher or other school personnel attempts 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.
3. **Culturally Responsive** includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and Parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.
4. **Discipline** means any action taken by the school district in response to Behavioral Violations.
5. **Discretionary Discipline** means Discipline imposed by a school district official for student behavior that violates Rules of Conduct. Discretionary Discipline does not include Discipline taken in response to the violations and offenses listed under Non-Discretionary Discipline. No student may be Long-Term Suspended or Expelled for Discretionary Discipline offenses.
6. **Disruption of the Educational Process** means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.
7. **Emergency Expulsion** means 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.
8. **Expulsion** means a denial of admission to the student's current school placement in response to a Behavioral Violation.
9. **Length of an Academic Term** means ninety (90) school days from the time the student is removed from their current school placement.
10. **Non-Discretionary Discipline** means Discipline imposed by a school district official when a student engages in any of the following:
 - I. A violation of [RCW 28A.600.420](#) (Student bringing firearm onto school property);
 - II. An offense in [RCW 13.04.155](#) (violent offense, sex offense, inhaling of toxic fumes, controlled substance or liquor violation, general firearm offenses, assault, kidnapping, harassment, or arson);
 - III. Two or more violations of [RCW 9A.46.120](#) (Criminal gang intimidation); [RCW 9.41.280](#) (Dangerous weapon on school grounds); [RCW 28A.600.455](#) (Gang activity on school

grounds); [RCW 28A.635.020](#) (Refusal to comply with order to leave school grounds); or [RCW 28A.635.060](#) (Defacing school property) within a three-year period; or

IV. Behavior that adversely impacts the health or safety of other students or educational staff.

11. Other Forms of Discipline means actions used in response to Behavioral Violations, other than Classroom Exclusion, Suspension, Expulsion, or Emergency Expulsion, which may involve the use of best practices and strategies included in the state menu for behavior.

12. Parent includes both the singular (parent) and the plural (parents), and means:

I. A biological or adoptive parent of a child;

II. A foster parent;

III. A guardian authorized to act as the child's parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state;

IV. An individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare;

V. A surrogate parent who has been appointed in accordance with [WAC 392-172A-05130](#).

VI. Or any of the situations described in [WAC 392-172A-01125\(2-3\)](#).

13. Restorative Practices means practices based on principles that emphasize the importance of positive relationships as central to building community and involve processes that restore relationships when harm has occurred.

14. Rules of Conduct are behavior rules adopted by the School Board and individual schools intended to: (1) maintain a school environment where students are responsible, respectful, and safe; and (2) help students behave in ways that contribute to academic achievement and school success. Rules of Conduct are applicable:

I. During any school activity conducted on or off campus whether such activity is during the school Day; and

II. To student actions off school grounds that materially, substantially, and negatively affect or interfere with the educational process (including but not limited to actions while engaged in district sanctioned transportation).

15. School Business Day means any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the superintendent is open to the public for business. A School Business Day concludes upon the closure of the superintendent's office for the calendar day.

16. School Board means the governing board of directors of the school district.

17. School Day means any day or partial day that students attend school for instructional purposes.

- 18. Suspension** means a denial of attendance in response to a Behavioral Violation from any subject or class, or from any full schedule of subjects or classes, but not including Classroom Exclusions, Expulsions, or Emergency Expulsions.
- I. **In-school Suspension** means 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.
 - II. **Short-term Suspension** means a Suspension in which a student is excluded from school for up to ten (10) consecutive School Days.
 - III. **Long-term Suspension** means a Suspension in which a student is excluded from school for more than ten (10) consecutive School Days.

C. General Concepts Applicable to Restorative Practices and Discipline

1. **Restorative Practices.** When broadly and consistently implemented, restorative practices proactively build a school community based on cooperation, mutual understanding, trust, and respect as well as promote and strengthen positive school culture and enhance pro-social relationships within the school community. Restorative practices are based on the willing participation of the individual and support from the district.

With restorative practices, all members of the school community share the responsibility of building and sustaining a positive school environment based on strong relationships and recognizes their role as a positive contributing member of the school community.

Restorative practices promote building respectful and trusting relationships as the foundation for teaching and learning while providing meaningful opportunities for students to develop self-discipline and positive behaviors in a caring, supportive environment.

A restorative approach sees conflict or misbehavior as an opportunity for students to learn about the consequences of their actions, to develop empathy with others, and experience how to make amends in such a way as to strengthen the community bonds that may have been damaged. It views conflict primarily through the lens of the harm caused to people and relationships and emphasizes the priority to meet the needs of those affected by this harm.

Restorative practices are expected when considering the imposition of discipline, including exclusionary action. Examples of restorative practices may include, but are not limited to, mediation, apologies, relationship building, affective statements, community building circles, restorative dialogues/making agreements, repairing harm circles, restorative conferences. Restorative practices could take the form of: (a) alternatives to or interventions in lieu of discipline; and/or (b) supplemental action taken along with other discipline.

Restorative practices are a collaborative process and are neither required nor appropriate in every student misconduct situation.

Restorative practices are not to be used in lieu of Long-Term Suspension or Expulsion or for Non-Discretionary discipline. Restorative practices may, however, be used in conjunction with such action.

2. **Discipline.** School personnel will make every reasonable attempt to involve parent and students in the resolution of behavioral violations for which discipline may be administered.

The district will not suspend the provision of educational services to a student as discipline.

A student may be excluded from a particular classroom or instructional or activity area during discipline. However, the district will provide an opportunity for a student to receive educational services while the discipline is imposed.

- 3. Personnel Responsible.** The following district personnel are charged with creating restorative practices and imposing discipline: All adults, including contractors and volunteers, authorized, or designated by law, the school board, teachers, and building/program administrators who supervise student activities.
- 4. Alternative Settings and Modification of Discipline.** Nothing in this procedure prevents the district from providing educational services to a student in an alternative setting or modifying discipline on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Examples of alternative settings include alternative high schools, administrative transfers pursuant to [Policy](#) and [Procedure 3131](#), one-on-one tutoring, and online learning.
- 5. Individual Factors.** When determining restorative practices or discipline, the district should consider the behavior and the circumstances surrounding the behavior. Examples of individual factors to consider include, but are not limited to:
 - Mental illness or undiagnosed disabilities;
 - Appropriateness of the student's placement or setting;
 - Whether the student is or has been a victim of bullying behaviors or classroom environments;
 - Family situations such as involvement in foster care, domestic violence, homelessness, poverty, recent death of a loved one, or immigration status;
 - Substance abuse or addiction;
 - The student's disciplinary history;
 - The student's age and ability to understand consequences;
 - The student's expression of remorse or any subsequent remedial steps;
 - Whether the student was acting in self-defense;
 - Whether there was any effort to address the student's behavior using positive, preventive methods prior to the incident at issue;
 - The egregiousness of the student's conduct and whether it placed students or staff at serious risk of emotional or physical harm;
 - Whether other interventions, such as positive behavior supports and restorative practices, can address the behavior at issue while enabling the student to remain in school, and whether such interventions have been tried before with this student;
 - Any other relevant circumstances, including whether the student should have been identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973;
 - Admitted or self-reported conduct;
 - If the student is honest and/or willing to be forthcoming before, during, or after the district's investigation;
 - Restitution to district or victim of misconduct;
 - Student's intent or motivation;
 - Severity of the violation (e.g., possession of a large amount of illicit drugs or of more harmful/addictive drugs versus possession of a small amount of drugs or less harmful/addictive drugs);
 - If intent existed to use, consume, or distribute a prohibited substance on school grounds, district-provided transportation, or at school activities;

- If the student attempted to solicit, involve, or incite others to engage in prohibited behavior;
- For weapons violations, the student offers credible evidence that he or she had the weapon for legitimate purposes away from school and unintentionally brought the weapon to school;
- Conduct is motivated by actual or perceived gang rivalry or affiliation;
- Prior assault(s), threat(s), harassment, or bullying by the student against the same victim;
- Significant damage or impact in cost or extent;
- Conduct is motivated by or involves disrespect toward perceived race, color, national origin, gender, sexual orientation, gender expression, disability, protected status, or any similar actual or perceived characteristic of a victim or victims;
- Evidence of sophistication, preplanning, or premediated conduct;
- Lewd, obscene, or profane language or conduct related to the violation;
- Retaliation toward participants in investigation;
- If the misconduct involved possession of a “weapon,” as defined under school policy, whether the “weapon” in question was brandished or employed as a weapon or in an otherwise threatening fashion.

Not all individual factors will exist in any certain situation and nothing in this Procedure is intended to or shall require the consideration of any factor.

- 6. Referral for Criminal Prosecution.** The district is committed to providing a safe and productive learning environment. A standardized approach has been developed to deal with students who engage in school-based misconduct that is also a misdemeanor or gross misdemeanor offense. Guidelines for Campus Resource Officers have been developed to align practices in response to what criminal offenses result in an arrest by referral or custodial arrest.
- 7. Fundamental Rights.** When administering discipline under this procedure, the school district will not:
- I. Unlawfully discriminate against a student based on sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;
 - II. Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;
 - III. Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;
 - IV. Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or
 - V. Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by the school district without due process of law.
- 8. Language Assistance.** As noted in the Introduction to this procedure, the school district will ensure that all communications (whether oral or written), hearings, recordings, and records

are provided in a language the student and parent understand, which may require language assistance for a student and parent with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

D. Specific Rules of Conduct and Standard Range of Action for Behavioral Violations

- 1. Specific Rules of Conduct:** Rules of Conduct are described in the separate Rules of Conduct document. Principal or designee shall confer with certificated staff at least once per year to develop and/or review Rules of Conduct to be used in each school.

In addition to the Rules of Conduct referenced above, principal or designee will also annually publish and make available to students, parents and staff Rules of Conduct for their individual schools, and written procedures for administering restorative practices or discipline. Pursuant to the Drug-Free Schools and Communities Act (Amendments of 1989), students and parents will be given annual notice of the standard of conduct the district requires regarding controlled substance and alcohol use, and a statement of the discipline for violations of that standard.

- 2. Range of Action and Use of Professional Judgment:** For violations of each rule of conduct listed in the Rules of Conduct, there is a range of actions that may be taken by school administrators, including a wide variety of restorative practices and/or discipline. This procedure contemplates that school administrators will use their professional judgment along with individual factors. The administrator's judgment will consider and balance the duty to maintain order and discipline for a safe school environment, the appropriate action needed to address the student's misconduct, and each student's' long-term educational success.
- 3. Special Education and Section 504:** This procedure will be read in conjunction with [Policy](#) and [Procedure 2161](#) with regard to students who are eligible for special education services or who qualify under Section 504.

E. Other Forms of Discipline – Conditions and Procedures

- 1. Other Forms of Discipline.** As a rule, school personnel should administer or consider other forms of discipline before administering classroom exclusions, suspensions, or expulsions.
- 2. Examples of Other Forms of Discipline.** Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under [RCW 28A.165.035](#) and available on the Office of Superintendent of Public Instruction's website. Some examples include, but are not limited to, oral or written reprimands, lunch detention, exclusion from after-school and extracurricular activities, removal, or citations from district transportation (Section L, below), mediation, after-school detention, in-school interventions, alternative placements, and/or Saturday school.
- 3. Grievance Process.** Any parent or student who disagrees with the imposition of other forms of discipline will have the right to an informal conference with the principal or designee. At that conference, the student may share the student's perspective and explanation regarding the Behavioral Violation. After the informal conference, the principal or designee will make a final, non-appealable decision regarding the imposition of other forms of discipline.
- 4. School Meals.** The district will not administer any discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

F. Classroom Exclusions – Conditions and Procedures

- 1. Authority to Administer Classroom Exclusions.** The following personnel may administer a Classroom Exclusion:
 - I. *Teacher Authority.* A teacher may exclude a student from the teacher's classroom or instructional or activity area for Behavioral Violations that disrupt the educational process while the student is under the teacher's immediate supervision.
 - II. *Other School Personnel Authority.* A principal may authorize other school personnel to exclude a student from a classroom or instructional or activity area for Behavioral Violations of the district's discipline policy.
- 2. Prior Use of Other Forms of Discipline.** The teacher or other school personnel will 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.
- 3. Limitations on Classroom Exclusion.**
 - I. *Duration of Classroom Exclusion.* A Classroom Exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. If a student is excluded from the student's classroom or instructional or activity area for longer than the balance of the school day, the school district will provide notice and due process for a Suspension, Expulsion, or Emergency Expulsion.
 - II. *Removal from School.* A student may not be removed from school during a Classroom Exclusion unless the school district provides notice and due process for a Suspension, Expulsion, or Emergency Expulsion.
 - III. *Assignments and Tests.* The school district will provide the student an opportunity to make up any assignments and tests missed during the Classroom Exclusion.
- 4. Notice Requirements.** Following a Classroom Exclusion:
 - I. *Notice to Principal.* The teacher or other school personnel will report the Classroom Exclusion, including the Behavioral Violation that led to the Classroom Exclusion, to the principal or designee as soon as reasonably possible.
 - II. *Notice to Parent.* The teacher, principal, or designee will notify the student's Parent regarding the Classroom Exclusion as soon as reasonably possible.
 - III. *Emergency Circumstances.* When teacher or school personnel administers a Classroom Exclusion on the grounds that 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:
 - a. The teacher or other school personnel will immediately notify the principal or designee; and

- b. The principal or designee will meet with the student as soon as reasonably possible and administer appropriate Discipline.
5. **Grievance Process.** Any Parent or student who disagrees with the imposition of a Classroom Exclusion will have the right to an informal conference with the principal or designee. At that conference, the student may share the student's perspective and explanation regarding the Behavioral Violation. After the informal conference, the principal or designee will make a final, non–appealable decision regarding the imposition of a Classroom Exclusion.

G. Suspensions – Conditions and Procedures

1. **General Conditions.** The school district adheres to the following general conditions when administering Suspensions:
 - I. *Parent Involvement.* The school district will provide for early involvement of parent in efforts to support students in meeting behavioral expectations and will make every reasonable attempt to involve the student and parent in the resolution of Behavioral Violations.
 - II. *Considerations.* Before administering any suspension, the school district will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension, and the length of the exclusion, is warranted.
 - III. *Completing Academic Requirements.* The school district will 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.
 - IV. *Opportunity to Receive Educational Services.* The school district will provide an opportunity for students to receive educational services during a Suspension.
 - V. *Reporting.* The principal or designee will report all suspensions, and the behavioral violation that led to each suspension, to the school district superintendent or designee within twenty-four hours after the administration of the suspension.
 - VI. *Reentry.* After suspending a student, the school district will 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 anytime.
 - VII. *Absences and Tardiness.* The school district will not suspend a student from school for absences or tardiness.
 - VIII. *Access to School District Property.* When administering a suspension, the school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.
 - IX. *End Date.* A suspension may not be for an indefinite period and will have an end date. If the school district enrolls a student in another program or course of study during a Suspension, the district may not preclude the student from returning to the student's regular educational setting following the end date of the Suspension, unless:
 - a. The student is excluded from the student's regular educational setting in accordance with [WAC 392-400-810](#) (exclusion for protection of a victim); or

- b. The student is otherwise precluded under law from returning to the student's regular educational setting.

2. In–School and Short-Term Suspensions

- I. *Other Forms of Discipline.* Before administering a Short-Term or In-School Suspension, school personnel will first attempt one or more other forms of discipline to support the student in meeting behavioral expectations.
- II. *Length of Exclusion.* The school district will not administer a Short-Term or In-School Suspension beyond the school year in which the Behavioral Violation occurred.
- III. *Grade-Level Limitations.*
 - a. The school district will not administer a Short-Term or In-School Suspension for a student in kindergarten through fourth grade for more than ten (10) cumulative School days during any single semester; and
 - b. The school district will not administer a Short-Term or In-School Suspension for a student in grades five (5) through twelve (12) for more than fifteen (15) cumulative school days during any single semester.
- IV. *School Personnel.* When administering an In-School Suspension, school personnel will ensure that they:
 - 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 the student's regular subjects or classes.

3. Long–Term Suspensions

- I. *Other Forms of Discipline.* Before administering a Long-Term Suspension, school personnel will consider one or more Other Forms of Discipline to support the student in meeting behavioral expectations.
- II. *Required Consulting with Superintendent/Designee.* The building principal or designee should consult with the superintendent or designee prior to administering a Long-Term Suspension.
- III. *Limitations.* The school district will only administer a Long-Term Suspension:
 - a. For Non–Discretionary Discipline offenses; and
 - b. After the school district has determined that, if the student returned to school before completing a Long-Term Suspension:
 - i. The student would pose an imminent danger to students or school personnel; or
 - ii. The student would pose an imminent threat of material and substantial Disruption of the Educational Process.

- IV. *Length of Exclusion.* A Long-Term Suspension may not exceed ninety school days. The school district will not administer a Long-Term Suspension beyond the school year in which the Behavioral Violation occurred.
- V. *Grade-Level Limitations.* Except for a violation of [WAC 392-400-820](#) (firearm violation), the school district will not administer a Long-Term Suspension for any student in kindergarten through fourth grade.

4. Notice and Grievance Process

I. Initial Hearing with Student.

- a. Informal Hearing. Before administering any suspension, the principal or designee will conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee will provide the student with:
 - i. Notice of the student's violation of the school district's discipline policy;
 - ii. An explanation of the evidence regarding the Behavioral Violation;
 - iii. An explanation of the discipline that may be administered; and
 - iv. An opportunity for the student to share the student's perspective and provide explanation regarding the Behavioral Violation.
- b. Parent Participation for Short-Term and In-School Suspensions. At an initial hearing in which the principal or designee is considering administering a Short-Term or In-School Suspension, the principal or designee will provide the student an opportunity for the student to contact the student's Parent.
- c. Parent Participation for Long-Term Suspensions. At an initial hearing in which the principal or designee is considering administering a Long-Term Suspension, the principal or designee will make a reasonable attempt to contact the student's parent to provide an opportunity for parent to participate in the initial hearing in person or by telephone.
- d. Administrative Decision. Following the initial hearing, the principal or designee will inform the student of the decision regarding the Behavioral Violation, including the date on which any suspension will begin and end.

II. Notice to Student and Parent.

- a. Initial Notice. Before administering any suspension, the school district will attempt to notify the student's Parent, as soon as reasonably possible, regarding the Behavioral Violation.
- b. Written Notice. No later than one (1) School Business Day following the initial hearing with the student, the school district will provide written notice of the suspension to the student and parent in person, by mail, or by email. The written notice will include:
 - i. A description of the student's behavior and how the behavior violated the school district's policy;

- ii. The duration and conditions of the suspension, including the dates on which the Suspension will begin and end;
- iii. The Other Forms of Discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension.
- iv. The opportunity to receive educational services during the suspension;
- v. The student's and Parent's right to an informal conference with the principal or designee;
- vi. The student's and parent's right to appeal the suspension, including where and to whom the appeal will be requested; and
- vii. For a Long-Term Suspension, the opportunity for the student and Parent to participate in a reengagement meeting.

III. Optional Conference with Principal.

- a. Requesting a Conference. If the student or parent disagree with the school district's decision to suspend the student, the student or parent 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.
- b. Time Limit. The principal or designee will hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent.
- c. Conference. During the informal conference, the principal or designee will provide the student and parent the opportunity to:
 - i. Share the student's perspective and explanation regarding the Behavioral Violation;
 - ii. Confer with the principal or designee and school personnel involved in the incident that led to the suspension; and
 - iii. Discuss other forms of discipline that may be administered.
- d. Right to Appeal. The informal conference does not limit a student's or parent's right to appeal the suspension, participate in a reengagement meeting, or petition for readmission.

IV. Appeal from in-School and Short-Term Suspensions.

- a. Requesting an Appeal. A student or parent may appeal a suspension to the school district superintendent or designee orally or in writing.
- b. Time Limit. A student's or parent's appeal must be received by the school district no later than five (5) School Business Days from the date the school district provided the student or parent with written notice of the suspension.
- c. Appeal. The superintendent or designee will provide the student and parent the

opportunity to share the student's perspective and explanation regarding the Behavioral Violation orally or in writing.

- d. Appeal decision. The superintendent or designee will deliver a written appeal decision to the student and parent in person, by mail, or by email within two (2) school business days after receiving the appeal. The written decision will include:
 - i. The decision to affirm, reverse, or modify the suspension;
 - ii. The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
 - iii. The educational services the school district will offer to the student during the suspension; and
 - iv. Notice of the student's and parent's right to request review and reconsideration of the appeal decision, including where and to whom to make the request.

V. *Appeal from Long-Term Suspensions.*

- a. Requesting an Appeal. A student or parent may appeal a suspension to the school district superintendent or designee orally or in writing.
- b. Time Limit. A student's or parent's appeal must be received by the school district no later than five (5) school business days from the date the school district provided the student or parent with written notice of the suspension.
- c. Notice. Within one (1) school business day after receiving the appeal request, unless otherwise agreed to by the student and Parent, the superintendent or designee will provide the student and parent written notice in person, by mail, or by email of:
 - i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and parent's rights to inspect the student's education records;
 - iv. The student's and parent's rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
 - v. The student's and parent's rights under (i) of this subsection; and
 - vi. Whether the school district will offer to hold a reengagement meeting before the appeal hearing.
- d. Reengagement. Before the appeal hearing, the student, parent, and school district may agree to hold a reengagement meeting and develop a reengagement plan (see Section G(4)(VII), below). The student, parent, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.
- e. Status Quo Pending Appeal. If the student or parent request an appeal, the school district may temporarily continue to administer the suspension during the appeal period subject to the following requirements:

- i. The school district may temporarily continue to administer the suspension for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
 - ii. Any days that the student is suspended before the appeal is decided will be applied to the term of the student's suspension and may not extend the term of the student's suspension;
 - iii. If the student who is suspended returns to school before the appeal is decided under this section, the school district will provide the student an opportunity to make up assignments and tests missed during the suspension upon the student's return.
- f. Appeal Hearing. The school district will hold an appeal hearing within three (3) school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parent.
- g. Presiding Officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and will be knowledgeable about the rules in this procedure and of the school district's discipline policy.
- h. Evidence and Witnesses.
 - i. Upon request, the student, parent, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parent will make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - ii. Upon request, the student and parent may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - iii. If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
 - (1) The district made a reasonable effort to produce the witness; and
 - (2) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- i. Student and Parent rights. During the appeal hearing, the student and parent have the right to:
 - i. Be represented by legal counsel;
 - ii. Question witnesses;
 - iii. Share the student's perspective and provide explanation regarding the Behavioral Violation; and

- iv. Introduce relevant documentary, physical, or testimonial evidence.
- j. Recording of Hearing. The appeal hearing will be recorded by manual, electronic, or other type of recording device. The school district will provide the recording to the student or parent upon request.
- k. Appeal Decision. The presiding official(s) will base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and parent in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision will include:
 - i. The findings of fact;
 - ii. A determination whether:
 - (1) The student's behavior violated the school district's discipline policy;
 - (2) The behavioral violation warrants the suspension and the length of the suspension; and
 - (3) The suspension is affirmed, reversed, or modified;
 - iii. The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
 - iv. Notice of the student's and Parent's right to request review and reconsideration of the appeal decision, including where and to whom to make the request; and
 - v. 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.

VI. Review and Reconsideration of Appeal Decision (All Suspension Categories).

- a. Requesting Review. The student or parent may request that the school board or discipline appeal council review and reconsider the school district's appeal decision. The student or parent may request the review orally or in writing.
- b. Time Limit. A student's or parent's request for review must be received by the school district no later than ten (10) school business days from the date the school district provided the student or parent with the written appeal decision.
- c. Review Procedure.
 - i. In reviewing the school district's decision, the school board or discipline appeal council will consider all documentary and physical evidence related to the behavioral violation, any records from the appeal, relevant state law, and the school district's discipline policy.
 - ii. The school board or discipline appeal council may request to meet with the student or parent, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

- iii. The decision of the school board or discipline appeal council will be made only by board or council members who were not involved in the behavioral violation, the decision to suspend the student, or the appeal decision. If the discipline appeal council presided over the appeal, the decision will be made by the school board.
- d. Decision. The school board or discipline appeal council will provide a written decision to the student and parent in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision will identify:
 - i. Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension;
 - ii. The duration and conditions of the suspension, including the dates on which the suspension will begin and end; and
 - iii. For Long-Term Suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

VII. Reengagement Meeting and Plan

- a. Reengagement Meeting. When the school district administers a Long-Term Suspension, the district will convene a reengagement meeting with the student and parent to discuss a plan to reengage the student. Before convening a reengagement meeting, the school district will communicate with the student and parent to schedule the meeting time and location. The reengagement meeting will occur:
 - i. Within twenty calendar days of the start of the student's Long-Term Suspension, but no later than five (5) calendar days before the student returns to school; or
 - ii. As soon as reasonably possible, if the student or parent request a prompt reengagement meeting.
- b. Reengagement Plan. The school district will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district will consider:
 - i. The nature and circumstances of the incident that led to the student's suspension;
 - ii. As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
 - iii. Shortening the length of time that the student is suspended;
 - iv. Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
 - v. Supporting the student, parent, or school personnel in taking action to remedy the circumstances that resulted in the suspension and preventing similar circumstances from recurring.

- c. Documentation. The school district will document the reengagement plan and provide a copy of the plan to the student and parent.
- d. Student and Parent Rights. Reengagement meetings do not replace an appeal hearing or a petition for readmission.

VIII. Petition for Readmission

- a. General. Any student who has been suspended may apply for readmission at any time. If a student desires to be readmitted to the school from which he/she has been suspended, the student will submit a written application to the principal/designee, who will recommend admission or non-admission. If a student wishes admission to another school, he/she will submit the written application to the superintendent. The application will include:
 - i. Reasons the student wants to return and why the request should be considered;
 - ii. Evidence which supports the request; and
 - iii. A supporting statement from the parent or others who may have assisted the student.
- b. Decision. The principal/designee or superintendent/designee, depending on the content of the petition, will inform the student and parent, either orally or in writing, of the decision within seven (7) school days of the receipt of such application.
- c. Non-Appealable. A petition for readmission does not carry separate due process rights, and the decision cannot be appealed.

H. Expulsions

- 1. **General Conditions**. The school district adheres to the following general conditions when administering Expulsions:
 - I. *Parent Involvement*. The school district will provide for early involvement of parent in efforts to support students in meeting behavioral expectations and will make every reasonable attempt to involve the student and Parent in the resolution of behavioral violations.
 - II. *Considerations*. Before administering any expulsion, the school district will consider the student's individual circumstances and the nature and circumstances of the Behavioral Violation to determine whether the Expulsion, and the length of the exclusion, is warranted.
 - III. *Completing Academic Requirements*. The school district will 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.
 - IV. *Opportunity to Receive Educational Services*. The school district will provide an opportunity for students to receive educational services during an expulsion.

- V. *Reporting.* The principal or designee will report all Expulsions, and the Behavioral Violation that led to each Expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the Expulsion.
- VI. *Reentry.* After expelling a student, the school district will 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.
- VII. *Absences and Tardiness.* The school district will not expel a student from school for absences or tardiness.
- VIII. *Access to School District Property.* When administering an expulsion, the school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.
- IX. *End date.* An expulsion may not be for an indefinite period and will have an end date. If the school district enrolls a student in another program or course of study during an Expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the Expulsion, unless:
 - a. The school district superintendent or designee grants a petition to extend a student's Expulsion;
 - b. The student is excluded from the student's regular educational setting in accordance with [WAC 392-400-810](#) (exclusion for protection of a victim); or
 - c. The student is otherwise precluded under law from returning to the student's regular educational setting.

2. Expulsion

- I. *Other Forms of Discipline.* Before administering an Expulsion, school personnel will consider one or more Other Forms of Discipline to support the student in meeting behavioral expectations.
- II. *Required Consulting with Superintendent/Designee.* The building principal or designee should consult with the superintendent or designee prior to administering an Expulsion.
- III. *Limitations.* The school district will only administer an Expulsion:
 - a. For Non–Discretionary Discipline offenses; and
 - b. After the school district 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.
- IV. *Length of Exclusion.* An expulsion may not exceed the ninety school days, unless the principal or designee petitions the school district superintendent for extension of an expulsion, and the petition is granted.
- V. *Grade-Level Limitations.* Except for violations of [WAC 392-400-820](#) (firearm violations), the school district will not administer an expulsion for any student in kindergarten through fourth grade.

3. Emergency Expulsion

- I. *Sufficient Cause.* The school district may immediately remove a student from the student's current school placement if school personnel 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.
- II. *Determination of Immediate and Continuing Threat of Disruption.* For purposes of this section, an immediate and continuing threat of material and substantial Disruption of the Educational Process means:
 - a. The student's behavior results in an extreme Disruption of the Educational Process that creates a substantial barrier to learning for other students across the school Day; and
 - b. School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.
- III. *Time Limit.* An Emergency Expulsion may not exceed ten (10) consecutive school days. An Emergency Expulsion will end or be converted to another form of discipline within ten (10) school days from the start of the Emergency Expulsion.
- IV. *Conversion.* If the school district converts an Emergency Expulsion to a Suspension or Expulsion, the district will:
 - a. Apply any days that the student was Emergency Expelled before the conversion to the total length of the Suspension or Expulsion; and
 - b. Provide the student and parent notice and due process.
- V. *Reporting.* All Emergency Expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, will be reported to the district superintendent or designee within twenty-four hours after the start of the Emergency Expulsion.

4. Notice, Grievance, and Reentry Process for non-emergency Expulsions.

- I. *Initial Hearing with Student.*
 - a. Informal Hearing. Before administering any Expulsion, the principal or designee will conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee will provide the student with:
 - i. Notice of the student's violation of the school district's discipline policy;
 - ii. An explanation of the evidence regarding the Behavioral Violation;

- iii. An explanation of the discipline that may be administered; and
 - iv. An opportunity for the student to share the student's perspective and provide explanation regarding the Behavioral Violation.
- b. Parent Participation. At an initial hearing in which the principal or designee is considering administering an Expulsion, the principal or designee will make a reasonable attempt to contact the student's parent to provide an opportunity for parent to participate in the initial hearing in person or by telephone.
- c. Administrative Decision. Following the initial hearing, the principal or designee will inform the student of the decision regarding the Behavioral Violation, including the date on which any expulsion will begin and end.

II. Notice to Student and Parent.

- a. Initial Notice. Before administering any expulsion, the school district will attempt to notify the student's parent, as soon as reasonably possible, regarding the Behavioral Violation.
- b. Written Notice. No later than one (1) school business day following the initial hearing with the student, the school district will provide written notice of the expulsion to the student and parent in person, by mail, or by email. The written notice will include:
- i. A description of the student's behavior and how the behavior violated the school district's policy;
 - ii. The duration and conditions of the Expulsion, including the dates on which the Expulsion will begin and end;
 - iii. The Other Forms of Discipline that the school district considered or attempted, and an explanation of the district's decision to administer the Expulsion.
 - iv. The opportunity to receive educational services during the Expulsion;
 - v. The student's and parent's right to an informal conference with the principal or designee;
 - vi. The student's and parent's right to appeal the Expulsion, including where and to whom the appeal will be requested; and
 - vii. The opportunity for the student and parent to participate in a reengagement meeting.

III. Optional Conference with Principal.

- a. Requesting a Conference. If the student or parent disagree with the school district's decision to expel the student, the student or parent 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.
- b. Time Limit. The principal or designee will hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent.

- c. Conference. During the informal conference, the principal or designee will provide the student and parent the opportunity to:
 - i. Share the student's perspective and explanation regarding the Behavioral Violation;
 - ii. Confer with the principal or designee and school personnel involved in the incident that led to the expulsion; and
 - iii. Discuss other forms of discipline that may be administered.
- d. Right to Appeal. The informal conference does not limit a student's or parent's right to appeal the Expulsion, participate in a reengagement meeting, or petition for readmission.

IV. *Appeal from Expulsion.*

- a. Requesting an Appeal. A student or parent may appeal an expulsion to the school district superintendent or designee orally or in writing.
- b. Time Limit. A student's or parent's appeal must be received by the school district no later than five (5) school business days from the date the school district provided the student or parent with written notice of the expulsion.
- c. Notice. Within one (1) school business day after receiving the appeal request, unless otherwise agreed to by the student and parent, the superintendent or designee will provide the student and parent written notice in person, by mail, or by email of:
 - i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and parent's rights to inspect the student's education records;
 - iv. The student's and parent's rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
 - v. The student's and parent's rights under (i) of this subsection; and
 - vi. Whether the school district will offer to hold a reengagement meeting before the appeal hearing.
- d. Reengagement. Before the appeal hearing, the student, parent, and school district may agree to hold a reengagement meeting and develop a reengagement plan (see Section H(4)(VI), below). The student, parent, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.
- e. Status Quo Pending Appeal. If the student or parent request an appeal, the school district may temporarily continue to administer the expulsion during the appeal period subject to the following requirements:
 - i. The school district may temporarily continue to administer the expulsion for no more than ten (10) consecutive school days from the initial hearing or until the

appeal is decided, whichever is earlier;

- ii. Any days that the student is temporarily expelled before the appeal is decided will be applied to the term of the student's expulsion and may not extend the term of the student's expulsion;
 - iii. If the student who is temporarily expelled returns to school before the appeal is decided under this section, the school district will provide the student an opportunity to make up assignments and tests missed during the expulsion upon the student's return.
- f. Appeal Hearing. The school district will hold an appeal hearing within three (3) school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parent.
- g. Presiding Officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to expel the student and will be knowledgeable about the rules in this procedure and of the school district's discipline policy.
- h. Evidence and Witnesses.
- i. Upon request, the student, parent, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parent will make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - ii. Upon request, the student and parent may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - iii. If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
 - (1) The district made a reasonable effort to produce the witness; and
 - (2) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- i. Student and Parent rights. During the appeal hearing, the student and parent have the right to:
- i. Be represented by legal counsel;
 - ii. Question witnesses;
 - iii. Share the student's perspective and provide explanation regarding the Behavioral Violation; and
 - iv. Introduce relevant documentary, physical, or testimonial evidence.

- j. Recording of Hearing. The appeal hearing will be recorded by manual, electronic, or other type of recording device. The school district will provide the recording to the student or parent upon request.
- k. Appeal Decision. The presiding official(s) will base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and parent in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision will include:
 - i. The findings of fact;
 - ii. A determination whether:
 - (1) The student's behavior violated the school district's discipline policy;
 - (2) The Behavioral Violation warrants the Expulsion and the length of the Expulsion; and
 - (3) The Expulsion is affirmed, reversed, or modified;
 - iii. The duration and conditions of the Expulsion, including the dates on which the Expulsion will begin and end;
 - iv. Notice of the student's and parent's right to request review and reconsideration of the appeal decision, including where and to whom to make the request; and
 - v. 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.

V. *Review and Reconsideration of Expulsion Appeal Decision.*

- a. Requesting Review. The student or parent may request that the school board or discipline appeal council review and reconsider the school district's appeal decision. The student or parent may request the review orally or in writing.
- b. Time Limit. A student's or parent's request for review must be received by the school district no later than ten (10) school business days from the date the school district provided the student or parent with the written appeal decision.
- c. Review Procedure.
 - i. In reviewing the school district's decision, the school board or discipline appeal council will consider all documentary and physical evidence related to the Behavioral Violation, any records from the appeal, relevant state law, and the school district's discipline policy.
 - ii. The school board or discipline appeal council may request to meet with the student or parent, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - iii. The decision of the school board or discipline appeal council will be made only by board or council members who were not involved in the Behavioral Violation,

the decision to expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the school board will make the decision.

- d. Decision. The school board or discipline appeal council will provide a written decision to the student and parent in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision will identify:
 - i. Whether the school board or discipline appeal council affirms, reverses, or modifies the expulsion;
 - ii. The duration and conditions of the expulsion, including the dates on which the expulsion will begin and end; and
 - iii. Notice of the opportunity to participate in a reengagement meeting.

VI. *Reengagement Meeting and Plan*

- a. Reengagement Meeting. When the school district administers an expulsion, the district will convene a reengagement meeting with the student and parent to discuss a plan to reengage the student. Before convening a reengagement meeting, the school district will communicate with the student and parent to schedule the meeting time and location. The reengagement meeting will occur:
 - i. Within twenty calendar days of the start of the student's Expulsion, but no later than five (5) calendar days before the student returns to school; or
 - ii. As soon as reasonably possible, if the student or parent request a prompt reengagement meeting.
- b. Reengagement Plan. The school district will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district will consider:
 - i. The nature and circumstances of the incident that led to the student's Expulsion;
 - ii. As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
 - iii. Shortening the length of time that the student is expelled;
 - iv. Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
 - v. Supporting the student, parent, or school personnel in taking action to remedy the circumstances that resulted in the expulsion and preventing similar circumstances from recurring.
- c. Documentation. The school district will document the reengagement plan and provide a copy of the plan to the student and Parent.
- d. Student and Parent Rights. Reengagement meetings do not replace an appeal

hearing or a petition for readmission.

VII. Petition for Readmission

- a. General. Any student who has been expelled may apply for readmission at any time. If a student desires to be readmitted to the school from which he/she has been expelled, the student will submit a written application to the principal/designee, who will recommend admission or non-admission. If a student wishes admission to another school, he/she will submit the written application to the superintendent. The application will include:
 - i. Reasons the student wants to return and why the request should be considered;
 - ii. Evidence which supports the request; and
 - iii. A supporting statement from the Parent or others who may have assisted the student.
- b. Decision. The principal/designee or superintendent/designee, depending on the content of the petition, will inform the student and parent, either orally or in writing, of the decision within seven (7) school days of the receipt of such application.
- c. Non-Appealable. A petition for readmission does not carry separate due process rights, and the decision cannot be appealed.

VIII. Petition to Extend Expulsion

- a. Petition. When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the school district superintendent or designee for authorization to exceed the 90-day limitation on an Expulsion. The petition must inform the superintendent or designee of:
 - i. The Behavioral Violation that resulted in the Expulsion and the public health or safety concerns;
 - ii. The student's academic, attendance, and discipline history;
 - iii. Any nonacademic supports and behavioral services the student was offered or received during the Expulsion;
 - iv. The student's academic progress during the Expulsion and the educational services available to the student during the Expulsion;
 - v. The proposed extended length of the Expulsion; and
 - vi. The student's reengagement plan.
- b. Time Limit. 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 violations of [WAC 392-400-820](#) (firearm violations), the principal or designee may petition to extend an Expulsion at any time.

- c. Notice. The school district will provide written notice of the petition to the student and parent in person, by mail, or by email within one (1) school business day from the date the superintendent or designee received the petition. The written notice will include:
- i. A copy of the petition;
 - ii. The student's and parent's right to an informal conference with the school 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; and
 - iii. The student's and parent's right to respond to the petition orally or in writing to the school district superintendent or designee within five (5) school business days from the date the district provided written notice.
- d. Written Decision. The school 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 of placement after 90 school days, the student would pose a risk to public health or safety. The school district superintendent or designee must deliver a written decision to the principal, the student, and the student's parent in person, by mail, or by email within ten (10) school business days after receiving the petition.
- i. If the petition is granted, the written decision must include:
 - (1) The date on which the extended Expulsion will end;
 - (2) The reason that, if the student were to return before the initial Expulsion end date, the student would pose a risk to public health or safety; and
 - (3) Notice of the student's or parent's right to request review and reconsideration of the appeal decision under subsection (e) of this section, including where and to whom to make the request.
 - ii. If the petition is not granted, the written decision must identify the date on which the Expulsion will end.
- e. Review and Reconsideration.
- i. Requesting review. The students or parent may request that the school board or discipline appeal council review and reconsider the decision to extend the student's Expulsion. The student or parent may request the review orally or in writing.
 - ii. Time limit. A student's or parent's request must be received by the school district no later than ten (10) school business days from the date the school district provided the student or parent with the written decision under subsection (d), above.
 - iii. Review procedure.
 - (1) The school board or discipline appeal council may request to meet with the student or parent or the principal to hear further arguments and gather additional information.

- (2) The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the Behavioral Violation, the decision to expel the student, or the appeal decision.
- iv. Decision. The School Board or discipline appeal council must provide a written decision to the student and parent in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:
 - (1) Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's Expulsion; and
 - (2) The date on which the extended Expulsion will end.
- f. Duration. Any extension of an Expulsion may not exceed ninety (90) schooldays.
- g. Annual Reporting. The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

5. Notice and Grievance Process for Emergency Expulsions.

I. Notice to Student and Parent.

- a. Initial Notice. After an Emergency Expulsion, the school district will attempt to notify the student's parent, as soon as reasonably possible, regarding the reason the district 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.
- b. Written Notice. Within twenty-four (24) hours after an Emergency Expulsion, the school district will provide written notice of the Emergency Expulsion to the student and parent in person, by mail, or by email. The written notice will include:
 - i. The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial Disruption of the Educational Process;
 - ii. The duration and conditions of the Emergency Expulsion, including the dates on which the Emergency Expulsion will begin and end;
 - iii. The opportunity to receive educational services during the Emergency Expulsion;
 - iv. The student's and parent's right to an informal conference with the principal or designee; and
 - v. The student's and parent's right to appeal the Emergency Expulsion, including where and to whom the appeal will be requested.

II. Optional Conference with Principal.

- a. Requesting a Conference. If the student or parent disagree with the school district's

decision to administer an Emergency Expulsion, the student or Parent 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.

- b. Time Limit. The principal or designee will hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent.
- c. Conference. During the informal conference, the principal or designee will provide the student and parent the opportunity to share the student's perspective and explanation regarding the events that led to the Emergency Expulsion.
- d. Right to Appeal. The informal conference does not limit a student's or parent's right to appeal the Emergency Expulsion.

III. Appeal from Emergency Expulsion.

- a. Requesting an Appeal. A student or parent may appeal an Emergency Expulsion to the school district superintendent or designee orally or in writing.
- b. Time Limit. A student's or parent's appeal must be received by the school district no later than three (3) school business days from the date the school district provided the student or parent with written notice of the Expulsion.
- c. Notice. Within one (1) school business day after receiving the appeal request, unless otherwise agreed to by the student and parent, the superintendent or designee will provide the student and parent written notice in person, by mail, or by email of:
 - i. The time, date, and location of the appeal hearing;
 - ii. The name(s) of the official(s) presiding over the appeal;
 - iii. The student's and parent's rights to inspect the student's education records;
 - iv. The student's and parent's rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing; and
 - v. The student's and parent's rights under (g) of this subsection.
- d. Appeal Hearing. The school district will hold an appeal hearing as soon as reasonably possible, but no later than two (2) school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parent.
- e. Presiding Officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's Behavioral Violation or decision to emergency expel the student and will be knowledgeable about the rules in this procedure and of the school district's discipline policy.
- f. Evidence and Witnesses.
 - i. Upon request, the student, parent, and school district may inspect any

documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parent will make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

- ii. Upon request, the student and parent may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
- iii. If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

- (1) The district made a reasonable effort to produce the witness; and

- (2) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

g. Student and Parent rights. During the appeal hearing, the student and parent have the right to:

- i. Be represented by legal counsel;
- ii. Question witnesses;
- iii. Share the student's perspective and provide explanation regarding the Behavioral Violation; and
- iv. Introduce relevant documentary, physical, or testimonial evidence.

h. Recording of Hearing. The appeal hearing will be recorded by manual, electronic, or other type of recording device. The school district will provide the recording to the student or parent upon request.

i. Appeal Decision. The school district will provide a written decision to the student and parents in person, by mail, or by email within one (1) school business day after the appeal hearing. The written decision will include:

- i. The findings of fact;
- ii. A determination of whether the student's presence continues to pose:
 - (1) An immediate and continuing danger to students or school personnel; or
 - (2) An immediate and continuing threat of material and substantial disruption of the educational process.
- iii. Whether the school district will end the Emergency Expulsion or convert the Emergency Expulsion to a Suspension or Expulsion. If the school district converts the Emergency Expulsion to a Suspension or Expulsion, the district will provide the student and parents notice and due process; and

iv. Notice of the student's and parent's right to request review and reconsideration

of the appeal decision, including where and to whom to make the request.

IV. Review and Reconsideration of Appeal Decision.

- a. Requesting Review. The student or parent may request that the School Board or discipline appeal council review and reconsider the school district's appeal decision. The student or parent may request the review orally or in writing.
- b. Time Limit. A student's or parent's request for review must be received by the school district no later than five (5) school business days from the date the school district provided the student or parent with the written appeal decision.
- c. Review Procedure.
 - i. In reviewing the school district's decision, the school board or discipline appeal council will consider all documentary and physical evidence related to the Behavioral Violation, any records from the appeal, relevant state law, and the school district's discipline policy.
 - ii. The school board or discipline appeal council may request to meet with the student or parent, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - iii. The decision of the school board or discipline appeal council will be made only by board or council members who were not involved in the events that led to the Emergency Expulsion, the decision to emergency expel the student, or the appeal decision. If the discipline appeal council presided over the appeal, the school board will make the decision.
- d. Decision. The school board or discipline appeal council will provide a written decision to the student and parent in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration. The written decision will identify:
 - i. Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:
 - (1) An immediate and continuing danger to students or school personnel; or
 - (2) An immediate and continuing threat of material and substantial Disruption of the Educational Process.
 - ii. If the Emergency Expulsion has not yet ended or been converted, whether the school district will end the Emergency Expulsion or convert the Emergency Expulsion to a Suspension or Expulsion. If the school district converts the Emergency Expulsion to a Suspension or Expulsion, the district will provide the student and parent notice and due process.

I. Educational Services During Disciplinary Exclusions

1. Educational Services, Generally.

- I. The school district will not suspend the provision of educational services to a student in

- II. response to Behavioral Violations.
 - III. During the Suspension, Expulsion, or Emergency Expulsion of a student, the school district will provide the student the opportunity to receive educational services. The educational services will enable the student to:
 - a. Continue to participate in the general education curriculum;
 - b. Meet the educational standards established within the district; and
 - c. Complete subject, grade-level, and graduation requirements.
 - IV. When providing a student, the opportunity to receive educational services under this section, the school district will consider:
 - a. Meaningful input from the student, parent, and the student's teachers;
 - b. Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, 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.
 - V. The school district may provide educational services to the student in an alternative setting. An alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.
- 2. Notice.** As soon as reasonably possible after administering a Suspension or Expulsion, the school district will provide written notice to the student and parents about the educational services the district will provide. The school district will provide the written notice in person, by mail, or by email. The notice will include:
- I. A description of the educational services that will be provided; and
 - II. The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section.
- 3. Exclusions for Up to Five Days.** For students subject to Suspension or Emergency Expulsion for up to five (5) consecutive school days, the school district will provide at least the following:
- I. Course work, including any assigned homework, from all the student's regular subjects or classes;
 - II. Access to school personnel who can offer support to keep the student current with assignments and course work for all the student's regular subjects or classes; and
 - III. An opportunity for the student to make up any assignments and tests missed during the period of Suspension or emergency expulsion.

4. Exclusions for Six to Ten Days. For students subject to Suspension or Emergency Expulsion for six (6) to ten (10) consecutive school days, the school district will provide at least the following:

- I. Course work, including any assigned homework, from all the student's regular subjects or classes;
- II. Access to school personnel who can offer support to keep the student current with assignments and course work for all the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three (1) School Business Days following the start of the Suspension or Emergency Expulsion and periodically thereafter until the Suspension or Emergency Expulsion ends to:
 - a. 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 the student's regular subjects or classes; and
 - b. Communicate with the student, parent, and the student's teacher(s) about the student's academic progress.
- III. An opportunity for the student to make up any assignments and tests missed during the period of Suspension or emergency expulsion.

5. Long-Term Suspensions and Expulsions. For students subject to Expulsion or Suspension for more than ten (10) consecutive school days, the school district will provide educational services in the form of a 'course of study' as defined in [WAC 392-121-107](#). Course of Study includes:

- I. Instruction - Teaching/learning experiences conducted by school district staff as directed by the administration and the board of directors, or teaching/learning experiences conducted by charter school staff as directed by the charter school administration and charter school board, inclusive of intermissions for class changes, recess and teacher/Parent-guardian conferences that are planned and scheduled by the district or charter school for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.
- II. Alternative learning experience program.
- III. One-on-one tutoring
- IV. On-line learning
- V. Ancillary service.
- VI. Work based learning
- VII. Running start
- VIII. Transition Program.
- IX. Technical college enrollment.
- X. Dropout reengagement program

- Or other course of study

J. Behavior agreements.

- 1. Authorization.** Pursuant to [WAC 392-400-815](#), the school board authorizes school officials to enter into behavior agreements pursuant to this procedure.
- 2. General.** The school district may enter into behavior agreements with students and parent in response to Behavioral Violations, including agreements to reduce the length of a Suspension conditioned on the participation in treatment services, agreements in lieu of Suspension or Expulsion, or agreements holding a Suspension or Expulsion in abeyance.
- 3. Reengagement Meetings and Educational Services.** Behavior agreements do not waive a student's opportunity to participate in a reengagement meeting or receive educational services.
- 4. Duration.** The duration of behavior agreements will not exceed ninety (90) school days.
- 5. Subsequent Behavioral Violations.** Nothing in this section precludes the school district from administering Discipline for Behavioral Violations that occur after the district enters into an agreement with the student and parent.

K. Comparison Chart.

The chart on the following page is intended as a guide to help compare Classroom Exclusions, Suspensions, and Expulsions.

Comparison Chart

	Classroom Exclusion	Short Term or In-School Suspension	Long Term Suspension	Expulsion	Emergency Expulsion
Duration	<ul style="list-style-type: none"> Up to the remainder of the school day. 	<ul style="list-style-type: none"> 10 consecutive school days or less. 	<ul style="list-style-type: none"> More than 10 consecutive school days (up to 90 school days.) Can't extend beyond school year. 	<ul style="list-style-type: none"> More than 10 consecutive school days (up to 90 school days.) Can extend beyond current school year. 	<ul style="list-style-type: none"> Must end or be converted within 10 school days.
Grade Limitations	<ul style="list-style-type: none"> No limitations. 	<ul style="list-style-type: none"> Grades K-4: No more than 10 cumulative school days per trimester or semester. Grades 5-12: No more than 10 cumulative days per trimester or 15 cumulative school days per semester. 	<ul style="list-style-type: none"> Not available for K-4. 	<ul style="list-style-type: none"> Not available for K-4 (unless firearm offense.) 	<ul style="list-style-type: none"> No limitations.
Pre-Conditions	<ul style="list-style-type: none"> Must attempt other form(s) of discipline unless student's presence poses and immediate & continuing danger or risk of substantial disruption. Must identify violation from Rules of Conduct in 3240P. 	<ul style="list-style-type: none"> Must consider individual circumstances. Must attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Must identify violation from Rules of Conduct in 3240P. Conduct Informal Initial Hearing ("IIH"). At IIH, student must be notified of behavioral violation, evidence of violation, discipline that may be administered, and given opportunity to share perspective and provide explanation for violation. At IIH, must give <i>student</i> 	<ul style="list-style-type: none"> Must consider individual circumstances. Must consider other forms of discipline to support the student in meeting behavioral expectations. Must identify violation from Rules of Conduct in 3240P. Conduct Informal Initial Hearing ("IIH.") At IIH, student must be notified of behavioral violation, evidence of violation, discipline that may be administered, and given opportunity to share perspective and provide explanation for violation. At IIH, <i>principal/designee</i> must make reasonable attempt to contact parent and provide opportunity to participate. Attempt parent notice and then impose suspension/expulsion. 	<ul style="list-style-type: none"> Student behavior poses either: (a) an immediate and continuing danger; or (b) an immediate and continuing threat of substantial disruption. Need not identify a violation from Rules of Conduct in 3240P. Note: For emergency expulsions, "substantial disruption" means "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 school personnel have exhausted 	

		<p>opportunity to notify parent.</p> <ul style="list-style-type: none"> •Attempt parent notice and then impose suspension. 		<p>reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.”</p>
Post Conditions	<ul style="list-style-type: none"> •Parent/Principal notice as soon as reasonably possible. •Immediate notice to principal when student poses immediate and continuing danger or risk of substantial disruption (and principal/designee must meet as soon as reasonably possible to impose discipline.) •Give student a chance to share their perspective and explain. •Let student make up tests and assignments. 	<ul style="list-style-type: none"> •Report to Superintendent/Designee within 24 hours. •Right to Informal Conference with principal/designee within 3 days of request. •Student has 5 school business days to appeal orally or in writing. •Written notice of suspension required within one school day of Informal Initial Hearing. •Issue the written in-school or short-term suspension notice within 1 day of the IIH. •Allowed to apply for readmission •Right to appeal to school board within ten days of initial appeal being decided. 	<ul style="list-style-type: none"> •Report to Superintendent/Designee within 24 hours. •Right to Informal Conference with Principal/designee w/in 3 days of request. •Allowed to apply for readmission. •Student has 5 school business days to appeal orally or in writing. (If student does appeal, written notice of appeal hearing must be provided to student/parent within 1 day.) •Written notice of suspension or expulsion required within 1 school day of IIH. •Allowed to apply for readmission. •Right to appeal to school board within ten days of appeal being decided. 	<ul style="list-style-type: none"> •Attempt to notify parents as soon as reasonably possible and provide reason the student’s presence posed risk of danger/disruption. •Written notice to parents within 24 hours. •Notify Superintendent within 24 hours and provide reason the student’s presence posed risk of danger/disruption. •Optional Informal Conference w/in 3 days of request. •Allow for appeal to superintendent (and later appeal to school board.) •If converted to suspension or expulsion, must provide new notice and due process rights.
Petition to Extend	•Not Available.	•Not available.	•Not available. •Available.	•Not available.
Reengagement Meeting	•N/A	•Not Required.	•Required within 20 calendar days of expulsion, and within 5 days of return to school.	•Not Required.

and Plan			(However, meeting must take promptly upon parent/student request.)	
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L. District Transportation

1. **General Rules.** Students who violate Rules of Conduct while participating in school transportation may be subjected to restorative practices and discipline. In addition, such transportation-related violations will be subject to the specific procedures of this section.

As a rule, drivers will use interventions before issuing citations to students. After a third intervention, the driver will issue a citation 1 as described below.

In cases of more severe behavior, a citation may be issued, or other discipline taken without three prior interventions. Any time a driver deems it necessary, the driver may stop the bus and request of dispatch a response by a school district security officer and/or the appropriate law enforcement personnel for assistance.

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

- Creating a safety hazard;
- Acting violent, such as fighting;
- Possessing a weapon; or
- Inappropriate touching.

A citation shall be issued to the student and parent for disruptive and inappropriate conduct. The consequences for disruptive and inappropriate conduct that result in a citation will be integrated into each teacher's class accountability plan. Examples of disruptive and inappropriate conduct include but are not limited to:

- Swearing or disrespectful language
- Threatening other students
- Failing to follow directions
- Taking other's belongings
- Exchanging gifts or other belongings
- Eating on the bus

There may be appropriate classroom incentives for appropriate bus conduct. If bus personnel want to establish an incentive system that is individual to each bus/student, this shall be coordinated with the teachers involved. Bus drivers and paraprofessionals are expected to maintain a professional relationship with students transported at all times. When composing the bus seating chart, all behavior intervention/designed instruction/preschool/ABLE teachers whose students are being transported shall be consulted and approve the seating chart.

Meetings between bus drivers/aides and school officials may be scheduled through the transportation liaison

The transportation contractor may be reimbursed by students/parent for damage to school buses. Restitution may be considered as an option when appropriate.

2. **Specific Procedure for Issuance of Citations:** The bus driver/contractor office designee shall issue citations at the time of the violation or as soon as reasonably possible. The citation will be delivered to the contractor's Operation Dept. The Contractor's Field Support Specialist will send the citations by e-mail to the appropriate school.

The school principal/designee is responsible for implementing the appropriate discipline called for by any citation as described below. It is also the principal/designee's responsibility to communicate with the District Transportation Department by email any discipline taken (i.e., loss of bus ridership, Parent contact).

The contractor's Operation Department shall submit a summary of citations to the District Transportation Coordinator monthly. The District Transportation Department will consult with the school principal/designee concerning citations that may warrant loss of bus riding privileges.

The order of Citations is as follows:

Citation 1 -- Warning: Principal or designee will contact the parent.

Citation 2 -- Loss of riding privileges for 3-5 School Days: Principal/designee will contact the parent and implement the loss of riding privileges. In lieu of 3–5-day loss of riding privileges, the principal/designee may use a restorative practice (ex: student completes a research paper on bus safety, letter of apology to bus driver, mediation, etc.).

Note: After the student returns, Transportation Intervention Specialist will meet with the student and go over correct busing rules and procedures.

Citation 3 -- Loss of riding privileges for up to 20 School Days: Principal/designee will contact the Parent. In lieu of an up to 20-day loss of riding privileges, principal/designee may choose to hold a meeting with the bus driver, transportation manager, parent, and student to conduct a mediation and complete a formal conduct success plan. At this time, the team may refer the student to Child Study Team for further determinations.

Note: Principal and/or designee and Transportation Manager will meet with the parent and student regarding student conduct on the bus.

Citation 4 – Loss of riding privileges for the remainder of the school year: Principal/designee will contact the parent. Parent may request a reinstatement of bus privileges to the transportation manager at any time, upon the implementation of outside interventions such as medical intervention, counseling and/or other evaluations.

Note: In cases of Non–Discretionary Discipline, a student may be subject to loss of ridership or other immediate action.

3. **Student Obligation to Attend School:** A student who loses bus ridership privileges shall continue to fulfill all school attendance requirements. Parents are responsible for the transportation of their son/daughter to school when the student is prohibited from riding the school bus as a result of disciplinary actions taken under this procedure.
4. **Grievance Procedure:** Citations are considered Other Forms of Discipline. Accordingly, students who wish to grieve transportation-related discipline will be provided with the opportunity to share the student's perspective and explanation regarding the behavioral violation to the principal or designee.
5. **Section 504 and Special Education:** The procedures set forth above will be read in conjunction with Policy and Procedure [2161](#) and [2162](#) regarding students who are eligible for special education services or who qualify under Section 504.

RULES OF CONDUCT

These rules for student conduct have been adopted by the administration and the school board to protect the health and safety of all and to safeguard the educational mission of the district, school, and student. The district's rules always apply to all campuses of the district, to all district or school sponsored activities whether held on school property. These rules also apply to out-of-district programs, including Running Start, etc.

The district believes that when students engage in unwanted behavior(s) Restorative Practices hold the potential to:

- Understand the harm caused by the misconduct
- Identify and respond to the needs of the person harmed and the person who caused harm
- Encourage accountability and responsibility to the school community
- Reintegrate the student who caused harm in the school community
- Foster rich learning opportunities
- Build trust, respect, and relationships
- Establish mutual understanding
- Strengthen school culture
- Increase Parent partnerships
- Promotes equitable input from all stakeholders

Restorative Practices will be considered in all circumstances and could take the form of: (a) alternatives to or interventions in lieu of discipline; and/or (b) supplemental action taken along with disciplines.

Restorative practices are neither required nor appropriate in every student misconduct situation.

Full restitution shall be required for actual damages/injury caused by any misconduct, and school administrators have the authority to impose fines and costs associated with the investigation, clean up etc., as appropriate, in addition to the other sanctions outlined here.

For behaviors that fall within the definition of more than one offense (even if one or more offenses are Discretionary and another or others are Nondiscretionary), school administrators retain the authority to charge whichever offense or offenses the administrator deems most appropriate.

DISCRETIONARY DISCIPLINE OFFENSES

The Rules of Conduct in this section are deemed Discretionary Discipline offenses.

1. Academic dishonesty/plagiarism -- Knowingly submitting the work of others represented as the student's own, cheating, or assisting another student in doing so, or using unauthorized sources.

2. Bullying -- Unwanted behavior (other than conduct that falls within the definition of a Nondiscretionary Discipline offense) that (1) involves a real or perceived power imbalance and is repeated, or has the potential to be repeated, over time; or (2) is a violation of [Policy/Procedure 3207](#) (Harassment, Intimidation or Bullying). See [RCW 28A.300.285](#); [WAC 392-190-0555](#) to 059.

3. Discriminatory Harassment/Discrimination -- Conduct or communication (other than conduct that falls within the definition of a Nondiscretionary Discipline offense) that (1) is intended to be harmful, humiliating, or physically threatening and shows hostility toward a person or persons

based on their real or perceived sex, race, creed, religion, color, national origin, sexual orientation, gender identity, gender expression, veteran or military status, disability, or use of a trained dog guide or service animal; or (2) is a violation of [Policy/Procedure 3210](#) (Nondiscrimination). See [RCW 28A.300.285](#); [RCW 28A.642](#); [WAC 392-190-0555](#) to 059.

4. Disruptive Conduct – Conduct that materially and interferes with the educational process (other than conduct that falls within the definition of a Nondiscretionary Discipline offense), including:

- Profane or obscene conduct or words
- Possession or distribution of inappropriate visual or written materials
- Hazing
- Pulling false alarms or engaging in other similar conduct
- Forgery
- Misuse of social media
- Copyright violations
- Dress code violations
- Bicycle and other transportation safety violations
- Violations of driving/parking rules
- Violations of technology, telecommunication and network use rules
- Verbal or physical aggression.

5. Failure to Cooperate – Failure to comply with or follow reasonable, lawful directions or requests of administrators, teachers, or staff (other than conduct that falls within the definition of a Nondiscretionary Discipline offense), including:

- Non-compliance
- Defiance
- Insubordination
- Disrespect of authority
- Misrepresentation/Lying

6. Illicit Medication: Use, possession, or distribution of any prescription or over-the-counter medication (e.g., aspirin, cough syrups, caffeine pills, nasal sprays) on school grounds or at school sponsored activities (other than use, possession, or distribution that falls within the definition of a Nondiscretionary Discipline offense).

A contract may be developed to allow up to fifty percent (50%) of any suspension held in abeyance if the student successfully complies with the terms and conditions of the contract.

7. Fighting without Major Injury - Participation in an incident involving physical violence, where there is no major injury (other than those that fall within the definition of a Nondiscretionary Discipline offense). (Does not include verbal confrontations, tussles, or other minor confrontations).

A major injury is when one or more students, school personnel, or other persons on school grounds *require professional medical attention*. Examples of major injuries include stab or bullet wounds, concussions, fractured or broken bones, or cuts requiring stitches.

8. Multiple minor accumulated incidents - Discipline for culmination of multiple minor infractions that both occurred throughout the school year and individually would not rise to the severity of meriting a short-term or long-term suspension or expulsion.

9. Other Behavior

a. Aiding/Abetting - Any student who encourages or aids and abets others in violating these Rules of Conduct

b. Gambling - Playing cards, dice, or games of chance for money or other items of value.

c. Gang Activity – Engaging in gang activity as a member of a gang while on school grounds (other than activity that falls within the definition of a Nondiscretionary Discipline offense). "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert for criminal purposes. See [RCW 28A.600.455](#).

d. Trespass - Being in an unauthorized location under school jurisdiction (other than trespass that falls within the definition of a Nondiscretionary Discipline offense).

e. Destruction of Property – Destroying property owned or possessed by another (other than destruction that falls within the definition of a Nondiscretionary Discipline offense).

Note: Under [RCW 28A.635.060](#)(1), the school district may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the district, a contractor of the district, an employee, or another student until the pupil or the pupil's parent or guardian has paid for the damages. If a student has been suspended or expelled, the student may not be readmitted until the student or parent or legal guardian has made payments in full, or until the superintendent directs otherwise. If the property damaged is a school bus owned and operated by the district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed otherwise by the superintendent.

When the pupil or guardian are unable to pay for the damages, the school district will provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcript of the pupil shall be released. The parent or guardian of the pupil is liable for damages as otherwise provided by Washington State law.

Possession of another person's or district property, regardless of value, without the person's permission with the intent to deprive the owner of such property. As part of the discipline, restitution will usually be required.

10. Sexual Harassment - Conduct or communication (other than activity that falls within the definition of a Nondiscretionary Discipline offense) that is: (1) intended to be sexual in nature, unwelcome by the targeted person(s), and with the potential to deny or limit another student(s) ability to participate in or benefit from a school's education program; or (2) a violation of [Policy/Procedure 3205](#) (Sexual Harassment of Students Prohibited). See [RCW 28A.640](#); [WAC 392-190-056-058](#).

11. Sexually Inappropriate Conduct - Obscene acts or expressions, whether verbal or non-verbal (other than conduct that falls within the definition of a Nondiscretionary Discipline offense).

12. Theft or Possession of Stolen Property - Taking or knowingly being in possession of district property or property of others without permission (other than conduct that falls within the definition of a Nondiscretionary Discipline offense).

13. Tobacco/Electronic Smoking Devices - Possession, use, distribution or sale of tobacco products or the violation of school district tobacco policy, including violation regarding electronic smoking devices.

14. Unexcused Absences or Tardiness – A student may be subject to discipline for absences or tardiness that are not excused. However, the district will not suspend or expel a student from school for absences or tardiness.

NONDISCRETIONARY DISCIPLINE OFFENSES

The Rules of Conduct in this section are deemed Nondiscretionary Discipline offenses. [HB 1541, Section 105\(4\) – \(7\)](#); [RCW 28A.600.015](#); [WAC 392-400-245](#); [WAC 392-400-260](#).

1. Alcohol -- A liquor violation under [RCW 66.44.270](#), including possessing, consuming, acquiring, selling, giving, or otherwise supplying liquor.

A contract may be developed to allow up to fifty percent (50%) of any suspension held in abeyance if the student successfully complies with the terms and conditions of the contract.

2. Bullying –Behaviors that involve a real or perceived power imbalance and are repeated, or have the potential to be repeated, over time; and that:

(1) Fall within the definition of harassment in [RCW 9A.46.020](#):

“A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

- (i) To cause bodily injury immediately or in the future to the person threatened or to any other person;
 - (ii) To cause physical damage to the property of a person other than the actor;
 - (iii) To subject the person threatened or any other person to physical confinement or restraint; or
 - (iv) Maliciously to do any other act which is intended to harm the person threatened or another with respect to his or her physical or mental health or safety;
- and

(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, the sending of an electronic communication);

Or

(2) Fall within the definition of one or more of the offenses listed in [RCW 9A.46](#):

- Harassment ([RCW 9A.46.020](#));
- Malicious harassment ([RCW 9A.36.080](#));
- Telephone harassment ([RCW 9.61.230](#));
- Assault in the first degree ([RCW 9A.36.011](#));
- Assault of a child in the first degree ([RCW 9A.36.120](#));
- Assault in the second degree ([RCW 9A.36.021](#));
- Assault of a child in the second degree ([RCW 9A.36.130](#));
- Assault in the fourth degree ([RCW 9A.36.041](#));
- Reckless endangerment ([RCW 9A.36.050](#));
- Extortion in the first degree ([RCW 9A.56.120](#));

- Extortion in the second degree ([RCW 9A.56.130](#));
- Coercion ([RCW 9A.36.070](#));
- Burglary in the first degree ([RCW 9A.52.020](#));
- Burglary in the second degree ([RCW 9A.52.030](#));
- Criminal trespass in the first degree ([RCW 9A.52.070](#));
- Criminal trespass in the second degree ([RCW 9A.52.080](#));
- Malicious mischief in the first degree ([RCW 9A.48.070](#));
- Malicious mischief in the second degree ([RCW 9A.48.080](#));
- Malicious mischief in the third degree ([RCW 9A.48.090](#));
- Kidnapping in the first degree ([RCW 9A.40.020](#));
- Kidnapping in the second degree ([RCW 9A.40.030](#));
- Unlawful imprisonment ([RCW 9A.40.040](#));
- Rape in the first degree ([RCW 9A.44.040](#));
- Rape in the second degree ([RCW 9A.44.050](#));
- Rape in the third degree ([RCW 9A.44.060](#));
- Indecent liberties ([RCW 9A.44.100](#));
- Rape of a child in the first degree ([RCW 9A.44.073](#));
- Rape of a child in the second degree ([RCW 9A.44.076](#));
- Rape of a child in the third degree ([RCW 9A.44.079](#));
- Child molestation in the first degree ([RCW 9A.44.083](#));
- Child molestation in the second degree ([RCW 9A.44.086](#));
- Child molestation in the third degree ([RCW 9A.44.089](#));
- Stalking ([RCW 9A.46.110](#));
- Cyberstalking ([RCW 9.61.260](#));
- Residential burglary ([RCW 9A.52.025](#));
- Violation of a temporary, permanent, or final protective order issued pursuant to chapter [7.90](#), [9A.46](#), [10.14](#), [10.99](#), [26.09](#), or [26.50 RCW](#);
- Unlawful discharge of a laser in the first degree ([RCW 9A.49.020](#));
- Unlawful discharge of a laser in the second degree ([RCW 9A.49.030](#));
- Criminal gang intimidation ([RCW 9A.46.120](#)).

3. Destruction of Property/Vandalism – An offense listed under [RCW 9A.46](#) (harassment), [RCW 9A.48](#) (arson, reckless burning, malicious mischief), or [RCW 9A.36](#) (including malicious harassment) that involves the intentional damage of school property or the property of others.

Note: Under [RCW 28A.635.060\(1\)](#), the school district may withhold the grades, diploma, and transcripts of a pupil responsible for intentional damage or loss to the property of the district, a contractor of the district, an employee, or another student until the pupil or the pupil's Parent or guardian has paid for the damages. If a student has been suspended or expelled, the student may not be readmitted until the student or parent or legal guardian has made payments in full, or until the superintendent directs otherwise. If the property damaged is a school bus owned and operated by the district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed otherwise by the superintendent.

When the pupil or guardian are unable to pay for the damages, the school district will provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of the voluntary work the grades, diploma, and transcript of the pupil shall be released. The parent or guardian of the pupil is liable for damages as otherwise provided by Washington State law.

Possession of another person's or district property, regardless of value, without the person's

permission with the intent to deprive the owner of such property. As part of the discipline, restitution will usually be required.

4. Discriminatory Harassment – Harassment offenses include Nondiscretionary bullying offenses except that, for the behavior to be considered discriminatory harassment, the behavior will also be motivated by a person’s protected status as listed in [Policy 3210](#).

Thus, discriminatory harassment includes any such conduct or communication (i.e., motivated by a person’s protected status as listed in [Policy 3210](#)) that falls within the same definition of bullying, but that is also motivated by a person’s protected status as listed in [Policy 3210](#).

5. Illicit Drugs (Not Marijuana) – Any violation of controlled substance law under [RCW 69.50](#) not involving marijuana, including unlawful use, cultivation, manufacture, distribution, sale, solicitation, purchase, possession, transportation, or importation of any controlled drug or narcotic substance.

A contract may be developed to allow up to fifty percent (50%) of any suspension held in abeyance if the student successfully complies with the terms and conditions of the contract.

6. Marijuana - Any violation of the controlled substances law under [chapter 69.50 RCW](#) involving marijuana, including unlawful use, cultivation, distribution, sale, solicitation, purchase, possession, transportation of cannabis or violation of other district drug policy.

A contract may be developed to allow up to fifty percent (50%) of any suspension held in abeyance if the student successfully complies with the terms and conditions of the contract.

7. Behavior that causes an adverse impact on the health or safety of other students or staff. – [HB 1541 \(Section 105\(6\) \(d\)\)](#); [RCW 28A.600.015](#).

8. Other Behavior

a. Any offense in [RCW 13.04.155](#) not otherwise listed.

Extortion/Coercion - Obtaining or attempting to obtain money or property by violence or threat of violence or forcing or attempting to force a person to do something against his/her will by force or threat of force.

Threat - Any communication or action which creates a reasonable fear of bodily harm.

Note: It is expected that a student should first retreat from any threat of harm and/or contact an adult staff member for assistance before engaging in any type of physical response to an assault. However, an administrator may decide not to subject a student to discipline or punishment (or may decide to subject a student to a lesser form of discipline or punishment) if, following a reasonable investigation, the administrator determines that all the following are true:

a) A student who is being assaulted or witnesses another student being assaulted acts in a manner that is defensive and protective of himself/herself or others;

b) The student is acting in a manner that a building administrator determines is reasonable and/or necessary considering the circumstances; and

c) The student did not instigate, provoke, or promote the violence by his or her words or conduct immediately prior to the assault.

A reasonable physical response to an assault may include holding the assailant's hands or arms to prevent the assault or pulling two fighting students apart and holding them until adult staff can arrive and intervene.

b. Inhaling toxic fumes under [chapter 9.47A RCW](#);

c. Two or more violations of the following within a three-year period:

Criminal gang intimidation. [RCW 9A.46.120](#).

Possessing dangerous weapons on school facilities. [RCW 9.41.280](#).

Engaging in gang activity as a member of a gang while on school grounds. [RCW 28A.600.455](#). "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert for criminal purposes.

Willfully disobeying school administrative personnel or refusing to leave public property. [RCW 28A.635.020](#).

Defacing or injuring school property. [RCW 28A.635.060](#).

See [RCW 28A.600.020](#); [HB 1541, Section 106\(5\)\(a\)](#).

d. Violation of the following:

[RCW 9A.44.132](#): Failure to register as a sex offender if the person has been convicted of failing to register prior to June 10, 2010, on at least one prior occasion.

[RCW 9A.64.020](#): Incest.

Felony violation of [chapter 9.68A RCW](#): Sexual exploitation of children other than [RCW 9.68A.080](#) (reporting minors engaged in sexually explicit conduct).

Felony under [chapter 9A.28 RCW](#): Criminal attempt, solicitation, or conspiracy to commit such crimes.

Felony violation of [RCW 9A.44.132\(1\)](#): Failure to register as a sex offender if the person has been convicted of violating [RCW 9A.44.132\(1\)](#) (failure to register as a sex offender) or [9A.44.130](#) prior to June 10, 2010, on at least one prior occasion.

Any felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection.

Any felony with a finding of sexual motivation.

Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense.

9. Serious Bodily Injury to Special Education Student - An incident, specific to students who are eligible for special education services, that results in the serious bodily injury as defined in [18 U.S.C. Section \(1365\(h\)\(3\)\)](#) (bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty). See [HB 1541, Section 105\(6\)\(b\)](#); [RCW 13.04.155](#).

10. Sexual Harassment – Sexual harassment is like discriminatory harassment and bullying except that, for the behavior to be considered sexual harassment, the behavior will also include sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals. The term ‘sexual’ includes ‘gender-directed’ conduct or communication. [Policy 3205](#); [RCW 28A.640.020](#); [WAC 392-190-056](#)

Nondiscretionary sexual harassment offenses are

Offenses listed under [RCW 9A.36](#) (Assault)

Any sex offense listed under [RCW 9.94A.030\(47\)](#)

A felony that is a violation of [chapter 9A.44 RCW](#) (sex offenses, including rape, child molestation, sexual misconduct with a minor, indecent liberties, sexually violating human remains, voyeurism)

Sexual offenses listed in [RCW 9A.46](#) (Harassment).

11. Violence with Major Injury - Any behavior that includes a major injury (requiring professional medical attention) and is listed or referenced in [RCW 13.04.155](#), including:

- Any violent offense listed in [RCW 9.94A.030\(55\)](#)
- Assault, drive by shooting, reckless endangerment, promoting suicide attempt, coercion, malicious harassment, failure to summon assistance ([RCW 9A.36](#))
- Homicide ([RCW 9A.32](#))
- Malicious Harassment ([RCW 9A.46](#))
- Kidnapping ([RCW 9A.40](#))
- Sex Offenses, rape, child molestation ([RCW 9A.44](#))
- Arson, reckless burning, criminal street gang tagging and graffiti ([RCW 9A.48](#))
- Robbery ([RCW 9A.56](#))

[HB 1541, Section 105\(6\) \(b\)](#).

A major injury is when one or more students, school personnel, or other persons on school grounds require professional medical attention. Examples of major injuries include stab or bullet wounds, concussions, fractured or broken bones, or cuts requiring stitches.

12. Violence Without Major Injury – Any behavior that does not include a major injury (requiring professional medical attention) and is listed in [RCW 13.04.155](#), including:

- Any violent offense listed in [RCW 9.94A.030\(55\)](#)
- Assault, drive by shooting, reckless endangerment, promoting suicide attempt, coercion, malicious harassment, failure to summon assistance ([RCW 9A.36](#))
- Homicide ([RCW 9A.32](#))

- Malicious Harassment ([RCW 9A.46](#))
- Kidnapping ([RCW 9A.40](#))
- Sex Offenses, rape, child molestation ([RCW 9A.44](#))
- Arson, reckless burning ([RCW 9A.48](#))
- Robbery ([RCW 9A.56](#))

[HB 1541, Section 105\(6\) \(b\)](#).

13. Weapons and Firearms

Firearms – Carrying a firearm onto, or having possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools. [RCW 28A.600.420](#); [HB 1541, Section 105\(6\) \(a\)](#).

Firearm is defined by [RCW 9.41.010](#) and [18 U.S.C. 921](#), and includes:

Any weapon (including zip guns, starter guns, and flare guns) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive;

- The frame or receiver of any handgun, shotgun, or rifle;
- Any firearm muffler or firearm silencers;
- Any destructive device, which includes:
 - a) any explosive, incendiary, or poison gas (such as: bomb, grenade, rocket) having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or similar device;
 - b) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;
 - c) any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

'Other weapon' is defined as:

- Anything used as a weapon that is not classified as a handgun, rifle/shotgun, knife/dagger, or other firearm.
- Examples include chains, pipes, razor blades or similar instruments with sharp cutting edges; ice picks, pointed instruments (pencils, pens); nun-cha-ka sticks; brass knuckles; stars; billy clubs; tear gas guns; electrical weapons (stun guns); BB or pellet guns; and explosives or propellants.

See [18 U.S.C. 921](#) (Gun Free Schools Act).

For firearm violations, expulsion shall be imposed for not less than one year (12 months) under [RCW 28A.600.420](#) and an expulsion shall be imposed for up to one year if the student acts with malice as defined under [RCW 9A.04.110](#) and displays a device that appears to be

a firearm. The district superintendent or the superintendent's designee is authorized to modify the expulsion of a student on a case-by-case basis.

Even where a student has been suspended or expelled for a firearm violation, the district may provide educational services to the student in an alternative setting. See [RCW 28A.600.420\(4\)](#).

Weapons - Any violation of [RCW 9.41](#), including:

Carrying onto, or possessing on, school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (1) Any dangerous weapon as defined in [RCW 9.41.250](#);
- (2) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (3) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- (4) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;
- (5) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

See [RCW 9.41.280](#). Any violation of the above by elementary or secondary school students constitutes grounds for expulsion in accordance with [RCW 28A.600.010](#). An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Manufacturing, selling, or disposing of or possessing any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife.

"Spring blade knife" means any knife, including a prototype, model, or other sample, with a blade that is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement. A knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires physical exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife is not a spring blade knife.

Furtively carrying with intent to conceal any dagger, dirk, pistol, or other dangerous weapon;

Using any contrivance or device for suppressing the noise of any firearm unless the suppressor is legally registered and possessed in accordance with federal law;

Except as expressly allowed by [RCW 9.41](#), carrying, exhibiting, displaying, or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

Violating [RCW 9.36.045](#) (drive by shooting)

[RCW 28A.600.420](#); [RCW 13.04.155\(1\)\(f\)](#); [RCW 9.41](#) (Firearms and Dangerous Weapons) [HB 1541, Section 105\(6\)\(a\) & \(b\)](#).

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Superintendent:	Dr. Shelley K. Redinger