

**Long-Term Suspensions or Expulsions and Procedural Due Process**

"Long-term suspension" shall mean denial of a class attendance for a definite time in excess of ten (10) consecutive school days. It shall also mean that the student will be denied participation in any school-sponsored activities from the time the student is placed on suspension until his/her suspension has been completed. A suspension will include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

"Expulsion" shall mean denial of attendance at any single subject or class or at any full schedule of subjects, a denial of attendance at any other type of activity conducted by or in behalf of the district, and any combination of the foregoing, for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district. Additionally, pursuant to RCW 9.41.250, RCW 9.41.280, possession of a firearm or dangerous weapons on school premises, school-provided transportation, or facilities while being used by schools, shall constitute grounds for expulsion. School officials shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

A long-term suspension may be imposed upon a student for violation of rules of conduct, subject to the following limitations or conditions;

1. The nature and circumstances of the violation must reasonably warrant a long-term suspension and the length of the suspension imposed.
2. No student in grades K-4 shall be subject to short-term and long-term suspensions for more than a total of ten (10) school days during any single trimester, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.
3. No single long-term suspension shall be imposed upon a student in grade 5 and above in a manner which causes the student to lose academic grades or credit for in excess of one trimester.
4. Unless the behavior is an Exceptional Misconduct violation as defined, no student shall be long-term suspended on the first offense, unless other forms of corrective action reasonably calculated to modify his/her conduct have failed or unless there is good reason to believe that other forms of corrective action would fail if employed.
5. The nature and circumstances of the violation must reasonably warrant the harshness of expulsion, such as Exceptional Misconducts.
6. Once a student has been expelled in compliance with the procedures, the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities.

7. All long-term suspensions and expulsions and the reasons therefore shall be reported in writing to the Superintendent within 24 hours after the imposition of the suspension.

**8. Notice of Hearing/Waiver of Hearing from Long-Term Suspension and Expulsion**

a. A long-term suspension or expulsion may be imposed by the principal only after a fair hearing, with the Hearing Officer, is made available to the affected student and parent.

b. Written notice of the opportunity for a hearing shall be delivered in person or by certified mail to the student and to his/her parents/guardians. The notice shall:

1) be provided in the predominant language of a student and/or parent or guardian who predominantly speak a language other than English, to the extent feasible,

2) Specify the alleged misconduct and the school district rules alleged to have been violated,

3) Set forth the corrective action proposed,

4) Set forth the right of the student and/or his or her parents or guardians to a hearing for the purpose of contesting the allegations, and

5) Set forth the facts that:

a) written request for hearing must be received by the school district employee designated, or by his/her office, on or before the expiration of three (3) school business days after receipt of the notice of opportunity for a hearing, and

b) if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension or expulsion may be imposed by the school district without any further opportunity for the student or his/her parent or guardian to contest the matter. A schedule of "school business days" should be included with the notice.

- 6) The student and/or his/her parent or guardian shall reply to the notice of opportunity for a hearing within three (3) school business days after the receipt of notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to their office. A request for a hearing shall be accepted if in writing.
- 7) If a request for a hearing is not received within the required (3) school business day period, the school district may deem the student and parent/guardian to have waived the right to a hearing and the proposed long-term suspension or expulsion may be imposed.

**9. Prehearing and Hearing Process for Long-Term Suspension and Expulsion**

- a. If a request for a hearing is received within the required three (3) school business days, the superintendent shall schedule the matter with the Hearing Officer, within three (3) school business days after the date upon which the request for a hearing was received.
- b. The student and his/her parent or guardian shall have the right to:
  - 1) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
  - 2) Be represented by legal counsel,
  - 3) Question and confront witnesses,
  - 4) Present his/her explanation of the alleged misconduct, and
  - 5) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.
- c. The designee of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary or other physical evidence which the student and parent/guardian intend to introduce at the hearing.
- d. The hearing shall be conducted before a hearing officer appointed by the superintendent. Such hearing officer shall not be a witness and shall determine the facts of each case solely on the evidence presented at the hearing.
- e. Either a tape-recorded or verbatim record of the hearing shall be made.

- f. The hearing officer shall state in writing the findings as to the facts, conclusions and disposition to be made. The decision shall be provided to student's legal counsel, or if none, to the student and his/her parent or guardian. A copy should be provided to the Superintendent.

### **Emergency Expulsion**

A student may be expelled immediately by the superintendent, assistant superintendent, a principal or assistant principal, or a designee of the superintendent in emergency situations, provided that the imposing administrator has good and sufficient reason to believe that the student's presence poses **an immediate and continuing danger** to the student, other students, or school personnel or **an immediate and continuing threat of substantial disruption** of the educational process.

An emergency expulsion shall continue until rescinded by the imposing administrator, or until modified or reversed pursuant to a hearing by the Hearing Officer.

The provisions governing notice of hearing and hearing process of regular long-term suspensions or expulsions shall apply except as follows:

- A. Written notice of the emergency expulsion shall be sent by certified letter deposited in the U.S. mail within twenty-four (24) hours of the expulsion or by hand delivery to the student's parent/guardian within twenty-four (24) hours of the expulsion and documenting delivery by obtaining his/her signature acknowledging receipt or the written certification of the person making the delivery;
- B. The parent and student shall have ten (10) school business days after receipt of the notice during which to request in writing a hearing with the Hearing Officer. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice; and
- C. The Hearing Officer shall render the decision within one (1) school business day after the conclusion of the hearing.
- D. If a request for a hearing is not received within the required ten (10) school business day period, the school district may deem the student and parent/guardian to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

### **Right of Appeal of Hearing Officer's Decision for Long-Term Suspension, Expulsion, or Emergency Expulsion**

If a long-term suspension or expulsion is imposed, the parent and student shall have the right to appeal the hearing officer's decision by filing a written notice of appeal at the office of the hearing officer within three (3) school business days after the date of receipt of the decision.

The long-term suspension or expulsion shall be in effect while the appeal of the Hearing Officer's Decision is pending.

The board of directors shall schedule and hold a meeting to informally review the matter within ten (10) school business days from receipt of such appeal. The purpose of the meeting shall be to confer with the parties in order to decide upon the most appropriate means of handling the appeal. At that time the student, parent, and/or counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board deems reasonable. Prior to adjournment, the board shall agree to one of the following procedures:

- A. Study the hearing record and other materials submitted and render its decision within ten (10) school business days after the date of the informal conference; or
- B. Schedule and hold a special meeting to hear further arguments on the case and render its decision within fifteen (15) school business days after the date of the informal conference; or
- C. Schedule and hold a meeting within ten (10) school business days after the date of the informal conference for the purpose of hearing the case de novo.

In the event the school board of directors elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings;

- A. The student and parent/guardian shall have the right to:
  - 1. Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
  - 2. Be represented by legal counsel,
  - 3. Question and confront witnesses,
  - 4. Present his/her explanation of the alleged misconduct, and
  - 5. Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he/she desires.
- B. The designee of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and parent/guardian intend to introduce at the hearing.
- C. Either a tape-recorded or verbatim record of the hearing shall be made.
- D. Any decision by the board of directors to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made only by those board members who have heard or read the evidence and who have not acted as a witness in the matter, and only at a meeting at which a quorum of the board is present, and by majority vote.



	28A.225.030	Petition to juvenile court to assume jurisdiction
	28A.600.420	Firearms on school premises, transportation, or facilities--Penalty--Exemptions
WAC	180-40-260	Long-term suspension--conditions and limitations
	180-40-265	Long-term suspension--Notice of hearing--Waiver of hearing
	180-40-270	Long-term suspension--Prehearing and hearing process
	180-40-280	Expulsion-Notice of hearing--Waiver of hearing
	180-40-285	Expulsion--Prehearing and hearing process
	180-40-290	Emergency removal from class, subject, activity
	180-40-295	Emergency expulsion--Limitations
	180-40-300	Emergency expulsion--Notice of hearing--Waiver of hearing right
	180-40-305	Emergency expulsion--Prehearing and hearing process
	180-40-310	Appeals--Long-term suspension and expulsion
	180-40-315	Appeals--Hearing before school board
	180-40-320	School Board decisions
P.L.	101-226	Drug-Free Schools and Communities Act