Student Rules, Regulations and Conduct: Discipline

The mission of the Wahluke School District is to challenge each learner by equitably providing the tools, resources and conditions necessary to master the knowledge, skills and behaviors essential for life-long learning and success through a partnership with parents and our diverse community. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of study, to comply with written rules of the Wahluke School District which are adopted pursuant to and including, but not limited, to operational procedures OP 3207, OP 3224, OP 3230, OP 3240, (OP) 3241 and other district procedures and applicable legal statutes, and to submit to reasonable correction or punishment imposed by the school district and its agents for violations of such rules (RCW 28A.600.040 and WAC 392-400-210).

Each individual district school building shall also have its own written rules and regulations, which are consistent with state law and Wahluke district operational procedures, and which are appropriate for operation of that particular school. Schools and the district must collect data on disciplinary actions, making the data available to state agencies and to the public on request.

The primary purpose of discipline is to protect the health, safety, and welfare of all students, staff, and visitors, maintain the security of the schools, and ensure a safe, non-disruptive optimum learning environment. The superintendent shall have the authority to implement this procedure and to discipline, suspend, or expel students. He/she shall also designate which staff members have the authority to initiate or take disciplinary action.

The superintendent authorizes OP 3241 as it conforms with laws and regulations affecting student discipline, making clearer the discipline process.

Definitions

As used in this chapter the terms:

- "Behavioral violation" means a student's behavior that violates a school district's discipline policy adopted under (WAC 392-400-225).
- "Classroom exclusion" means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements in (WAC 392-400-330) and (392-400-335). Classroom exclusion does not include actions that result in missed instruction for a brief duration when:
  - Teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
  - The student remains under the supervision of the teacher or other school personnel during such brief duration.
- "Corrective action" means discipline, classroom exclusion, suspension, emergency expulsion, or expulsion.
- "Culturally responsive" has the same meaning as "cultural competency" in (RCW 28A.410.270).
- "Discipline" and "other forms of discipline" mean all forms of corrective action 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 developed under (RCW 28A.165.035).
- "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 (28A.600.015), but does not constitute action taken in response to any of the following:

- A violation of RCW 28A.600.420; (b) An offense in RCW 13.04.155;
- 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
- Behavior that adversely impacts the health or safety of other students or educational staff.

- "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.

- "Emergency expulsion" means an emergency removal from school for up to, and not exceeding, ten consecutive school days from the student's current school placement by a school district superintendent or a designee of the superintendent. The superintendent or designee must have good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school.

- "Expulsion" means a denial of attendance for a period of time up to, but not longer than, the length of an academic term, as defined by the school board, from the time a student is removed from his or her current school placement by a school district superintendent or a designee of the superintendent. 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.

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

- "Long-term suspension" means a suspension that:
  - Exceeds ten school days and has 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;
  - Cannot be imposed in such a manner that causes the student to lose academic grades or credit in excess of one semester or trimester during the same school year; and
  - Cannot be imposed beyond the school year in which the alleged misbehavior occurs.

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

- "School business day" means any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

- "School day" means a calendar day except school holidays on which students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

- "Short-term suspension" means a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.

- "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.
1. Introduction

The Wahluke School District will uniformly enforce and implement discipline operational procedures in such manner as to guarantee all students their procedural due process rights while preserving the health and safety of students and employees and the preservation of an educational process which is conducive to learning (WAC 392-400-225). In order to comply with state law, discipline, suspensions and expulsions will be implemented in a progressive manner except where student conduct warrants a school response commensurate with the seriousness of the offense. Expectations for student conduct are established to maximize each student’s individual potential and to provide a positive learning environment.

To implement State Board of Education (SBE) requirements, consistent with the Wahluke School District board of directors’ policies, written operational procedures regarding student rights and responsibilities are adopted. The board reserves the right to authorize the adoption of disciplinary rules and procedures and the imposition of disciplinary sanctions as allowed by state law and regulation. Operational procedures’ content shall be made available to each student and parent(s)/guardian(s) in the district on an annual basis and in a manner reasonably calculated to come to their attention (RCW 28A.600.010 - RCW 28A.600.020 and WAC 392-400-225) through a fall mailing to each student’s household of the Student, Parent, and Staff Handbook and through publication of all board policies and operational procedures on the district website, https://www.wsd73.wednet.edu.

Established operational procedures will be followed in correcting misbehavior. Hearing and appeal procedures have been established in order to provide due process for every corrective action.

1.1 Superintendent authority – The superintendent will have the authority to discipline, suspend or expel students. The superintendent will:

   1.1.0 Identify the conditions under which a student may exclude a student from his or her class; and

   1.1.1 Designate which staff members have the authority to initiate or to impose discipline, suspensions or expulsions.

No student will be expelled, suspended, or disciplined in any manner for the performance or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

No form of discipline will be enforced in such a manner as to prevent a student from accomplishing a specific academic grade, subject or graduation requirements.

1.2 Notification of suspensions of students eligible for special education services – The principal or designee will notify special education staff of any suspension of a student who is currently eligible for special education services or any student who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days, the principal will notify relevant special education staff so that the District can ensure compliance with section 8.15 of this agreement and special education discipline procedures.

1.3 Rights and responsibilities of certificated staff – Certificated staff will have the right to:

   1.3.0 Expect students to comply with school rules;

   1.3.1 Develop and/or review building rules relating to student conduct and control at least once each year. Building rules will be consistent with district rules relating to student conduct;
1.3.2 Receive any complaint or grievance regarding corrective action of students. Certificated staff will be given the opportunity to present their version of the incident and to meet with the complaining party in the event that a conference is arranged;

1.3.3 Detain a student after school for up to 30 minutes with due consideration for bus transportation.

Teachers have the right to exclude any student who creates a disruption of the educational process of building disciplinary standards, while under the teacher’s supervision, from his/her individual classroom or instructional activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances as provided in WAC 392-400-290 (see 3.7 Emergency Removal below), the teacher will attempt one or more forms of corrective action prior to excluding the student. 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 and the teacher have conferred.

Certificated staff will have the responsibility to:

1.3.4 Observe the rights of students;

1.3.5 Supervise student behavior and enforce rules of student conduct fairly, consistently, and without discrimination. Any infractions will be reported orally and/or in writing to the principal as soon as possible regardless of corrective actions taken by the teacher;

1.3.6 Maintain good order in the classroom, in the hallways, on the playgrounds or other common areas of the school, and on school buses (i.e., during field trips);

1.3.7 Maintain accurate attendance records and report all cases of truancy;

1.3.8 Set an appropriate example of personal conduct and avoid statements which may be demeaning or personally offensive to any student or group of students; and

Principal will have the responsibility to:

1.3.9 Impose suspension or expulsion when appropriate;

1.3.10 Notify parents when students are suspended or expelled; and

1.3.11 Confer with certificated staff at least once per year to develop and/or review rules of conduct to be employed in the school and corrective actions that may be employed in the event of rule infractions.

14 Unexcused absences and tardiness – Students with one or more unexcused absences and/or tardiness and subject to compulsory attendance pursuant to Chapter 28A.225 RCW may be subject to corrective action that is reasonably calculated to modify the student’s conduct. However, if a district imposes corrective action on a student for one or more unexcused absences, it must:

1.4.0 Provide notice to the student’s parent/guardian in writing in English or the primary language of the parent/guardian, that the student has failed to attend school without valid justification, and by any other means necessary to provide notice of these facts;

1.4.1 Schedule a conference or conferences with the parents/guardians and the student to analyze the causes of the student’s absences and determine whether the student would be appropriately placed in a special program designed for his/her educational success; and

1.4.2 Take steps to reduce the student’s absences, which include, where appropriate in the judgment of district staff, adjustments to the student’s school program or school courses or assisting the parent/guardian in obtaining supplementary services.
Additionally, a student’s academic grade or credit may only be adversely affected by reason of
tardiness or absences if:

1.4.3 The student’s attendance or participation is related to the instructional objectives or goals
of the particular subject or course;

1.4.4 The student’s attendance or participation has been identified by the teacher pursuant to
district policy as a basis for grading the subject or course; and

1.4.5 The circumstances pertaining to the student’s inability to attend school have been taken
into consideration, including whether the absences are directly related to the student’s
disability under Section 504 of the Rehabilitation Act of 1964, Title II of the American
with Disabilities Act (ADA) or the Individuals with Disabilities Education Act (IDEA).

2. Purpose/Application

21 A major purpose of this operational procedure is to describe the substantive and procedural due
process rights of students served by any program or activity conducted by or on behalf of the
Wahluke School District and to establish the procedures and standards which govern the
imposition of disciplinary action upon any student by the district (RCW 28A.600.015 and WAC
392-400-200).

22 Another purpose of this operational procedure is to define with reasonable clarity the types of
misconduct which will result in disciplinary action, in order to assure a healthy and safe
school environment for students, staff, and visitors and to enhance the educational environment.

23 By formal agreement with the Mattawa Police Department of the City of Mattawa, cases of
student misconduct involving unlawful acts as defined by state and/or federal law, such as
disruption of the learning environment, threats to other students or staff, substance abuse
violations, assault, theft, extortion, weapons and other acts, shall be referred to the appropriate
law enforcement agencies. Law enforcement will be called if there is an indication of a criminal
act or perceived danger of the student’s harming himself/herself or others, or if a student might
put himself/herself at risk by running from the school. Physical evidence which may be
obtained, such as illegal substances or paraphernalia, a knife or gun, will be photocopied
against a ruler for school purposes; the physical evidence will be given to the law enforcement
officer.

24 These guidelines shall apply fully and completely to school instructional time and to all student
academic activities, to extracurricular activities and athletic programs, and to cases of
imposition of discipline for off-campus student misconduct as follows:

2.4.0 misconduct occurs on the way to and from school;

2.4.1 the conduct has a direct impact or effect on the school;

2.4.2 there is proximity of the misconduct in relationship to the school day;

2.4.3 there is proximity of the misconduct in relationship to school premises;

2.4.4 the misconduct is an extension of a problem that began at school;

2.4.5 the seriousness of the misconduct, its impact on the general welfare of staff and students,
and fear of retaliation create reasonable suspicion or expectation of further school
disruption; or

2.4.6 the victim is a student or a staff member.
The superintendent delegates building administrators to be responsible for the safety and security of schools, including students, staff, visitors, and community members. Administrators empower their staff to use reasonable means to protect the school environment that enables the accomplishment of the mission of the schools. District policy allows, when necessary, for designated staff to pursue a student who could be placing self or others in danger. Designated staff who provide for safety and security includes certificated and non-certificated staff, but particularly includes building administrators, school security staff, and contracted law enforcement officers. District staff will communicate and cooperate with law enforcement agencies; violations of law and criminal acts will be reported to law enforcement officers.

3. **Forms of Discipline and Discipline Defined**

Discipline shall mean all forms of interventions or corrective actions, other than suspension and expulsion, and shall include the exclusion of a student from a class by a teacher or administrator for a period of time with the student in the custody of a school district employee for such period. Discipline also means the exclusion of the student by a designated district employee from any other type of activity conducted by or in behalf of a school district ([WAC 392-400-205](https://wac.wa.gov/392-400-205.html) and [WAC 392-400-235](https://wac.wa.gov/392-400-235.html)). Disciplinary action is administered when a student does damage to school property, violates the rights of others or disrupts the educational environment.

Immediately upon taking disciplinary action, the district employee will make an oral report to the office ([WAC 392-400-230](https://wac.wa.gov/392-400-230.html)). By the end of that school day, the district employee will make a written referral to the building administrator who will assign discipline; parent(s)/guardian(s) notification and/or involvement will take place. At all times during disciplinary action, the student will be under the direct supervision of a staff member.

31 **Conferences.** Formal and informal meetings may be used to resolve a student's behavior problem. Positive conflict resolution techniques for staff and students are encouraged.

32 **Detention.** Students may be detained before or after school for up to thirty(30) minutes under the direct supervision of a staff member. In addition, a student may also be detained during the school day lunch hour (lunch provided). The time which a student spends during corrective action shall be used constructively. Parent(s)/guardian(s) shall be notified in advance so that he/she can make suitable transportation arrangements for the student. A telephone contact or written notice should precede detaining the student.

33 **Study or Work Program.** A student may be assigned to a specific period of study or work before or after school or on a non-school day.

34 **Probation, Entry and Re-entry Process, and Modified School Standards.** A student may be placed on district or in-school probation or in a modified program situation for a specific period of time, not to exceed the current school year, by the building administrator or designee and may be required to meet conditions established by the school and agreed upon by the student and parent(s)/guardian(s). A student's failure to comply with district probation conditions may result in stronger disciplinary action.

35 **Fees and Fines Resulting from Disciplinary Action.** The parent(s)/guardian(s) is liable for damages caused by the student; for specifying damage, vandalism, or other financial loss to the district. The school may withhold grades, diploma, and transcript until restitution for the damage is made; see OP 3520. If the parent(s)/guardian(s) and student are financially unable
to pay, the school must provide a voluntary work program in lieu of payment (RCW 28A.635.060).

If a student is suspended for damaging property belonging to a school, contractor, school employee, or another student, the student may not be readmitted until payment in full has been made for the damage, or until directed by the superintendent of schools or designee. If the property damaged is a school bus, the student may not ride on a school bus until full payment is made or the superintendent of schools or designee readmits the student. The school may provide a work program in lieu of payment of money.

36 **Exclusion.** Any student who creates a disruption of the educational process in violation of building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his/her individual classroom and instructional or activity area for all or any portion of the balance of the school day, up to the following two (2) school business days, or until the building administrator and teacher have conferred, whichever occurs first. When 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 must provide notice and due process for a suspension, expulsion, or emergency expulsion (WAC 392-400-330).

Except in emergency circumstances, the teacher first must attempt one (1) or more alternative forms of corrective action. Parents and school administration shall be notified by the teacher of the exclusion as soon as possible. A student may be excluded from a classroom for longer periods of time by the building administrator if the student has repeatedly disrupted the classroom (RCW 28A.600.020).

37 **Emergency Class Removal.** A teacher or building administrator may remove from his/her class or activity period any student who creates an immediate and continuing danger to the student, other students, or school staff, or who presents an immediate and continuing threat of substantial disruption of the class, activity, or the educational process at the student's school. Such removal shall be accomplished in accordance with section 8.6 and shall be in effect until such time as:

3.7.0 the danger or threat ceases; and/or
3.7.1 the building administrator acts to impose discipline, suspension or expulsion (WAC 392-400-230).

38 **Discretionary Discipline.** Any form of corrective action taken in response to student misconduct that violates the rules, policies, or procedures adopted by the board of directors, except for actions taken in response to:

3.8.0 A violation of the prohibition against firearms on school premises, transportation, or facilities;
3.8.1 Certain violent offenses, sex offenses, offenses related to liquor, controlled substances, and toxic inhalants, and certain crimes related to firearms, assault, kidnapping, harassment, and arson;
3.8.2 Two or more violations within a three-year period of criminal gang intimidation or other gang activity on school grounds, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property; or
3.8.3 Behavior that adversely impacts the health or safety of other students or educational staff.
Discretionary discipline cannot include long-term suspension or expulsion. (HB 1541)

4. Forms of Suspension and Expulsion and Suspension and Expulsion Defined
Suspension and/or expulsion of a student may be the denial of attendance for unlawful acts, district offenses, violation of school building rules, or exceptional misconduct. The superintendent designates school or program administrators, assistant administrators and designated substitute administrators to impose suspensions and expulsions (WAC 392-400-230 (2)).

4.1 Suspension. Suspension shall mean a denial of attendance (other than for an exclusion under section 3.6) for any single subject or class, or for any full schedule of subjects or classes for a stated period of time. Suspended students are considered absent from school; they are also denied admission to or entry onto school premises, which is defined as real and personal property that is owned, leased, rented or controlled by the school district. Suspensions may be in-school, short-term or long-term and are dealt with differently in the discipline process.

4.1.0 Short-term Suspension. As per (WAC 392-400-245), a short-term suspension shall mean a denial of attendance for any portion of one (1) school calendar day up to and not exceeding ten (10) consecutive school days.

4.1.1 In-school Suspension. As an alternative to short-term suspension, a student may be placed under staff supervision, not exceeding ten (10) consecutive school days.

The in-school suspension is designed to help a student learn a more acceptable mode of behavior without impairing his/her educational progress.

In-school suspension incorporates clear rules and procedures, involves a student and his/her parent(s)/guardian(s), permits the student to progress on her/his academic work, encourages involvement with the school counseling staff, provides a student with opportunity to develop a behavior plan or agreement, and encourages monitoring and follow-up to assure that the student benefits from the corrective action.

(a) In-school Suspension, Adult-Supervised Detention. Some district schools have created an alternative learning experience under the supervision of a certificated employee. In this model, the student is counted present but is excluded from activities and contact with the general student body and is required to work on school assignments, so that the student is counted as present or as an excused absence.

Students who are assigned to in-school suspension, or adult-supervised detention, are granted this opportunity as a privilege and are expected to comply with the expectations of staff. Note: Staff need to be aware that monitoring of in-school suspension for students who are special education/Section 504 may constitute a pattern of exclusion.

(b) Schools may be without the above supervision programs, but with solely a detention area that provides staff supervision, but not certificated supervision of instruction, and where only a few of the above ingredients are in place, or the student’s attendance and commitment to his/her academic tasks demonstrates that he/she is unappreciative and unworthy of the above program. In that case, the in-school suspension under this section will simply provide a safe learning place to do school work. Note: Staff need
to be aware that monitoring of in-school suspension for students who are special education/Section 504 may constitute a pattern of exclusion.

4.1.2 **Long-term Suspension.** Long-term suspension shall mean a suspension of eleven (11) school days or more in one (1) grading period. A long-term suspension must not exceed the length of an academic term, as defined by the school board (WAC 392-400-260). The school board defines an academic term as not to exceed 90 days for schools on semester academic calendars and 60 days for schools on trimester academic calendars. Any student who has been long-term suspended shall be allowed to make application for readmission at any time.

4.2 **Expulsion.** Expulsion shall mean a denial of attendance for a period of time up to but no longer than the length of an academic term, as defined by the school board. The school board defines an academic term as not to exceed 90 school days. An expulsion also includes a denial of admission to or entry onto school premises, as defined in section 4.1. Any student who has been expelled shall be allowed to make application for readmission at any time; see OP 3202 (WAC 392-400-275 and RCW 28A.600.020).

4.3 **Emergency Expulsion.** A student may be expelled immediately and without a hearing by the building administrator in emergency situations. An emergency exists when the 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 class, subject, activity, or educational process of the student’s school. The removal from classes, activities or subjects shall continue only until the danger of threat ceases, or until the end of the school day following the student’s removal, whichever occurs first. This emergency expulsion also includes a denial of admission to or entry onto school or district premises. An emergency expulsion must end or be converted to another form of corrective action within ten (10) days from the date of the emergency removal from school; see OP 3240 (WAC 392-400-295 and RCW 28A.600.015).

5. **Student Rights**

5.1 In addition to other rights established by law, each student served by or on behalf of the Wahluke School District shall possess the following substantive rights, and the school district shall not limit these rights except for good and sufficient cause. This enumeration of rights shall be construed in a manner which is consistent with a student's constitutional and other legal rights under the constitutions and laws of the United States and the State of Washington. Student rights are conditioned upon the student’s age and maturity in a school setting (WAC 392-400-215).

5.1.0 No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because 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.

5.1.1 All students possess the constitutional right to freedom of speech and press, to peaceably assemble, and to petition the government and its representatives for redress of grievances, subject to reasonable limitations upon the time, place, and manner of exercising such rights.
In case of imposition of discipline, the student shall be provided the opportunity to present his/her explanation (WAC 392-400-250 (d)).

5.1.2 All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. Search procedures are found in OP 3230; search may be documented with OP exhibit 3230.XE.

5.1.3 All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of the school district.

5.1.4 No student shall be deprived of the right to equal educational opportunity in whole or in part by the school district without due process of law.

5.1.5 Special education students, prior to the imposition of a corrective action which would result in a significant change of placement, will have the right to have a manifestation determination meeting by the tenth (10th) day of the corrective action. The meeting will be set up by the IEP teacher and made through the Individual Education Plan (IEP) team which has knowledge of the student’s disability and/or placement, to ascertain if there is a causal relationship between the disability and/or placement and the misconduct giving rise to the corrective action. The assigned IEP teacher/coordinator and building administrator will have communicated about the discipline. If the potential discipline is long term or expulsion, the IEP teacher will make sure that special education district administrators are represented. Special education services must be offered on the eleventh (11th) day. Disciplinary exclusion procedures will be implemented by the district consistent with state and federal law, including (WAC 392-172A).

Section 504 students, prior to the imposition of a corrective action which would result in a significant change of placement, will have the right to have a manifestation determination meeting by the tenth (10th) day of the corrective action. The meeting will be set up by the school counselor to ascertain if there is a causal relationship between the disability and the misconduct giving rise to the corrective action.

Significant change of placement of a special education or 504 student means any suspension, in-school or out-of-school, or expulsion for disciplinary reasons, which excludes a special education or 504 student from school for more than ten (10) consecutive school days in a school year or any series of suspensions that are each of ten (10) school days or fewer in duration which create a pattern of exclusion, or a series of removals that constitute a pattern of exclusion because they accumulate to more than ten (10) days in a school year.

52 Students shall enjoy fully all rights enumerated above, with the following qualifications which are deemed reasonable and necessary for the health and safety of students, teachers, principals and other school district personnel and for the maintenance of an orderly educational process. Students are required to respect the rights of others (WAC 392-400-210).

5.2.0 The freedom to speak shall not include the right to use obscenities; to libel, slander, or defame another individual; to incite a riot; to disrupt the educational process; or to interfere with the rights of others.
5.2.1 The freedom to assemble shall not include the right to conduct meetings or demonstrations that disrupt the educational process or cause damage to district or school property or that violate district policy.

5.2.2 The freedom to publish shall not include the right to publish or distribute on school district premises written materials which have libelous, slanderous, defamatory, or obscene content or which violate district policy.

5.2.3 The right to security of personal possessions may be limited by the responsibility of school officials to conduct searches on a random, periodic basis or specifically if the officials have reasonable suspicion to believe that the student has in her/his possession, or in student lockers, desks, and other school property assigned to individual students, or in a container or vehicle on district property, any items or materials which he/she is forbidden to possess by city, county, state, or federal laws or district policy, or any items or materials which may have been or may be used to cause disruption to the educational process or which may endanger students or school district personnel.

6. Student Misconduct

Students will be subject to discipline, suspension or expulsion for misconduct as defined in this section, occurring on or in the vicinity of school premises, as defined in section 2.4, or at school-sponsored events and activities, in school vehicles, or in any other place while under the authority of school personnel. Regardless of other discipline imposed, a student and his parents will be held responsible for damage, vandalism, destruction or other financial loss to the district; see OP 3520 and OP exhibit 3520X.

The following student misconduct includes unlawful acts and district offenses. Violation of state or federal criminal law is considered to be student misconduct; definitions set forth herein may differ from those in state or federal statutes.

61 (ACT) Activities/Disobeying Laws and Rules at Events.
Specific rules and expectations for student behavior are annually produced and are contained in associated student body (ASB) constitutions, Student, Parent, and Staff Handbook, school building rules, and/or in the student Athletic Handbook. A student violating the rules set forth in these publications is deemed to be student misconduct.

62 (ARS) Arson. *Exceptional Misconduct
A student shall not intentionally, knowingly, maliciously, or recklessly attempt to or cause a fire or explosion on or in the vicinity of school premises or at a school-sponsored event (RCW 9A.48.010 - RCW 9A.48.060).

63 (ATT) Attendance/Truancy.
A student shall attend all assigned or scheduled classes or activities during the school day and shall submit a written excuse signed by his/her parent(s)/guardian(s) or by a staff member within two (2) school business days [forty-eight (48) hours] upon return from any absence. The failure to do so constitutes an unexcused absence or truancy. Attendance requirements are established to enhance continuity of instruction and learning in order to improve attainment of academic standards. Under state law, parent(s)/guardian(s) who contribute to a student's repeated unexcused absences or truancies may be referred to the court and fined up to twenty-five dollars ($25) per day, or, with other evidence, may be charged with neglect. Students with repeated or extended non-attendance or unexcused absence shall be petitioned to juvenile court; see OP 3122, (RCW 28A.225.010 and RCW 28A.225.060).
64 (BEH) Behavior of a Disrespectful Nature.
A student will not treat school staff, students, or volunteers with rudeness or lack of consideration or esteem.

65 (BUS) Bus Conduct Issues.
A student will be held to strict discipline on school district buses, which will be enforced at the student’s school according to published bus rules (transportation operational procedures and OP 6600). School building staff shall enter these disciplinary actions into the student’s progressive discipline history.

66 (CLS) Classroom Incident
A student shall not violate building or classroom rules. Discipline referrals for incidents occurring in the classroom that may result in suspension or expulsion will be reported by the teacher to a school administrator.

67 (DBE) Dangerous Behavior.
A student is prohibited from any act that could cause injury to themselves or others. This includes bringing toy weapons to school, such as colorful squirt guns or rubber knives and swords. Parents and students will be counseled as to the danger and inappropriateness to the student. The discipline narrative will describe the offense for a future potential pattern of behavior. Look-alike toy weapons are dealt with under sections 6.61 and 6.6.

68 (DCV) Dress and Appearance.
A student’s dress and appearance must not be disrupting or cause undue distraction or present health or safety problems, or be inappropriately immodest or portray illegal, harassing, or legally controlled acts, or cause disruption to the educational process. Students will refrain from wearing gang clothing or clothing which advertises contraband such as drugs, substance abuse, tobacco, alcohol or other products or behaviors which are illegal as defined by law or are prohibited on or in the vicinity of school premises by district policy. Students will conform to a school’s special standard of dress as identified with prior notice and approved by the superintendent; see OP 3224P.

69 (DEQ) Disclosure of Exam Questions and/or Cheating.
A student shall not obtain or disclose examination questions prior to their scheduled use, disrupt, talk or signal during an exam session or cheat or attempt to cheat on tests or assignments (RCW 28A.635.040).

6.10 (ELE) Electronic and/or Personal Communications Devices
A student in possession of personal electronic devices including but not limited to: smart devices (e.g. smart phones, smartwatches, tablets, MP3 players, gaming systems), communication devices, cameras, video cameras, digital media players etc., while on school property or while attending a school-sponsored or school-related activity shall observe District policies regarding their use (RCW 28A.320.135). This includes devices which emit audible signals, vibrate, display a message, or otherwise summon or deliver a communication to the student during the instructional day at Wahluke high school. The district does not permit the use of personal electronic devices (including cell phones) during the school hours for students in grades P-12. If a parent or guardian wishes his/her child to have a cell phone, it must remain out of sight and turned OFF. It may be turned on and operated only before and after the regular school day unless an emergency situation exists that involves imminent physical danger or a school administrator authorizes the student to use the device.

6.11 (EXV) Expulsion Violation/Repeat Offend. *Exceptional Misconduct
A student shall not violate the terms of the probationary approval to return to school following an expulsion. The original expulsion will be reassigned, if the mandatory requirements are not followed.

6.12 **(FAT) Fire Apparatus Tampering or False Alarm. *Exceptional Misconduct**
A student shall not set off false fire alarms; discharge without cause, tamper with, or steal a fire extinguisher; or damage a fire alarm system on or in the vicinity of school premises or at school-sponsored events (RCW 9.40.100 – RCW 9.40.105).

A student shall not possess fireworks or igniting devices (e.g. lighters, matches, poppers, caps, sparklers, etc.) on school property or at school-sponsored events.

6.14 **(FOR) Forgery and Fraudulent Information.**
A student shall not fraudulently use in writing the name of another person or falsify times, dates, grades, addresses or other data on school forms or other written items necessary for the conduct of school transactions (RCW 9A.60.020).

6.15 **(GA) Gang Activity or Involvement**
A student is prohibited from any gang related activity with the purpose of violating the law, district policy or school rules, or having a criminal intent or nature (RCW 28A.600.455).

Indicators of gang related activities may include:
- a) declaration of membership and membership recruitment;
- b) colors or distinctive clothing of any type;
- c) a claim of turf or a particular territory in community or school;
- d) graffiti with special meaning to the gang;
- e) hand signs with unique meaning;
- f) a group name;
- g) group organization and structure;
- h) nicknames or secret names;
- i) identifiable leadership;
- j) tattoos, haircuts, shaved eyebrows, or other body markings or piercings with distinctive meanings; and
- k) conspiring and acting in concert, mainly for purposes of violating or circumventing operational procedures or school rules. In order to be a school-approved group, the group must be authorized by the school, primarily for the benefit of the school, and must have non-selective membership; see OP 3511.

Criminal intimidation is threatening bodily injury to a person not affiliated with a gang, one who refuses to join, or one who has attempted to withdraw from a gang (RCW 28A.600). The district will not tolerate any gang-type behaviors in the vicinity within one thousand (1,000) feet of school premises or at a school-sponsored event. Parent(s)/guardian(s) and students will be regularly updated on behaviors which the school considers to be gang-related; see OP 3224 and OP 3204. If this offense code is used, it must be attached to another offense code.

6.16 **(IAF) Inappropriate Affection or Sexual Behavior.**
A student is prohibited from inappropriate touching and public displays of overt intimate affection or lewd or sexual behavior on or in the vicinity of school premises or at school-sponsored events.

6.17 **(IPS) Intimidating, Abusing, Insulting or Physically Threatening a Public Servant. *Exceptional Misconduct**
A student shall not intimidate a school district employee, school volunteer, or another student by foul or abusive language, by willfully disobeying a teacher, by harassment, or by threats
which are communicated directly or indirectly and which disrupt the normal operations of the school (RCW 28A.635.100 and RCW 28A.600.020). This includes an act which may
   a) cause bodily injury in the future; or
   b) cause physical damage to property; or
   c) subject the person to physical confinement or restraint; or
   d) accuse him/her of a crime; or
   e) expose a secret or publicize an asserted fact, whether true or false tending to subject any
      person to hatred, contempt, or ridicule; or
   f) reveals private information; or
   g) withhold or give wrongful testimony; or
   h) take wrongful action; or
   i) bring about collective action to obtain property; or
   j) any other act which intends to harm substantially the person threatened or another with
      respect to his health, safety, business, financial condition, or personal relationships
      (RCW 9A.04.110 and RCW 9A.76.180).

6.18 (ISP) Pornography. *Exceptional Misconduct*
A student is forbidden from possessing, displaying, selling, or creating any medium, such as
writing, pictures, films or other electronic communications with pornographic content, which
may be defined as materials intended to create sexual arousal and which are usually considered
by the community to be obscene. This may include any medium where sexuality is combined
with sadomasochistic portrayals.

6.19 (IST) Intimidating Other Student(s). *Exceptional Misconduct*
A student is prohibited from any intentional electronic, written, verbal, or physical act that
(a) physically harms a student or damages the student's property; or (b) has the effect of
substantially interfering with a student's education; or (c) has the effect of substantially
disrupting the orderly operation of the school.

6.20 (ITP) Technology Misuse / Violation
A student shall not be allowed to use any account other than his/her own, and no student use of
the internet or other on-line services will be allowed unless it is under the direct supervision of a
certificated staff member. Internet use will fulfill specific educational purposes; no unsupervised
internet “surfing” without filter by students shall be allowed. A student is prohibited from specific
misuse of all electronics that violate both the school and District board policies.

6.21 (NFR) Building/Classroom Rules Violation.
A student shall not violate building or classroom rules as adopted by each school building,
program or classroom teacher. These rules support district operational procedures and may be
unique to a particular building.

6.22 (NIS) Need to Identify Self.
A student and all persons on or in the vicinity of school premises or at a school-sponsored
event, on buses and at bus stops must, upon request, identify themselves to school personnel.
On a daily basis, a student will appropriately wear and display identification on their person or
in their backpack when this is the established rule of the building site, program, or
transportation department.

6.23 (PRO) Profanity.
A student is forbidden from using vulgar, obscene or profane language, whether spoken, in
writing, or by gesture.

6.24 (TBE) Trespass and/or Breaking and Entering
A student shall not enter onto school premises or into any school district building without authorization and shall leave school district premises when ordered to do so by district or school staff or by a law enforcement officer. School staff may follow students onto private property when students leave school or public property. A student shall leave public property adjacent to or in the vicinity of school premises when ordered to do so by a law enforcement officer (RCW 9A.52.070 - RCW 9A.52.090 and RCW 9A.84.020). A student shall not enter onto school premises or into any school district rooms or buildings without authorization and with the intent to steal property, damage property, or commit any other crime against person or property while in the building (RCW 9A.52.010 - RCW 9A.52.060).

6.25 (TSL) Tardiness/Skipping/Leaving Campus.
A student is expected to be punctual in arriving at school and to each of their classes; they are to remain in their classes until the conclusion of class or the end of the instructional day (neither arriving late, nor leaving early). In addition to disciplinary action, persistent tardiness will be dealt with as an unexcused absence for purposes of calculation of truancy violations; see OP 3110.

6.26 (ZB) Bullying *Exceptional Misconduct
A student shall not engage in intentional, unwanted, aggressive behavior that (1) involves a real or perceived power imbalance, and (2) is repeated, or has the potential to be repeated, over time. Bullying shall be considered of a discriminatory nature if the incident in question is based on a student’s disability, gender, race, religion, or sexual orientation; see ZH

6.27 (ZBI) Serious Bodily Injury. *Exceptional Misconduct
A student shall not engage in an incident that results in the serious bodily injury of a special education student, to mean a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

6.28 (ZBT) Bomb Threat. *Exceptional Misconduct
A student shall not threaten, bomb, or attempt to bomb or otherwise injure persons or school property, or communicate or repeat any information concerning such a threat of bombing or injury, knowing such information to be false (RCW 9.61.160).

6.29 (ZCD) Disruptive Conduct.
A student is prohibited from conduct which disrupts or interferes with the educational process or school related activity.

6.30 (ZDT) Tobacco Products and Delivery Devices.
District premises are tobacco-free properties; a student shall not use, sell, distribute, or possess any tobacco products and delivery devices. Tobacco products and delivery devices include, but are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, “vapor pens,” hookahs, non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances, and any other smoking equipment, device, materials or innovation.

6.31 (ZD1) Illegal Substance - Distribution or Sale *Exceptional Misconduct
A student shall not distribute or sell alcohol, marijuana, or other contraband substances on district properties. District premises are properties free of illegal drugs and other controlled substances except when student medical needs are documented and dispensed by the school or with permission of the school; see OP 3240. A student shall not distribute or sell illegal drugs or other substances which may be used to create an altered state. This includes distribution or sale of any prescription or over-the-counter medication, such as aspirin, cough syrups, caffeine pills, or nasal
sprays; this prohibition also includes look-alike drugs which are in possession for potential distribution as the real thing.

6.32 (ZD2) Illegal Substance - Possession or Use *Exceptional Misconduct
A student shall not possess or use alcohol, marijuana, or other contraband substances on district properties. District premises are properties free of illegal drugs and other controlled substances except when student medical needs are documented and dispensed by the school or with permission of the school; see OP 3240. A student shall not possess or use illegal drugs or other substances which may be used to create an altered state. This includes possession or use of any prescription or over-the-counter medication, such as aspirin, cough syrups, caffeine pills, or nasal sprays; this prohibition also includes look-alike drugs.

6.33 (ZF) Fight or Assault Without a Weapon. *Exceptional Misconduct
A student shall not initiate an action with the intent to cause great bodily harm to another, or by design knowingly inflict bodily harm which causes pain or agony on or in the vicinity of school premises, at a school-sponsored event or planned or aimed at school staff or personnel, or on the way to or from such school activities.

6.34 (ZF1) Fight or Assault With a Weapon. *Exceptional Misconduct
A student shall not initiate an action with the intent to cause great bodily harm to another, or by design knowingly inflict bodily harm which causes pain or agony with a weapon on or in the vicinity of school premises, at a school-sponsored event or planned or aimed at school staff or personnel, or on the way to or from such school activities.

6.35 (ZF3) Fight or Assault With a Firearm or Explosive Device. *Exceptional Misconduct
A student shall not initiate an action with the intent to cause great bodily harm to another, or by design knowingly inflict bodily harm which causes pain or agony with a firearm or explosive device on or in the vicinity of school premises, at a school-sponsored event or planned or aimed at school staff or personnel, or on the way to or from such school activities.

6.36 (ZFC) Insubordination/Failure to Cooperate.
A student shall not be insubordinate and/or disobedient to school authority. This includes the refusal to obey or respond to a reasonable request or order which the school person is entitled to give and have obeyed.

6.37 (ZFD) Failure to Disperse/Presence at Dangerous Activity/Inciting a Fight. *Exceptional Misconduct
A student is to immediately leave the scene of an impending dangerous situation, such as a fight, and will be considered a contributor to the escalation of the dangerous situation by their initial presence at the scene and their continued presence to observe a potentially dangerous, unlawful, or district-offense act(s). This includes electronic recording and/or distribution of the situation/scene. A student is prohibited from directly or indirectly initiating, encouraging, urging on, or instigating any level of a verbal or physical altercation on or in the vicinity of school premises or at a school-sponsored event (RCW 9A.84.020).

A student is prohibited from conduct or communication that (1) is intended to be harmful, humiliating, or physically threatening, and (2) 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 (RCW 9A.36.078 and RCW 9A.36.080).

6.38.0 (ZH1) Bullying by Disability/Use of a Trained Dog Guide or Service Animal. *Exceptional Misconduct
Disability refers to the presence of a sensory, mental or physical impairment that is medically cognizable or diagnosable, or exists as a record or history, or is perceived to exist.

6.38.1 **(ZH2) Bullying by Sex/Gender.*Exceptional Misconduct**

Sex refers to an individual’s gender.

6.38.2 **(ZH3) Bullying by Race. *Exceptional Misconduct**

Race refers to a family, tribe, or group of people coming from the same common ancestors.

6.38.3 **(ZH4) Bullying by Religion/Creed.*Exceptional Misconduct**

Religion/creed refers to all aspects of religious belief, observance, and practice.

6.38.4 **(ZH5) Bullying by Gender Expression or Identity/Sexual Orientation.* Exceptional Misconduct**

Gender expression or identity means having or being perceived to have a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. Sexual orientation refers to heterosexuality, homosexuality, bisexuality, and gender expression or identity.


A student shall not seize, restrain or detain a person’s movements or carry away by unlawful force or fraud another person, or deprive a person of their liberty.

6.40 **(MMI) Multiple Minor Accumulated Incidents. *Exceptional Misconduct**

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.

6.41 **(ZN1) Rape: Attempted. *Exceptional Misconduct**

A student shall not commit an overt act with intention to rape.

6.42 **(ZN2) Sexual Battery (Other Than Rape). *Exceptional Misconduct**

A student shall not touch an intimate part of another person if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse.

6.43 **(ZN3) Robbery Without a Weapon. *Exceptional Misconduct**

A student shall not unlawfully take personal property from an individual against his or her will by the use or threatened use of immediate force, violence, or fear of injury to that person or his or her property (RCW 9A.56.190).

6.44 **(ZN4) Robbery With a Weapon. *Exceptional Misconduct**

A student shall not unlawfully take personal property with a weapon from an individual against his or her will by the use or threatened use of immediate force, violence, or fear of injury to that person or his or her property (RCW 9A.56.190).

6.45 **(ZN5) Robbery With a Firearm or Explosive Device. *Exceptional Misconduct**

A student shall not unlawfully take personal property with a firearm or explosive device from an individual against his or her will by the use or threatened use of immediate force, violence, or fear of injury to that person or his or her property (RCW 9A.56.190).

6.46 **(ZPA) Plagiarism/Academic Dishonesty.**
A student shall not knowingly submit the work of others represented as the student’s own or assist another student in doing so, or use unauthorized sources.

6.47 **(ZP1) Theft or Possession of Stolen Property.** *Exceptional Misconduct*
A student shall not obtain or exert unauthorized control over the property or services of another with the intent to deprive said person of such property or services on or in the vicinity of school premises or at a school-sponsored event (RCW 9A.56.020 - RCW 9A.56.100). In the instance of theft of personal property brought by a student to the school, school staff will attempt to assist the student in finding the personal property item as a courtesy; however, district staff are not responsible for personal property. District staff also cannot be responsible for items that students leave in their general care area or which are taken from the student for discipline purposes.

6.48 **(ZP2) Defacing or Destruction of Property/Vandalism.** *Exceptional Misconduct*
A student shall not deface or otherwise damage the property of the school district, another student, an employee, volunteer, visitor, or contractor of the district while on or in the vicinity of school premises or at a school-sponsored event (RCW 28A.635.060) and OP 3240; City of Mattawa ordinances may apply. Besides discipline, district costs are sought; see OP exhibit 3240.

6.49 **(ZSH) Sexual Harassment.** *Exceptional Misconduct*
A student shall not indulge in sexually-based behavior, which is unwelcome, repeated, or causes harm, that creates an intimidating, hostile, or offensive work or learning environment (RCW 9A.46.020); see OP 3240.

6.50 **(ZSI) Sexually Inappropriate Conduct.**
A student shall not engage in obscene acts or expressions, whether verbal or non-verbal.

6.51 **(ZT1) Threats of Assault Without a Weapon.** *Exceptional Misconduct*
A student shall not express the intention to inflict harm, injury or damage to another person.

6.52 **(ZT2) Threats of Assault With a Weapon.** *Exceptional Misconduct*
A student shall not express the intention to inflict harm, injury or damage to another person with a weapon.

6.53 **(ZT3) Threats of Assault With a Firearm or Explosive Device.** *Exceptional Misconduct*
A student shall not express the intention to inflict harm, injury or damage to another person with a firearm or explosive device.

6.54 **(ZV) Violence with Major Injury** *Exceptional Misconduct*
Any incident defined by school district policy as a violent offense that includes a major injury, but at least the following: severe fighting that results in a major injury, assault, harassment-discriminatory, kidnapping, rape or robbery. This category is the final, recoded, designation when school administration learns that previously coded student discipline behavior has resulted in one or more students, school personnel, or other persons on school grounds requiring professional medical attention. Examples of major injuries include stab or bullet wounds, concussions, fractured or broken teeth or bones, or cuts requiring stitches. Within a week or two, or upon learning that a major injury resulted from one of the following coded behaviors, the disciplining administrator will recode the discipline to this category.

6.55 **(ZV8) Homicide.** *Exceptional Misconduct*
A student shall not cause the death of any of the school’s students, faculty, or staff on or in the vicinity of school premises or at a school-sponsored event.

6.56 **(ZWF) Weapons: Distribution or Sale of Firearm or Explosive Device.** *Exceptional Misconduct*
A student shall not distribute or sell any firearm or weapon parts or ammunition which are of an explosive nature in the vicinity of school premises, on a school bus or other school-provided transportation, or at a school-sponsored event. Dangerous weapons may include antique, commercially manufactured, or handmade items (RCW 9.41.280).

As defined by the *Gun Free Schools Act*, other firearms include the following:

1. 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;
2. the frame or receiver of any weapon described above;
3. any firearm muffler or firearm silencer;
4. any destructive device, which includes:
   a. any explosive, incendiary, or poison gas such as bomb, grenade, or rocket having a propellant charge of more than four ounces; a missile having an explosive or incendiary charge of more than one quarter (¼) 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; or
   c. any combination or parts either designed or intended for use in converting any device into a destructive device described in the two (2) immediately preceding examples and from which a destructive device may be readily assembled.

### 6.57 (ZWW) Weapons: Distribution or Sale of Weapons. *Exceptional Misconduct*

A student shall not distribute or sell any dagger, sword, knife (fixed, spring, or centrifugal thrust, pocket knife, box cutter) or other cutting or stabbing instrument, 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 safety of other persons (RCW 9.41.250 and RCW 9.41.270). A student shall not distribute or sell any object created to be a weapon or with the intent of being used or perceived as a weapon, such as weapon facsimiles or look-alike guns or rifles; see section 6.12 for obvious toy weapons, such as day-glo squirt guns. Other weapons 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); and BB or pellet guns (RCW 9.41). For purposes of student safety and to prevent disruption of the instructional environment, any object may be regarded as potentially harmful and may be classified as a weapon, depending on the circumstances of its use or the intent, threat, or intimidation associated with its presence.

### 6.58 (ZW1) Weapons: Possession of Firearm or Other Weapons. *Exceptional Misconduct*

A student shall not use, possess, or sell any firearms or weapon parts or ammunition which are of an explosive nature in the vicinity of school premises, on a school bus or other school-provided transportation, or at a school-sponsored event. Dangerous weapons may include antique, commercially manufactured, or handmade items (RCW 9.41.280).

### 6.59 (ZW2) Weapons: Possession of Handguns. *Exceptional Misconduct*

A student shall not possess any handgun firearms which may be pistols or automatics and which, because of size, may be easily concealed in clothing or handbags and may customarily be fired by use of a single hand (RCW 9.41 and RCW 28A.600.420). Possession of firearms on school property will result in a mandatory one-year expulsion, subject to appeal, with notification to parents and to law enforcement.

### 6.60 (ZW3) Weapons: Possession of Rifles, Shotguns. *Exceptional Misconduct*
A student shall not use, possess, or sell shotgun or rifle type firearms whether long or short barreled, and whether single shot or rapid repeat fire as in the case of automatic or machine-gun type of delivery (RCW 9.41 and RCW 28A.600.420). Possession of firearms on school property will result in a mandatory one-year expulsion, subject to appeal, with notification to parents and to law enforcement.

661 (ZW4) Weapons: Possession of Multiple Firearms. *Exceptional Misconduct
A student shall not possess multiple firearms, which is having one or more handguns or shotguns or rifles or a combination of these kinds of firearms (RCW 9.41). Possession of firearms on school property will result in a mandatory one-year expulsion, subject to appeal, with notification to parents and to law enforcement.

662 (ZW5) Weapons: Possession of Other Firearm or Explosive Device. *Exceptional Misconduct
A student shall not use, possess, or sell any firearms or weapon parts or ammunition which are of an explosive nature in the vicinity of school premises, on a school bus or other school-provided transportation, or at a school-sponsored event. Dangerous weapons may include antique, commercially manufactured, or handmade items (RCW 9.41.280). Possession of firearms on school property will result in a mandatory one-year expulsion, subject to appeal, with notification to parents and to law enforcement.

As defined by the Gun Free Schools Act, other firearms include the following:

1. 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;
2. the frame or receiver of any weapon described above;
3. any firearm muffler or firearm silencer;
4. any destructive device, which includes:
   a. any explosive, incendiary, or poison gas such as bomb, grenade, or rocket having a propellant charge of more than four ounces; a missile having an explosive or incendiary charge of more than one quarter (¼) 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; or
   c. any combination or parts either designed or intended for use in converting any device into a destructive device described in the two (2) immediately preceding examples and from which a destructive device may be readily assembled.

663 (ZW6) Weapons: Possession of Other Weapons. *Exceptional Misconduct
A student shall not possess any object created to be a weapon or with the intent of being used or perceived as a weapon, such as weapon facsimiles or look-alike guns or rifles; see section 6.12 for obvious toy weapons, such as day-glo squirt guns. Other weapons 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); and BB or pellet guns (RCW 9.41). For purposes of student safety and to prevent disruption of the instructional environment, any object may be regarded as potentially harmful and may be classified as a weapon, depending on the circumstances of its use or the intent, threat, or intimidation associated with its presence.

664 (ZW7) Weapons: Possession of Knives, Daggers. *Exceptional Misconduct
A student shall not possess any dagger, sword, knife (fixed, spring, or centrifugal thrust, pocket knife, box cutter) or other cutting or stabbing instrument, 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 safety of other persons (RCW 9.41.250 and RCW 9.41.270).

666 (ZW8) Shooting. *Exceptional Misconduct
A student shall not engage in any incident at a school that involves a shooting (regardless of whether anyone was hurt).

7. Exceptional Misconduct
Exceptional misconduct is a violation of rules so serious in nature and/or so disruptive that the district may forego progressive discipline. Prior to imposing long-term suspension or expulsion for an exceptional misconduct offense, districts will need to decide whether the offense falls within the definition of “discretionary discipline.” If it does, long-term suspension and expulsion are not permitted. (WAC 392-400-245 (2) and WAC 392-400-260 (2)).

The effect of section 7 is to set aside the district's progressive discipline policy and establish instead predetermined consequences. However, nothing herein shall be construed as requiring the immediate resort to suspension or expulsion in cases involving exceptional misconduct when there are extenuating circumstances.

7.1 Offenses in section 6 which have an asterisk (*) symbol after the title have been identified by the ad hoc citizens committee as exceptional misconduct.

7.2 If a suspension or expulsion is imposed under this section 7, the district shall follow the notification procedure and, if necessary, the appeal procedure and the board appeal hearing procedure.

7.3 Guidelines for exceptional misconduct with predetermined sentences cannot be used to discipline special education students if the consequences constitute a significant change of placement as defined in section 5.1.6. In the event a special education student is engaged in exceptional misconduct, section 8.15 shall govern.

8. Discipline, Suspension and Expulsion Administration/Appeal Procedures
A building administrator who has gathered sufficient facts to form a reasonable basis for imposition of discipline, suspension or expulsion upon a student for misconduct shall, prior to such imposition or as promptly as is reasonably possible, communicate with the parent. A written letter notice which includes the written narrative or referral of the misconduct is hand delivered or mailed according to law to the student and/or the student's parent(s)/guardians(s). Due process rights contained in the notice give the opportunity to request an informal principal conference or appeal or hearing. Suspensions and expulsions and the reasons thereof shall be reported in writing to the superintendent or designee within twenty-four (24) hours after imposition of the suspension (WAC 392-400-235 and WAC 392-400-240).

8.1 Due Process. The United States (US) Constitution guarantees to individuals the right of protection of the due process of law. Therefore, the following statements and procedures, which are constitutionally and legally sound, shall form the bases of all disciplinary action administered by the school district. Additionally, due process requirements have been set forth by the State Board of Education (SBE) as contained in (WAC 392-400) regulations and are incorporated by this reference. A copy of these rules may be obtained from the school district website or with notice upon request.
82 **Fairness.** The hallmark of the exercise of disciplinary authority shall be fairness.

83 **Resolution of Problems.** Reasonable efforts shall be made by administrators and teachers to resolve problems through effective utilization of the Wahluke School District's resources in cooperation with the student and her/his parent(s)/guardian(s).

84 **Discipline.** Discipline may be imposed, pursuant to this section 8, upon any student for violation of the rules of the Wahluke School District as set forth in sections 6 and 7. However, no form of discipline shall be imposed in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

8.4.0 A student's academic grade or credit in a particular subject or course may nevertheless be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

1. the student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and
2. the student's attendance and/or participation has been identified by the teacher, pursuant to district policy, as a basis for grading, in whole or in part, in the particular subject or course.

8.4.1 The parent(s)/guardian(s) may request an informal conference with the building administrator or designee within two (2) school business days.

85 **Exclusion.** A student who has been excluded from a class or activity by a district staff person will meet with the building administrator prior to return to class; see section 3.6. The staff person making the referral shall be included in that meeting. A conference with parent(s) and/or guardian(s) shall be held at their request or at the request of the building administrator or designee.

86 **Emergency Class Removal.** The emergency removal of a student from a class, subject, or activity pursuant to section 3.7 shall be accomplished according to the following guidelines (WAC 392-400-220, WAC 392-400-230, WAC 392-400-235 and WAC 392-400-290):

8.6.0 A student may be removed immediately from a class, subject or activity by a teacher or an administrator and sent to a building administrator for the balance of the school day and/or until such time as the building administrator has imposed appropriate discipline. This is provided that the teacher or staff person 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 district personnel or an immediate and continuing threat of substantial disruption of the class or activity or the educational process at the student's school. The removal of a student from a class or activity shall continue only until:

1. the danger or threat ceases; and/or
2. the building administrator acts to impose appropriate discipline.

8.6.1 The building administrator as soon as is reasonably possible and by the beginning of the next day shall meet with the student following the student's removal and prescribe appropriate disciplinary corrective action or punishment. The teacher may recommend action.
Prior to, or at the time a student is returned to the class or activity, the building administrator may confer with and/or shall notify the staff person who removed the student of the disciplinary action which has been taken or initiated.

87 Short-term Suspension Conditions/Limitations. As per (WAC 392-400-245), except as provided in section 8.7.4, short-term suspension of up to ten (10) consecutive school days may be imposed upon a student by the building administrator for student misconduct as set forth in sections 6 and 7, subject to the following limitations or conditions and the principal's informal conference procedure set forth in section 8.8. Short-term suspensions are attendance coded as absences, since the student’s choice of behaviors has caused the discipline to occur.

8.7.0 The nature and circumstances of the violation must reasonably warrant short-term suspension and the length of the suspension imposed.

8.7.1 As a general rule, no student shall be suspended unless other forms of intervention or corrective or disciplinary action reasonably calculated to modify her/his conduct have previously been imposed upon the student as a consequence of misconduct.

8.7.2 In addition to the alternative corrective action requirement of section 8.7.1, no student subject to compulsory attendance pursuant to (RCW 28A.225), as now or hereafter amended, shall be suspended by reason, in whole or part, of one (1) or more unexcused absences.

8.7.3 No student in kindergarten through grade four (4) shall be subject to short-term suspensions for more than a total of ten (10) school days during a single semester or trimester, and no loss of academic grades or credit shall be imposed by reason of the suspension of such student.

8.7.4 No student in grade five (5) and above shall be subject to short-term suspensions for more than a total of fifteen (15) school days during any single semester or ten (10) school days during any single quarter or trimester, and no loss of academic grades or credit shall be imposed by reason of the suspension of such student.

8.7.5 If the student is special education designated or covered under Section 504 of the Rehabilitation Act, section 8.15 shall govern.

8.7.6 Any student subject to a short-term suspension shall be provided the opportunity upon her/his return to make up assignments and tests missed by reason of the short-term suspension if:

(1) such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(2) failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

88 Short-term Suspension Notice/Principal Conference Process. As per (WAC 392-400-245, WAC 392-400-250 and WAC 392-400-255), prior to the short-term suspension of any student, a student conference shall be conducted as follows:

(1) Parents will be orally notified by the school.

(2) Written referral narrative that gives evidence in support of the alleged misconduct and violation(s) of school district rules shall be provided to the student/parent;

(3) The student shall be provided the opportunity to present his/her explanation.
(4) In the event it is determined to impose a short-term suspension of one (1) day, the principal conference constitutes the due process appeal; official notification is by letter with referral narrative attached; see OP exhibit 3241P.E.

8.8.0 In the event it is determined to impose a short-term suspension from two (2) to ten (10) school days, the parent(s)/guardian(s) of the student shall promptly be notified of the reason for the student's suspension and the duration of the suspension by telephone or in person and by letter notification with referral narrative attached deposited in the US mail as soon as reasonably possible; see OP exhibit 3241P.E.

8.8.1 The notice shall also inform the parent(s)/guardian(s) of the right to request within two (2) school business days an informal principal's conference that may have the effect on the suspension of possible reduction or mitigation as a result of such conference.

89 Short-term Suspension Grievance Procedure. Any parent(s)/guardian(s) or student who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the building administrator within two (2) school days for the purpose of resolving the grievance. At such conference the student and parent will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

8.9.0 The parent and student after exhausting this remedy will have the right, upon two (2) school business days’ prior notice, to present a written and/or oral grievance to the superintendent’s designee.

8.9.1 If the grievance is not resolved, the parent and student, upon two (2) school business days’ prior notice, will have the right to present a written and/or oral grievance to the disciplinary appeal council at a meeting held within thirty (30) days. The council will notify the parent and student of its response to the grievance within ten (10) school business days after the date when the grievance was presented.

8.9.2 The short-term suspension will continue notwithstanding implementation of the grievance procedure unless the principal, superintendent or board elects to postpone such action.

8.10 Long-term Suspension Conditions/Limitations. As per (WAC 392-400-260), a long-term suspension may be imposed upon a student by the building administrator for student misconduct as set forth in sections 6 and 7, subject to the following limitations or conditions, and the notice and hearing requirements set forth in (WAC 392-400-265 and WAC 392-400-270). Long-term suspensions are attendance coded as absences, since the student’s choice of behaviors has caused the discipline to occur.

8.10.0 The nature and circumstances of the violation must reasonably warrant long-term suspension and the length of the suspension imposed.

8.10.1 No student shall be suspended unless other forms of corrective or disciplinary action, reasonably calculated to modify her/his conduct, have previously been imposed upon the student as a consequence of misconduct.

8.10.2 No student subject to compulsory attendance pursuant to (RCW 28A.225), as now or hereafter amended, shall be suspended by reason, in whole or part, of one (1) or more unexcused absences.
8.10.3 No student in grades kindergarten through four (K-4) shall be subject to long-term suspensions, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

8.10.4 No single long-term suspension shall be imposed upon a student in the grade five (5) and above program in a manner which causes the student to lose academic grades or credit in excess of one (1) semester or trimester during the same school year. Long-term suspension must not exceed the length of an academic term, as defined by the school board. The school board defines an academic term as not to exceed 90 school days for schools on a semester schedule and 60 days for schools on a trimester schedule.

8.10.5 Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

8.10.6 All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

8.10.7 If the student is special education designated or covered under Section 504 of the Rehabilitation Act, section 8.15 shall govern.

8.11 Expulsion Conditions/Limitations. As per (WAC 392-400-275), a student may be expelled for violation of school district rules adopted pursuant to (WAC 392-400-225), subject to the following limitations or conditions, the notice requirements set forth in (WAC 392-400-280), and the hearing requirements set forth in (WAC 392-400-285):

8.11.0 The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

8.11.1 No student shall be expelled unless other forms of corrective action reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action would fail if employed.

8.11.2 An expulsion must not exceed the length of an academic term, as defined by the school board as not to exceed 90 days for schools on a semester schedule and 60 days for schools on a trimester schedule, unless:
   a) The school petitions the district superintendent for an extension; and
   b) The district superintendent authorizes the extension in compliance with the superintendent of public instruction’s rules adopted for this purpose.

8.11.3 The district shall make reasonable efforts to assist students and parents/families in returning to an educational setting prior to and no later than the end date of the corrective action.

8.11.4 In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to (RCW 28A.225) as now or hereafter amended, shall be expelled by reason, in whole or part, of (1) or more unexcused absences.

8.11.5 Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to (RCW 13.04) in order that such authorities may address the student's educational needs.
8.11.6 Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

8.11.7 All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

8.11.8 If the student is special education designated or covered under Section 504 of the Rehabilitation Act, section 8.15 shall govern.

8.12 Long-term Suspension or Expulsion Notice/Waiver of Hearing. Prior to the long-term suspension or expulsion of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his or her parent(s) or guardian(s); see OP exhibit 3241P.HLT or OP exhibit 3241P.HEX.

8.12.0 The notice shall:

1. Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;
2. Specify the alleged misconduct and the school district rule(s) 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 parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s); and
5. Set forth the facts that:
   i. A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third (3rd) school business day after receipt of the notice of opportunity for a hearing; and
   ii. 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 or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

8.12.1 The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three (3) school business days after the date of 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 his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

8.12.2 If a request for a hearing is not received within the required three (3) school business day period, the school district may deem the student and his/her parent(s)/guardian(s) to have waived the right to a hearing and the proposed long-term suspension or expulsion may be imposed (WAC 392-400-270, WAC 392-400-285, WAC 392-400-265 and WAC 392-400-280).

8.13 Long-term Suspension or Expulsion Prehearing and Hearing Process. If a request for a hearing is received pursuant to (WAC 392-400-265) within the required three (3) school
business days, the school district shall schedule a hearing to commence within three (3) school business days after the date upon which the request for a hearing was received.

8.13.0 The student and his/her parent(s)/guardian(s) shall have the right to:
(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing;
(b) Be represented by legal counsel;
(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:
(d) That the district made a reasonable effort to produce the witness and is unable to do so; or
(e) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.
(f) Present his or her explanation of the alleged misconduct; and
(g) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

8.13.1 The designee(s) 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 which the student and his/her parent(s)/guardian(s) intend to introduce at the hearing.

8.13.2 The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

8.13.3 Either a tape-recorded or verbatim record of the hearing shall be made.

8.13.4 A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or expulsion or lesser form or corrective action to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

8.14 Long-term Suspension or Expulsion Appeal Process. If a long-term suspension or expulsion is imposed, the parent and student will have the right to appeal the hearing officer’s decision to the disciplinary appeal council 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 will be in effect while the appeal is pending. The council will schedule and hold a meeting to informally review the matter within ten (10) school business days from receipt of such appeal.

8.14.0 The purpose of the meeting will 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 will be given the right to be heard and will be granted the opportunity to present such witnesses and testimony as the council deems reasonable. Prior to adjournment, the council will agree to one of the following procedures:
(a) Study the hearing record or other materials submitted and record its findings within ten (10) school business days;
(b) Schedule and hold a special meeting to hear further arguments on the case and record its findings within fifteen (15) school business days; or

c) Hear and try the case de novo before the council within ten (10) school business days. De Novo hearing consists of a new hearing on the merits and without regard to the decision made pursuant to the appeal procedure.

8.14.1 Any decision by the council to impose or to affirm, reverse or modify the imposition of suspension or expulsion upon a student will be made only by:

(a) Those council members who have heard or read the evidence; and

(b) Those council members who have not acted as a witness in the matter.

8.14.2 Within thirty (30) days of receipt of the council’s final decision, any parent and student desiring to appeal any action upon the part of the council regarding the suspension or expulsion may serve a notice of appeal upon the council and file such notice with the superior court clerk of the county. Such notice will also set forth in a clear and concise manner the errors complained of. Prior to filing with Superior Court, the student and/or parent have the option of informally meeting with the Deputy Superintendent for the purpose of resolving the situation.

8.15 Long-term Suspension or Expulsion of Students with Disabilities. If an identified student with disabilities is subjected to disciplinary action pursuant to (WAC 392-400) for violation of student conduct rules which would constitute a significant change of placement, which would otherwise result in suspension or expulsion, the superintendent or designee will act immediately to determine whether or not such student behavior is related to the student’s disability and/or placement. School personnel may order a change in placement of a special education student to an appropriate interim educational setting for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days if the student possesses a weapon or carries a weapon to school or a school function; or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or school function. A hearing officer may order a change in placement of a special education student to an appropriate interim alternative setting for not more than forty-five (45) days if the hearing officer, in an expedited due process hearing, determines that the district has demonstrated substantial evidence that the current placement is likely to result in injury to the student or others and that the district has made reasonable efforts to minimize the risk of harm in the current placement (WAC 392-172A-01175).

8.15.1 The IEP team will meet to conduct a manifestation determination review if the disciplinary action involves a change in placement for more than ten (10) days. During the manifestation determination review, the team shall conduct a functional behavioral assessment and a behavioral intervention plan if the district did not conduct them before the behavior that resulted in the removal occurred. The team may determine that the behavior is not a manifestation of the disability, only if the team:

(1) first considers all relevant information, including
   (a) evaluation/diagnostic results;
   (b) observations of the child; and
   (c) child's IEP and placement; and

(2) then determines that
   (a) in relationship to behavior, IEP/placement was appropriate;
(b) disability did not impair child's ability to understand impact/ consequences of behavior; and

(c) disability did not impair child's ability to control behavior.

8.15.2 The IEP team shall determine and fully document in writing one (1) of the following conclusions:

(1) That the alleged violation is not related to the student’s disability and that disciplinary action pursuant to (WAC 392-400) and district rules and regulations may be taken, but in no case can special education services be denied the student [special education services are provided beginning on the eleventh (11th), cumulative discipline day]; or

(2) That the violation is related to the student’s handicapping condition or an inappropriate placement and that there is a need for further evaluation, or a need to make changes in placement or program including special education or related services, or there is a need for a temporary (not to exceed ten (10) consecutive school business days) change of placement to allow program alterations. If the behavior is a direct result of or related to the student’s disability, or is a result of an inappropriate program placement, a different placement or revised program must be considered, services must be provided on the eleventh (11th), cumulative discipline day.

Following the IEP team meeting, written notice will be provided to the parent(s)/guardian(s) which include:

(1) date, time, and place of the group meeting;
(2) members of the group meeting;
(3) sources of information used in reaching the decision(s);
(4) the decision(s) or conclusion(s) regarding the relationship of the student’s disability to the behavior, the appropriateness of the placement and the proposed action or sanction;
(5) notice of the right to a hearing to challenge a change of placement pursuant to the Individuals with Disabilities Education Act (IDEA) 20 USC sec.1400 et seq. and (WAC 392-172A-01175) and
(6) notice of the right to a hearing as described in the Procedural Safeguards Due Process Procedures for Parents and Children in cases where the placement has been determined not to relate to the student’s behavior.

8.16 Emergency Expulsion Conditions/Limitations.

As per (WAC 392-400-290 and WAC 392-400-295), notwithstanding any other provision herein, a student may be expelled immediately by the building administrator in emergency situations as defined in section 4.3. Emergency expulsion attendance is coded as an absence, since the student’s choice of behaviors has caused the discipline to occur.

An emergency expulsion must end or be converted to another form of corrective action within ten (10) school days from the date of the emergency removal from school (RCW 28A.600.015 and WAC 392-400-295). Notice and due process rights must be provided if it converts the emergency expulsion to another form of corrective action.
8.17 Emergency Expulsion Notice/Waiver of Hearing. As per (WAC 392-400-300), the emergency expulsion shall continue notwithstanding the implementation of the hearing procedure set forth in this section unless the building administrator or designee elects to postpone such action.

8.17.1 The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) by the end of the school day following the student’s emergency removal from classes, subjects, or activities pursuant to (WAC 392-400-290). School districts must document delivery of the notice by obtaining the signature of the parent(s) or guardian(s) acknowledging receipt or the written certification of the person making the delivery, or (b) by certified letter(s) deposited in the United States mail by the end of the school day following the student’s emergency removal from classes, subjects, or activities pursuant to (WAC 392-400-290). In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English;
(b) Specify the alleged reasons 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;
(c) Set forth the date on which the emergency expulsion will end;
(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible.

This notification will also inform parents of their opportunity to orally request a conference with the building administrator and to make a written request for a hearing.

8.17.2 Written or oral request for a hearing may be made by the student and/or his/her parent(s)/guardian(s) within three (3) school business days after the date of receipt of notice or after the date of the principal conference.

8.17.3 If a request for a hearing is not received within the required three (3) school business day period following receipt of notice or of the principal conference, the school district may deem the student and her/his parent(s)/guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

8.18 Emergency Expulsion Hearing Process.

If a request for a hearing is received, it shall be scheduled and held within two (2) school business days.

The student and his or her parent(s) or guardian(s) shall have the right to: (a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing; (b) Be represented by legal counsel, (c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district mustat
a minimum establish either: (i) That the district made a reasonable effort to produce the witness and is unable to do so; or, (ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness, (d) Present his or her explanation of the alleged misconduct, and (e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

The designee(s) 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 his or her parent(s) or guardian(s) intend to introduce at the hearing.

The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing. Either a tape-recorded or verbatim record of the hearing shall be made. Within one (1) school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance (WAC 392-400-305).

### 8.19 Appeal from Decision of Disciplinary Appeal Council.

If the Disciplinary Appeal Council affirms the discipline, suspension or expulsion, the student or his/her parent(s)/guardian(s) may appeal the same to a court in accordance with applicable statutes and court rules. Whether the disciplinary action is stayed pending such appeal shall be discretionary with the board, except as the court may otherwise determine by court order.

### 9. Appeal to extend an expulsion beyond the length of an academic term.

When warranted because of risk to the public health and safety, the principal or the principal’s designee may petition the district’s superintendent for authorization to extend an expulsion beyond the length of an academic term. The school board defines an academic term as not to exceed 90 school days. The superintendent may exercise his/her discretion to grant the petition in limited circumstances, on a case-by-case basis, so long as there is evidence that, if the student were to return at or before the length of an academic term, he/she would pose a risk to public health or safety.

#### 9.1 The petition to exceed the length of an academic term limit shall include, at least, the following:

(a) A detailed description of the student’s misconduct, the school rules which were violated, and the public health and/or safety concerns of the district;

(b) A detailed description of the student’s academic, attendance, and discipline history, if any;

(c) A description of the lesser forms of corrective actions which were considered and reasons why those were rejected;
(d) A description of all alternative learning experiences, vocational programs, and/or other educational services which may be available to the student;
(e) The proposed extended length of the expulsion;
(f) Identification of special education services or accommodations pursuant to Section 504 of the Rehabilitation Act, if appropriate; and
(g) A proposed schedule of reengagement meetings.

92 Designated staff shall submit the petition at any time after entry of a due process hearing decision upholding the length of an academic term expulsion and prior to the end that expulsion.

93 A copy of the petition shall be delivered in person or by certified mail to the student and his/her parent(s)/guardian(s).

94 The petition shall be provided in the predominant language of the student and/or parent(s)/guardian(s) who speak a language, other than English, whenever possible.

95 The student and/or parent(s)/guardian(s) may submit a written or verbal response to the petition within ten (10) school business days of the recorded receipt of the petition.

96 Within eleven (11) school business days, but no later than twenty (20) school business days of the date of the petition’s recorded delivery to the student/parent(s)/guardian(s), the district superintendent shall issue a written decision indicating whether the petition is granted or denied. The written decision shall also include a description of all rights and procedures for appeal.

97 If the petition is granted, within ten (10) school business days of the receipt of the decision, the student and/or parent(s)/guardian(s) may appeal the decision to the district’s school board in accordance with WAC 392-400-310 and WAC 392-400-315.

98 Annually, all school district shall report the number of petitions submitted, approved and denied to the office of the superintendent of public instruction.

10. Resident Students Expelled from Other Districts.
If a resident student has been expelled from another district, the student can enroll in the resident district unless that expulsion was for a firearm. The expulsion from the previous district follows the student and the district can opt to honor the expulsion. Any student who has been expelled shall be allowed to make application for readmission at any time.

11. Reengagement Meeting and Plan.
A reengagement meeting is a meeting held between the district and the student and parent(s)/guardian(s) to discuss how to return a long-term suspended or expelled student to an educational setting as soon as possible. The district must convene a reengagement meeting with the student and their parent(s)/guardian(s) within twenty (20) days of a long-term suspension or expulsion but no later than five (5) days before the student’s reentry or reenrollment to school. A reengagement plan is a culturally sensitive and culturally responsive written plan developed between the district and a student and their parent(s)/guardian(s) designed to aid the student in taking the necessary steps to remedy the situation that led to the student’s suspension or expulsion and to return the student to the educational setting as soon as possible. Parents or guardians of students must have access to, provide meaningful input on, and have the
opportunity to participate in the student’s reengagement plan. Any reengagement meetings involving the suspended or expelled student and his or her parent(s)/guardian(s) are not intended to replace a petition for readmission; see OP exhibit 3241P.8XE and (RCW 28A.600.022).

12. Continuation of Educational Services.
The district will not suspend the provision of educational services during a period of suspension or expulsion and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of a suspension or expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning. (RCW 28A.600.015 and RCW 28A.600.020)

Cross References:
WAHLUKE SCHOOL DISTRICT - OPERATIONAL PROCEDURES (OP)
OP 3120 – Compulsory Attendance
OP 3122 – Excused and Unexcused Absences
OP 3230 – Student Consent to be Searched
OP 3241P.B – In-House Suspension Letter Notification
OP 3241P.E – Short-Term Suspension Letter Notification
OP 3241P.HLT – Long-Term Suspension Letter Notification
OP 3241P.HEX – Expulsion Letter Notification
OP 3241P.RE – Reengagement Plan
OP 3200 – Student Rules, Regulations and Conduct
OP 3110 – Application for Admission
OP 3241 – Application for Readmission
OP 3207 – Prohibition of Harassment, Intimidation and Bullying
OP 3224 – Student Dress
OP 3230 – Searches of Students and Student Privacy
OP 3416 – Medication at School
OP 3510 – Associated Student Bodies
OP 3520 – Student Fees, Fines, and Damage Charges
OP 3520X – Student Fees, Fines, or Charges
OP 5011 – Sexual Harassment
OP 6600 – Transportation of Pupils

LEGAL REFERENCES
HB 1541

RCW SECTIONS
RCW 9.40.100 Tampering with fire alarm or firefighting equipment — False alarm — Penalties.
RCW 9.40.105 Tampering with fire alarm or firefighting equipment — Intent to commit arson — Penalty.
RCW 9.41 Firearms and dangerous weapons.
RCW 9.41.250 Dangerous weapons — Penalty.
RCW 9.41.270 Weapons apparently capable of producing bodily harm — Unlawful carrying or handling — Penalty — Exceptions.
RCW 9.41.280 Possessing dangerous weapons on school facilities — Penalty — Exceptions.
RCW 9.61.160 Threats to bomb or injure property — Penalty.
RCW 9A.04.110 Definitions.
RCW 9A.36.078 Malicious harassment — Finding.
RCW 9A.36.080 Malicious harassment — Definition and criminal penalty.
RCW 9A.46.020 Definition — Penalties.
RCW 9A.48.010 Definitions
RCW 9A.48.020 Arson in the first degree.
RCW 9A.48.030 Arson in the second degree.
RCW 9A.48.040 Reckless burning in the first degree.
RCW 9A.48.050 Reckless burning in the second degree.
RCW 9A.52.010  Definitions.
RCW 9A.52.020  Burglary in the first degree.
RCW 9A.52.025  Residential burglary.
RCW 9A.52.030  Burglary in the second degree.
RCW 9A.52.040  Inference of intent.
RCW 9A.52.050  Other crime in committing burglary punishable.
RCW 9A.52.060  Making or having burglar tools.
RCW 9A.52.070  Criminal trespass in the first degree.
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RCW 9A.52.090  Criminal trespass — Defenses.
RCW 9A.56.020  Theft — Definition, defense.
RCW 9A.56.030  Theft in the first degree.
RCW 9A.56.040  Theft in the second degree.
RCW 9A.56.050  Theft in the third degree.
RCW 9A.56.060  Unlawful issuance of checks or drafts.
RCW 9A.56.065  Theft of motor vehicle.
RCW 9A.56.068  Possession of stolen vehicle.
RCW 9A.56.070  Taking motor vehicle without permission in the first degree.
RCW 9A.56.075  Taking motor vehicle without permission in the second degree.
RCW 9A.56.078  Motor vehicle crimes — Civil action.
RCW 9A.56.080  Theft of livestock in the first degree.
RCW 9A.56.083  Theft of livestock in the second degree.
RCW 9A.56.085  Minimum fine for theft of livestock.
RCW 9A.56.096  Theft of rental, leased, lease-purchased, or loaned property.
RCW 9A.56.100  Theft and larceny equated.
RCW 9A.60.220  Intimidating a public servant.
RCW 9A.60.200  Forgery.
RCW 9A.76.180  Robbery — Definition.
RCW 9A.76.185  Compulsory School Attendance and Admission
RCW 9A.76.190  Basic Juvenile Court Act (Formerly Juvenile courts)
RCW 28A.320.135  Custody and disposition of child absent from school without excuse.
RCW 28A.225 erouration of rules of conduct — Due process guarantees — Computation of days for short-term and long-term suspensions.
RCW 28A.600.015  Rules incorporating due process guarantees of pupils with regard to expulsions and suspensions.
RCW 28A.600.020  Exclusion of student from classroom — Written disciplinary procedures — Long-term suspension or expulsion.
RCW 28A.600.022  Suspended or expelled students — Reengagement plan.
RCW 28A.600.040  Pupils to comply with rules and regulations.
RCW 28A.600.420  Firearms on school premises, transportation, or facilities — Penalty — Exemptions.
RCW 28A.600.455  Gang activity — Suspension or expulsion.
RCW 28A.635.040  Examination questions — Disclosing — Penalty.
RCW 28A.635.060  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.
RCW 28A.635.100  Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful — Penalty.

WAC SECTIONS
392-172A  Rules for the Provision of Special Education
392-172A-01175  Special Education
392-400  Purpose and application.
392-400-020  Definitions.
392-400-025  Student responsibilities and duties.
392-400-210  Student rights.
392-400-220  Student disciplinary boards -- Establishment at option of school district -- Functions.
392-400-225  School district rules defining misconduct -- Distribution of rules.
392-400-230  Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students.

DISCIPLINE
392-400-235  Discipline -- Conditions and limitations.
392-400-240  Discipline -- Grievance procedure.
### SHORT-TERM SUSPENSION

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>392-400-245</td>
<td>Short-term suspension -- Conditions and limitations.</td>
</tr>
<tr>
<td>392-400-250</td>
<td>Short-term suspension -- Prior conference required -- Notice to parent.</td>
</tr>
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<td>392-400-255</td>
<td>Short-term suspension -- Grievance procedure.</td>
</tr>
</tbody>
</table>

### LONG-TERM SUSPENSION

<table>
<thead>
<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>392-400-260</td>
<td>Long-term suspension -- Conditions and limitations.</td>
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<tr>
<td>392-400-265</td>
<td>Long-term suspension -- Notice of hearing -- Waiver of hearing.</td>
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<tr>
<td>392-400-270</td>
<td>Long-term suspension -- Prehearing and hearing process.</td>
</tr>
</tbody>
</table>

### EXPULSION

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<tr>
<td>392-400-275</td>
<td>Expulsion -- Conditions and limitations.</td>
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<tr>
<td>392-400-280</td>
<td>Expulsion -- Notice of hearing -- Waiver of hearing.</td>
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<td>392-400-285</td>
<td>Expulsion -- Prehearing and hearing process.</td>
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### EMERGENCY ACTIONS

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<td>392-400-290</td>
<td>Emergency removal from class, subject, or activity.</td>
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<td>392-400-295</td>
<td>Emergency expulsion -- Limitations.</td>
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<td>392-400-300</td>
<td>Emergency expulsion -- Notice of hearing -- Waiver of hearing right.</td>
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<td>392-400-305</td>
<td>Emergency expulsion -- Prehearing and hearing process.</td>
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### APPEALS

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<tr>
<td>392-400-310</td>
<td>Appeals—Long-term suspension and expulsion.</td>
</tr>
<tr>
<td>392-400-315</td>
<td>Appeals—Hearing before school board or disciplinary appeal council—Procedures.</td>
</tr>
</tbody>
</table>

### OTHER REFERENCES

- Individuals with Disabilities Education Act (IDEA) 20 USC sec 1400 et seq.
- Procedural Safeguards Due Process Procedures for Parents and Children
- Rehabilitation Act
- State Board of Education (SBE)
- Student, Parent and Staff Handbook
- United States (US) Constitution

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