

Expulsion and Procedural Due Process

"Expulsion" shall mean denial of attendance at any single subject or class or at any full schedule of subjects, a denial of attendance at any other type of activity conducted by or in behalf of the district, and any combination of the foregoing, for an indefinite period of time. An expulsion also may include a denial of admission to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.

Additionally, pursuant to RCW 9.41.250, RCW 9.41.280, possession of a firearm or dangerous weapons on school premises, school-provided transportation, or facilities while being used by schools, shall constitute grounds for expulsion. School officials shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation (P3100-7).

An expulsion may be imposed upon a student for violation of rules of conduct, subject to the following limitations or conditions;

1. The nature and circumstances of the violation must reasonably warrant the harshness of an expulsion.
2. No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.
3. Once a student has been expelled in compliance with the procedures, the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.
4. Any student who has been expelled shall be allowed to make application for readmission at any time.
5. All expulsions and the reasons therefore shall be reported in writing to the Superintendent within 24 hours after the imposition of the suspension.

Notice of Hearing/Waiver of Hearing from Expulsion

1. Prior to the expulsion of a student, written Notice of Opportunity for a hearing with the District Hearing Officer shall be delivered in person or by certified mail to the student and/or parent/guardian. The notice shall:
 - a. Be provided in the predominant language of a student and/or parent or guardian who predominantly speak a language other than English, to the extent feasible,

- b. Specify the alleged misconduct and the school district rules alleged to have been violated,
- c. Set forth the corrective action proposed,
- d. Set forth the right of the student and/or his or her parents or guardians to a hearing for the purpose of contesting the allegations, and
- e. Set forth the facts that:
 - i. A written request for hearing must be received by the school district employee designated, or by his/her office, on or before the expiration of three (3) school business days after receipt of the notice of opportunity for a hearing, and
 - 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 expulsion may be imposed by the school district without any further opportunity for the student or his/her parent or guardian to contest the matter. A schedule of "school business days" should be included with the notice.
- f. The student and/or his/her parent or guardian shall reply in writing to the notice of opportunity for a hearing and request a hearing within three (3) school business days after the receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to their office.
- g. If a request for a hearing is not received within the required (3) school business day period, the school district may deem the student and parent/guardian to have waived the right to a hearing and the proposed expulsion may be imposed.

Prehearing and Hearing Process for Expulsion

1. If a written request for a hearing is received pursuant to WAC 392-400-280 within the required three (3) school business days, the District Hearing Officer shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.
2. The student and his/her parent or guardian 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,

- d. Present his/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.
3. The designee of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary or other physical evidence which the student and parent/guardian intend to introduce at the hearing.
 4. The hearing shall be conducted before a hearing officer appointed by the superintendent. Such hearing officer shall not be a witness and shall determine the facts of each case solely on the evidence presented at the hearing.
 5. Either a tape-recorded or verbatim record of the hearing shall be made.
 6. The hearing officer shall state in writing the findings as to the facts, conclusions and disposition to be made. The decision shall be provided to student's legal counsel, or if none, to the student and his/her parent or guardian. A copy should be provided to the Superintendent.

Right of Appeal of Hearing Officer's Decision for Expulsion

Appeals of the Hearing Officer's decision regarding an expulsion shall be governed as follows:

1. The student and parent/guardian shall have the right to appeal the decision of the Hearing Officer to the Board of Directors. Written notice indicating the desire to appeal the hearing officer's decision shall be provided to the school district superintendent within three (3) school business days after the receipt of the decision.
2. If an appeal is not taken to the board of directors within the required three (3) school business day period, the expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.
3. If a timely appeal is taken to the board of directors, the expulsion may be imposed during the appeal period subject to the following conditions and limitations:
 - a. A non-emergency expulsion may be imposed during the appeal period for no more than ten (10) consecutive school days or until the appeal is decided, whichever is the shortest period.
 - b. Any days that a student is temporarily expelled before the appeal is decided shall be applied to the term of the student's expulsion and shall not limit or extend the term of the student's expulsion.
 - c. Any student subjected to a temporary expulsion who returns to school before the appeal is decided shall be provided the opportunity upon his return to make up assignments and tests missed by reason of the expulsion if:

- i. Such assignments or tests have a substantial effect upon the student's semester grades; or
 - ii. Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.
4. An appeal from any decision of a school board to impose or to affirm the imposition of an expulsion shall be to the courts. Whether or not the decision of a school board shall be postponed pending an appeal to superior court shall be discretionary with the school board except as ordered otherwise by a court.

Procedures for Appeal of District Hearing Officer's Decision Before the Board of Directors

1. If a notice of appeal to the board of directors is received pursuant to WAC 392-400-310(2) within the required three school business days, the board shall schedule and hold an informal conference to review the matter within ten (10) school business days after the receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of handling the appeal as provided for below. At that time the student, parent, and/or counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board deems reasonable. Prior to adjournment, the board shall agree to one of the following procedures:
 - a. Study the hearing record and other materials submitted and render its decision within ten (10) school business days after the date of the informal conference; or
 - b. Schedule and hold a meeting to hear further arguments based on the record before the board and render its decision within fifteen (15) school business days after the date of the informal conference; or
 - c. Schedule and hold a meeting within ten (10) school business days after the date of the informal conference for the purpose of hearing the case *de novo* (*over again*).
2. In the event the school board of directors elects to hear the appeal *de novo* (*over again*), the following rights and procedures shall govern the proceedings:
 - a. The student and parent/guardian shall have the right to:
 - i. Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,
 - ii. Question and confront witnesses,
 - iii. Present his/her explanation of the alleged misconduct, and

- iv. Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he/she desires.
 - b. The designee of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and parent/guardian intend to introduce at the hearing.
 - c. Either a tape-recorded or verbatim record of the hearing shall be made.
3. Any decision by the board of directors to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made only by those board members who have heard or read the evidence and who have not acted as a witness in the matter, and only at a meeting at which a quorum of the board is present, and by majority vote.

Readmission Application Process

Any student who has been expelled shall be allowed to make application for readmission at any time. If a student desires to be readmitted to the school from which he has been expelled, the student shall submit a written application to the superintendent, who shall recommend admission or non-admission. The application shall include:

- 1. Reasons the student wants to return and why the request should be considered;
- 2. Evidence which supports the request; and
- 3. A supporting statement from the parent or others who may have assisted the student.

The superintendent shall, in writing, advise the parent and student of the decision within seven (7) school days of the receipt of such application.

Policy References:	P3100-1	Student Rights
	P3100-2	Student Responsibilities and Rules of Student Conduct
	P3100-6	Exceptional Misconduct
	P3100-7	Dangerous Weapons
	P2040-1	Special Education and Related Services
Legal References:	RCW 9A.16.100	Washington Criminal Code
	9.41.280	Carrying dangerous weapons on school facilities
	28A.225.030	Petition to juvenile court to assume jurisdiction
	28A.600.420	Firearms on school premises, transportation, or facilities--Penalty--Exemptions
	WAC 392-400-205	Definitions
	392-400-275	Expulsion – Conditions and limitations
	392-400-280	Expulsion-Notice of hearing--Waiver of Hearing

Legal References, Cont.:

- WAC 392-400-285 Expulsion--Prehearing and hearing process
- 392-400-310 Appeals--Long-term suspension and
expulsion
- 392-400-315 Appeals--Hearing before school board
- 392-400-320 School Board decisions
- 392-172-370 thru 385 Special Education Disciplinary
Exclusion
- P.L. 101-226 Drug-Free Schools and Communities Act

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