

# 2023-2024

## STUDENT HANDBOOK

Rochester School District No. 401

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### *Our Mission*

*Preparing students for...Lifelong Learning, Rewarding Careers and Productive Citizenship  
By embracing...Accountability, Adaptability and Academic Excellence*

**IMPORTANT INFORMATION  
ENCLOSED**

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# STUDENT RIGHTS & RESPONSIBILITIES

## Student Rights, Responsibilities and Consequences

We are committed to ensuring all students gain the knowledge, skills, and attitudes necessary to become responsible, contributing citizens of our democracy. Any student who attends school shall comply with the written policies, rules, and regulations of the district and shall obey the lawful instructions of district personnel. Students who fail to adhere to the district's rules and regulations and who receive discipline for such misconduct will remain engaged or reengaged in their educational programs. Each student shall pursue a required course of study, which will lead toward a high school diploma.

Each year, the superintendent or designee shall make available to all students, their parents and teachers written statements pertaining to student rights, conduct and corrective action. Periodically these statements shall be reviewed and updated with the participation of staff, parents and other community members. The school principal and certificated staff shall confer at least annually regarding discipline standards and to discuss when certificated staff must complete classes to improve classroom management.

It is also the policy of the district to provide a learning environment that is free from all forms of intimidation, bullying, or harassment, including conduct, which constitutes sexual or racial harassment and/or retaliation. The district recognizes that regardless of intent, racial, ethnic, sexual, gender orientation, and other harassing slurs have the capacity of substantially harming individuals toward whom the slurs are addressed and the educational community as a whole. Any student who participates in the act of intimidation, discrimination, harassment, or bullying shall be subject to disciplinary action, up to and including expulsion and/or referral to law enforcement.

Students are encouraged to notify a staff member in the event they believe any form of harassment, intimidation, and/or bullying is occurring. Staff must notify a building administrator who will investigate all such matters and take appropriate action.

## 1 Student Conduct

1.1 Any student who willfully performs any act which interferes with or is detrimental to the orderly operation of a school, a school-sponsored activity or any other aspect of the educational process within the school district shall be subject to discipline, suspension or expulsion. Such acts shall include, but not be limited to, those below. **The following acts by a student on school premises or off school premises at any school-sponsored or related activity shall constitute sufficient cause for discipline, suspension or expulsion:**

- Use by inhalation, ingestion or otherwise of any substance for its intoxication effect;
- Assault or battery of another student or staff member;
- Cheating or forgery;
- Destruction or defacing of school property;
- Disobedience of reasonable instructions of school authorities;
- Disruptive, obscene, and/or demeaning conduct, vulgarity or profanity;
- Extortion, or coercion, of another student or a staff member;
- Harassment, intimidation, and/or bullying of another student or a staff member;
- False reports or retaliation for harassment, intimidation, or bullying also constitute a violation of this policy.
- Intimidating a student in an effort to induce false testimony or to avoid cooperation with an investigation or hearing by school officials; and
- Misrepresenting information which he/she is aware of that is relevant to an investigation or hearing conducted by school officials;
- Possession of drug paraphernalia intended or designed for use, storage or distribution of any controlled substance/illegal drug except to the extent authorized by a physician for such possession;

- Possession or use of nicotine products/tobacco/eva and/or possession, use, or being under the influence of alcohol, or any illegal drug or of any controlled substance, including marijuana, as defined by RCW Chapter 69.50 not lawfully prescribed by a physician for the use of the possessor or user.
- Sale or delivery of any illegal drug or of any controlled substance or the sale of any otherwise lawful substance on the representation that such substance is an illegal drug or a controlled substance;
- Possession of laser pens;
- Possession or use of explosives, firearms, firearm look-alikes, or any dangerous weapons or objects;
- Refusal to identify oneself;
- Stealing;
- Commission of any criminal act as defined by law;
- Truancy or unauthorized absence from class;
- Making or attempting to make a picture or video recording of tests or test related materials;
- Taking or attempting to take a picture or video recording of other students or a staff member(s) without expressed permission of the other student(s) or staff member(s) to do so.

## 2 Rights, Responsibilities and Authority of Teachers

- 2.1 **Teacher Responsibilities.** Teachers and other nonsupervisory certificated personnel (collectively referred to as “teachers” in this section) shall have the following responsibilities with respect to the discipline of students:
- (A) Teachers shall enforce the prescribed school district rules for student conduct.
  - (B) Teachers shall comply with school district and building rules and guidelines relating to the discipline of students.
  - (C) Teachers shall maintain good order and discipline in the classroom, in the hallways and on the playgrounds or other common areas of the school.
  - (D) Teachers assigned to classroom duties shall keep and maintain accurate attendance records of students.
- 2.2 **Teacher Authority:** Subject to policy limitations in connection with the emergency removal and corporal punishment of students, all teachers shall have the authority to discipline any student for any disruptive or disorderly conduct or other violation of rules for student conduct which may occur in the presence of the teacher or when the student is under the teacher’s supervision. Teachers may also recommend the suspension or expulsion of students to the proper school authorities.
- 2.3 **Teacher Rights:** Teachers shall have the following rights with respect to the discipline of students:
- (A) Teachers shall be entitled to appropriate assistance and support from building administrators in connection with discipline problems relating to students.
  - (B) Teachers shall be promptly advised of any complaint made to the principal or other school district administrator regarding the teacher’s discipline of students. The teacher shall be given the opportunity to present his/her version of the incident and to meet with the complaining party in the event that a conference with the complaining party is arranged.

## 3 Rights, Responsibilities and Authority of Classified Staff

- 3.1 **Classified Staff Authority:** Classified staff shall have the following responsibilities with respect to the discipline of students:
- (A) Classified staff shall comply with school district and building rules and guidelines relating to the discipline of students.
  - (B) Classified staff shall maintain good order and discipline in the classroom, in the hallways and on the playgrounds or other common areas of the school.
  - (C) Classified staff shall refer all issues of student discipline to an appropriate teacher or principal.

- 3.2 **Classified Staff:** Classified staff shall have the following rights with respect to the discipline of students.
- (A) Classified staff shall be entitled to appropriate assistance and support from teachers and building administrators in connection with discipline problems relating to students.

## 4 Rights, Responsibilities and Authority of Principals

- 4.1 **Principal's Responsibilities:** Principals and other assigned certificated administrators to whom such authority has been delegated by the superintendent shall have the following responsibilities with respect to the discipline of students:
- (A) Principals shall be responsible for the enforcement of the prescribed school district rules for student conduct and for the compliance with school district and building guidelines relating to the discipline of students.
  - (B) Principals may develop such building guidelines relating to student discipline as may be appropriate. Such building guidelines shall be consistent with school district rules related to student discipline.
  - (C) Principals shall make available to each staff member, student and parents or guardians of students a copy of this policy (or summary thereof) together with any building guidelines developed pursuant to section 4.1.2 thereof.
  - (D) Principals shall provide appropriate assistance and support to teachers, staff and others in connection with discipline problems relating to students.
- 4.2 **Principal Authority:** Subject to the limitations set forth in policies relating to the suspension or expulsion of students, all principals shall have the authority to discipline, suspend or expulsion of any student for any violation of rules for student conduct.
- 4.3 **Principal Rights:** Each principal shall be promptly advised of any complaint made to any other school district administrator regarding the principal's discipline of students. The principal shall be given the opportunity to present his or her version of the incident and to meet with the complaining party in the event that a conference with the complaining party is arranged.

## 5 Excused and Unexcused Absences and Tardiness

### Definition of Absence for In-person Learning

WAC 392-401-015 states the definition of an absence:

- (1) A student is absent from in-person instruction when they are:
  - (a) Not physically present on school grounds; and
  - (b) Not participating in the following activities at an approved location:
    - i. Instruction; or
    - ii. Any instruction-related activity; or
    - iii. Any other district or school approved activity that is regulated by an instructional/academic accountability system, such as participation in district-sponsored sports.

### Definition of absence from synchronous and asynchronous instruction

A student is absent from synchronous online instruction when the student does not log in to the synchronous meeting/class. (2) A student is absent from asynchronous instruction when there is no evidence that the student accessed the planned asynchronous activity. (3) Evidence of student participation in asynchronous activities must occur daily, within a twenty-four-hour time frame of when the participation is planned or expected.

### Minimum Time for Being Considered Present

The District has authority to establish minimum thresholds similar to in-person attendance for the time in which a student must be logged in to be considered present. The Superintendent will develop a consistent and equitable approach that is documented in the student handbook and communicated clearly to all students and families. Determining a threshold for when a student is present or absent should not be left to individual teachers.

### **Presence vs. Participation**

Participation, such as turning video on and participating in discussion or chat, are not to be considered when determining if a student is present or not. These are examples of participation and should be considered distinct from attendance.

### **Absence from Asynchronous Instruction**

Similar to local determinations on what constitutes presence for synchronous online instruction, the Superintendent will develop a consistent and equitable approach that establishes what constitutes “evidence of participation.” This approach will be documented in the student handbook and communicated clearly to all students and families. Determining what constitutes “evidence of participation” should not be left to individual teachers.

### **Tardies**

The District has the flexibility to determine what constitutes a tardy in synchronous online settings. The District differentiates a tardy from an absence (where the student does not attend at all) and will exclude tardies from any reports that tally absences for the purposes of filing a truancy petition.

### **Daily attendance taking**

The District will take daily attendance for all enrolled students whether the instructional modality is in-person, synchronous, or asynchronous. When instruction is synchronous online or asynchronous, secondary schools will take attendance daily in each course with planned instruction and elementary schools will take attendance at least twice a day.

### **Excused and Unexcused Absences**

Educators and administrators have a responsibility to monitor absences to determine if students and families need support. Students are expected to attend all assigned in-person classes each day or participate in all assigned remote instructional activities; except when there are necessary reasons for students to be absent. Upon enrollment and at the beginning of each school year, the district shall inform students and their parents/guardians of this expectation, the benefits of regular school attendance, the consequences of truancy, the role and responsibility of the district in regard to truancy, and resources available to assist the student and their parents and guardians in correcting truancy. The district will also make this information available online and will take reasonable steps to ensure parents can request and receive such information in languages in which they are fluent. Parents will be required to date and acknowledge review of this information online or in writing.

### **Excused Absences**

Regular school attendance is necessary for mastery of the educational program provided to students of the district. Students at times may be absent from class or not able to participate remotely. School staff will keep a record of absence and tardiness, including a call log and/or a record of excuse statements submitted by a parent/guardian, or in certain cases, students, to document a student’s excused absences. The following principles will govern the development and administration of attendance procedures within the district:

A. Absences due to the following reasons are excused:

1. Physical health or mental health symptoms, illness, health condition or medical appointment for the student or person for whom the student is legally responsible. Examples of symptoms, illness, health conditions, or medical appointments include, but are not limited to, medical, counseling, mental health wellness, dental, optometry, pregnancy, and behavioral health treatment (which can include in-patient or out-patient treatment for chemical dependency or mental health);
2. Family emergency including, but not limited to, a death or illness in the family;
3. Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction;
4. Court, judicial proceeding, court-ordered activity, or jury service;
5. Post-secondary, technical school or apprenticeship program visitation, or scholarship interview;
6. State-recognized search and rescue activities consistent with RCW [28A.225.055](#);

7. Absence directly related to the student's homeless or foster care/dependency status;
  8. Absences related to deployment activities of a parent or legal guardian who is an active duty member consistent with RCW 28A.705.010;
  9. Absences due to suspensions, expulsions or emergency expulsions imposed pursuant to chapter 392-400 WAC if the student is not receiving educational services and is not enrolled in qualifying "course of study" activities as defined in WAC 392-121-107;
  10. Absences due to student safety concerns, including absences related to threats, assaults, or bullying;
  11. Absences due to a student's migrant status;
  12. An approved activity that is consistent with district policy and is mutually agreed upon by the principal or designee and a parent, guardian, or emancipated youth.
  13. Absences due to the student's lack of necessary instructional tools, including internet access or connectivity.
- B. In the event of emergency school facility closure due to COVID-19, other communicable disease outbreak, natural disaster, or other event when districts are required to provide synchronous and asynchronous instruction, absences due to the following reasons are excused:
1. Absences related to the student's illness, health condition, or medical appointments due to COVID-19 or other communicable disease;
  2. Absences related to caring for a family member who has an illness, health condition, or medical appointment due to COVID-19, other communicable disease, or other emergency health condition related to school facility closures;
  3. Absences related to the student's family obligations during regularly scheduled school hours that are temporarily necessary because of school facility closures, until other arrangements can be made; and
  4. Absences due to the student's parent's work schedule or other obligations during regularly scheduled school hours, until other arrangements can be made.

The District may define additional categories or criteria for excused absences. A school principal or designee has the authority to determine if an absence meets this policy according to the above criteria for an excused absence.

If a student is absent 10 school days either excused or unexcused, the school may require a note from a medical professional before excusing any further absences.

1. If an absence is excused, the student will be permitted to make up all missed assignments outside of class under reasonable conditions and time limits established by the appropriate teacher; where reasonable, if a student misses a participation-type class, they can request an alternative assignment that aligns with the learning goals of the activity missed.
2. An excused absence will be verified by a parent/guardian or an adult, emancipated or appropriately aged student, or school authority responsible for the absence. If attendance is taken electronically, either for a course conducted online or for students physically within the district, an absence will default to unexcused until such time as an excused absence may be verified by a parent or other responsible adult. If a student is to be released for health care related to family planning or abortion, the student may require that the district keep the information confidential. Students thirteen and older have the right to keep information about drug, alcohol or mental health treatment confidential. Students fourteen and older have the same confidentiality rights regarding HIV and sexually transmitted diseases.
3. Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized

education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

This conference is not required if the school has received prior notice or a doctor's note has been provided and an academic plan put in place so that the child does not fall behind.

### **Unexcused Absences**

- (A) Any absence from school for the majority of hours or periods in an average school day is unexcused unless it meets one of the criteria above or in administrative procedure for an excused absence.
- (B) A student's grade may be affected if a graded activity or assignment occurs during the period of time when the student is absent and that absence is not excused.
- (C) The school will notify a student's parent or guardian in writing or by telephone whenever the student has failed to attend school after one unexcused absence within any month during the current school year. The notification will include the potential consequences of additional unexcused absences. The school will make reasonable efforts to provide this information in a language the parent understands.
- (D) The school will hold a conference with the parent or guardian after three unexcused absences within any month during the current school year. The conference will analyze the causes of the student's absences and develop a that identifies student, school, and family commitments to reduce the student's absences from school. If the parent does not attend the conference, the school official may still hold the conference with the student. However, the school will notify the parent of the steps the district has decided to take to eliminate or reduce the student's absences.
- (E) Between the student's second and seventh unexcused absence, the school must take the following data-informed steps:
  - i. Middle and high school students will be administered the Washington Assessment of the Risks and Needs of Students (WARNS) or other assessment.
  - ii. These steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile or other assessment, if an assessment was applied, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.
  - iii. For any child with an existing individualized education plan or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior shall be conducted and a detailed behavior plan completed. Time should be allowed for the behavior plan to be initiated and data tracked to determine progress.

Not later than the student's seventh unexcused absence in a month the district will enter into an agreement with the student and parents that establishes school attendance requirements, refer the student to a community engagement board or file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010.

- (F) If such action is not successful, the district will file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010 by the parent, student or parent and student no earlier than the seventh unexcused absence within any month during the current school year and not later than the fifteenth unexcused absence during the current school year.

The superintendent will enforce the district's attendance policies and procedures. Because the full knowledge and cooperation of students and parents are necessary for the success of the policies and procedures, procedures will be disseminated broadly and made available to parents and students annually.



## **Tardies and Disciplinary Actions**

1. Students shall not be absent if:
  - a. They have been suspended, expelled, or emergency expelled pursuant to chapter 392-400 WAC;
  - b. Are receiving educational services as required by RCW 28A.600.015 and chapter 392-400 WAC; and
  - c. The student is enrolled in qualifying "course of study" activities as defined in WAC 392-121-107. Course of study activities do not include sending homework packets home.
2. A full day absence is when a student is absent for fifty percent or more of their scheduled day.
3. A school or district shall not convert or combine tardies into absences that contribute to a truancy petition.

A student shall be considered absent if they are on school grounds but not in their assigned setting.

## **Tiered response system for student absences**

WAC 392-401A-045 requires:

School districts to implement minimum requirements of a multitiered system of support for attendance to address barriers to student attendance, provide timely interventions and best practices to reduce chronic absenteeism and truancy.

Multitiered systems of support include:

- (a) Monitoring daily attendance data for all students who are absent, whether the absence is excused or unexcused;
- (b) A process to contact families and verify current contact information for each enrolled student that includes multiple attempts and modalities in the parent's home language;
- (c) Differentiated supports that address the barriers to attendance and participation that includes universal supports for all students and tiered interventions for students at-risk of and experiencing chronic absence, including school and district attendance or engagement teams, connecting to community resources, and community engagement boards; and
- (d) A process for outreach and reengagement for students who have been withdrawn due to nonattendance and there is no evidence that the student is enrolled elsewhere. This outreach and reengagement process must include:
  - (i) A school and/or district point person/people to maintain the list, keep it updated, and coordinate the outreach;
  - (ii) School or district staff assigned to conduct the outreach and attempts at reengagement in coordination with community partners or other programs;
  - (iii) Multiple methods of communication and outreach in a language or mode of communication that the parent understands including phone calls, texts, letters, and home visits;
  - (iv) Referral to community-based organizations;
  - (v) Documentation of the attempts to reach student and family; and
  - (vi) Follow the required steps to address unexcused absences in chapter 28A.225 RCW, including early communication to parents, holding parent conferences and administering a truancy screener to understand the underlying reasons for the absences, and providing evidence-based or best practice interventions, even if the student has been withdrawn due to nonattendance.

## **Students dependent pursuant to Chapter 13.34, RCW**

A school district representative or certificated staff member will review unexpected or excessive absences of a student who has been found dependent under the Juvenile Court Act with that student and adults involved with that student. Adults includes the student's caseworker, educational liaison, attorney if one is appointed, parent or guardians, foster parents and/or the person providing placement for the student. The review will take into consideration the cause of the absences, unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and the student's unavoidable appointments that occur during the school day. The representative or staff member must proactively support the student's management of their school work.

## **Migrant Students**

The district, parent/guardian and student are encouraged to work to create an Extended Absence Agreement with the school to decrease the risk of an adverse effect on the student's educational progress.

## 6 Disciplinary Procedures

When addressing instances of alleged student misconduct, the district follows the applicable sections of Chapter 392-400 of the Washington Administrative Code (WAC). In pertinent part, those sections read as follows:

### 6.1 Discipline

#### 6.1.1 WAC 392-400-025

##### Definitions.

As used in this chapter the terms:

- (A) **"Behavioral violation"** means a student's behavior that violates a school district's discipline policy adopted under WAC 392-400-110.
- (B) **"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:
  - (a) A teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
  - (b) The student remains under the supervision of the teacher or other school personnel during such brief duration.
- (C) **"Culturally responsive"** has the same meaning as "cultural competency" in RCW 28A.410.270.
- (D) **"Discipline"** means any action taken by a school district in response to behavioral violations.
- (E) **"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.
- (F) **"Emergency expulsion"** means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.
- (G) **"Expulsion"** means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.
- (H) **"Length of an academic term"** means the total number of school days in a single trimester or semester, as defined by the school board.
- (I) **"Other forms of discipline"** means actions used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- (J) **"Parent"** has the same meaning as in WAC 392-172A-01125.
- (K) **"School business day"** means any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the superintendent of a school district is open to the public for business.
- (L) **"School board"** means the governing board of directors of a local school district.
- (M) **"School day"** means any day or partial day that students are in attendance at school for instructional purposes.
- (N) **"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.
  - (a) **"In-school suspension"** means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
    - (A) **"Long-term suspension"** means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
  - (b) **"Long-term suspension"** means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
  - (c) **"Short-term suspension"** means a suspension in which a student is excluded from school for

up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

### 6.1.2 WAC 392-400-330

#### **Classroom exclusions—Conditions and limitations.**

- (1) **Authority to administer classroom exclusions.**
  - (a) **Teacher authority.** A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335.
  - (b) **Other school personnel authority.** A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy adopted under WAC 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.
- (2) **Other forms of discipline.** The teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process. In administering other forms of discipline, the teacher or other school personnel may consider using best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- (3) **Limitations on classroom exclusion.**
  - (a) **Duration of classroom exclusion.** A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area. 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 under this chapter.
  - (b) **Removal from school.** A student may not be removed from school during a classroom exclusion unless the school district provides notice and due process for a suspension, expulsion, or emergency expulsion under this chapter.
- (4) **Assignments and tests.** The school district must provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.

### 6.1.3 WAC 392-400-335

#### **Classroom exclusion—Notice and procedure.**

Following a classroom exclusion under WAC 392-400-330:

- (1) **Notice to principal.** The teacher or other school personnel must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible.
- (2) **Notice to parents.** The teacher, principal, or designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. The school district must ensure that this notification is in a language the parents understand, which may require language assistance for parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (3) **Emergency circumstances.** When a teacher or school personnel administers a classroom exclusion on the grounds that the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:
  - (a) The teacher or other school personnel must immediately notify the principal or designee; and
  - (b) The principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

#### **Grievance and Appeal Process for Classroom Exclusion**

Any parent/guardian or student who is aggrieved by the imposition of discipline will have the right to

an informal conference with the principal for the purpose of resolving the grievance. The employee whose action is being grieved will be notified of the grievance as soon as reasonably possible.

At such conference the student and parent/guardian will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

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

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days' prior notice, have the right to present a written or oral grievance to the board during its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering a grievance. The board 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. The disciplinary action will continue notwithstanding implementation of the grievance procedure unless the principal, superintendent or board elects to postpone such action.

Alternatively, the board may delegate its authority to hear and decide discipline and short-term suspension grievance appeals to a school district disciplinary appeal council established pursuant to WAC 392-400-310(1).

#### 6.1.4 **WAC 392-400-430**

##### **Suspensions and expulsions—General conditions and limitations.**

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

- (1) **Parent involvement.** A school district must:
  - (a) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations; and
  - (b) Must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.
- (2) **Considerations.** Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.
- (3) **Completing academic requirements.** A school district may not:
  - (a) Suspend the provision of educational services to a student in response to behavioral violations; or
  - (b) Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.
- (4) **Opportunity to receive educational services.** A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.
- (5) **Reporting.** The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.
- (6) **Reentry.** After suspending or expelling a student, a school district must:
  - (a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.
  - (b) Allow the student to petition for readmission at any time.
- (7) **Absences and tardiness.** A school district may not suspend or expel a student from school for absences or tardiness.
- (8) **Access to school district property.** When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

- (9) **End date.**
  - (a) An expulsion or suspension of a student may not be for an indefinite period of time and must have an end date.
  - (b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion, unless:
    - (i) The school district superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;
    - (ii) The student is excluded from the student's regular educational setting in accordance with WAC 392-400-810; or
    - (iii) The student is otherwise precluded under law from returning to the student's regular educational setting.

6.1.5 **WAC 392-400-435**

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

- (1) **Other forms of discipline.** Before administering a short-term or in-school suspension, a school district must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- (2) **Length of exclusion.** A school district may not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.
- (3) **Grade-level limitations.**
  - (a) A school district may not administer a short-term or in-school suspension for a student in kindergarten through fourth grade for more than ten cumulative school days during any academic term; and
  - (b) A school district may not administer a short-term or in-school suspension for a student in grades five through twelve:
    - (i) For more than fifteen cumulative school days during any single semester; or
    - (ii) For more than ten cumulative school days during any single trimester.
- (4) **School personnel.** When administering an in-school suspension, a school district must ensure school personnel:
  - (a) Are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension; and
  - (b) Are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes as required under WAC 392-400-610.

6.1.6 **WAC 392-400-440**

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

- (1) **Other forms of discipline.** Before administering a long-term suspension, a school district must consider other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- (2) **Limitations on long-term suspensions.** A school district may only administer a long-term suspension:
  - (a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and
  - (b) After the school district has determined that, if the student returned to school before completing a long-term suspension.
    - (i) The student would pose an imminent danger to students or school personnel; or
    - (ii) The student would pose an imminent threat of material and substantial disruption of the educational process.
- (3) **Length of exclusion.**
  - (a) A long-term suspension may not exceed the length of an academic term.
  - (b) A school district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

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

#### 6.1.7 WAC 392-400-445

##### **Expulsions—Additional conditions and limitations.**

- (1) **Other forms of discipline.** Before administering an expulsion, a school district must consider other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.
- (2) **Limitations on expulsions.** A school district may only administer an expulsion:
  - (a) For behavioral violations under RCW 28A.600.015 (6)(a) through (d); and
  - (b) After the school district has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.
- (3) **Length of exclusion.** An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the school district superintendent for extension of an expulsion under WAC 392-400-480, and the petition is granted.
- (4) **Grade-level limitations.** Except for violations of WAC 392-400-820, a school district may not administer an expulsion for any student in kindergarten through fourth grade.

#### 6.1.8 WAC 392-400-450

##### **Suspensions and expulsions—Initial hearing with student.**

- (1) **Initial hearing.** Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:
  - (a) Notice of the student's violation of the school district's discipline policy adopted under WAC 392-400-110;
  - (b) An explanation of the evidence regarding the behavioral violation;
  - (c) An explanation of the discipline that may be administered; and
  - (d) An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.
- (2) **Parent participation.**
  - (a) **Short-term and in-school suspensions.** At an initial hearing in which the principal or designee is considering administering a short-term or in-school suspension, the principal or designee must provide the student an opportunity for the student to contact the student's parents.
  - (b) **Long-term suspensions and expulsions.** At an initial hearing in which the principal or designee is considering administering a long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone.
- (3) **Administrative decision.** Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.
- (4) **Language assistance.** The school district must ensure that the initial hearing is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### 6.1.9 WAC 392-400-455

##### **Suspensions and expulsions—Notice to student and parents.**

- (1) **Initial notice.** Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.
- (2) **Written notice.** No later than one school business day following the initial hearing with the student in WAC 392-400-450, a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must

include:

- (a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC 392-400-110;
  - (b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
  - (c) The other forms of discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;
  - (d) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610;
  - (e) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-460;
  - (f) The student's and parents' right to appeal the suspension or expulsion under WAC 392-400-465, including where and to whom the appeal must be requested; and
  - (g) For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting under WAC 392-400-710.
- (3) **Language assistance.** The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### 6.1.10 WAC 392-400-460

##### **Suspensions and expulsions—Optional conference with principal.**

- (1) **Requesting a conference.** If the student or parents disagree with the school district's decision to suspend or expel the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- (2) **Time limit.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
- (3) **Conference.** During the informal conference, the principal or designee must provide the student and parents the opportunity to:
  - (a) Share the student's perspective and explanation regarding the behavioral violation;
  - (b) Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
  - (c) Discuss other forms of discipline that may be administered.
- (4) **Right to appeal.** An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion under WAC 392-400-465, participate in a reengagement meeting under WAC 392-400-710, or petition for readmission.
- (5) **Language assistance.** The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### 6.1.11 WAC 392-400-465

##### **Suspensions and expulsions—Appeal.**

- (1) **Requesting an appeal.** A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.
- (2) **Time limit.** A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.
- (3) **Short-term and in-school suspensions.**
  - (a) **Appeal.** The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.
  - (b) **Appeal decision.** The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:

- (i) The decision to affirm, reverse, or modify the suspension;
  - (ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
  - (iii) The educational services the school district will offer to student during the suspension under WAC 392-400-610; and
  - (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request.
- (4) **Long-term suspensions and expulsions.**
- (a) **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
    - (i) The time, date, and location of the appeal hearing;
    - (ii) The name(s) of the official(s) presiding over the appeal;
    - (iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;
    - (iv) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;
    - (v) The student's and parents' rights under (f) of this subsection; and
    - (vi) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.
  - (b) **Reengagement.** Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.
  - (c) **Appeal hearing.** The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.
  - (d) **Presiding officials.** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.
  - (e) **Evidence and witnesses.**
    - (i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
    - (ii) Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
    - (iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
      - (A) The district made a reasonable effort to produce the witness; and
      - (B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
  - (f) **Student and parent rights.** During the appeal hearing, the student and parents have the right to:
    - (i) Be represented by legal counsel;
    - (ii) Question witnesses;
    - (iii) Share the student's perspective and provide explanation regarding the behavioral violation; and
    - (iv) Introduce relevant documentary, physical, or testimonial evidence.
  - (g) **Recording of hearing.** The appeal hearing must be recorded by manual, electronic, or other type of recording device. The school district must provide the recording to the student or parents upon request.



- (h) **Appeal decision.** The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:
  - (i) The findings of fact;
  - (ii) A determination whether:
    - (A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;
    - (B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and
    - (C) The suspension or expulsion is affirmed, reversed, or modified;
  - (iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
  - (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and
  - (v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710 and the contact information for the person who will coordinate scheduling of the reengagement meeting.
- (5) **Language assistance.** The school district must ensure that the notice, appeal proceedings, and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (6) **Pending appeal.** If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:
  - (a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC 392-400-450 or until the appeal is decided, whichever is earlier;
  - (b) Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;
  - (c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

#### 6.1.12 WAC 392-400-470

##### **Suspensions and expulsions—Review and reconsideration.**

- (1) **Requesting review.** The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-465. The student or parents may request the review orally or in writing.
- (2) **Time limit.** A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than ten school business days from the date the school district provides the written appeal decision to the student and parents under WAC 392-400-465.
- (3) **Review Procedures.**
  - (a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal under WAC 392-400-465, relevant state law, and the school district's discipline policy adopted under WAC 392-400-110.
  - (b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
  - (c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to

suspend or expel the student, or the appeal decision under WAC 392-400-465. If the discipline appeal council presided over the appeal under WAC 392-400-465, the decision must be made by the school board.

- (4) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:
  - (a) Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;
  - (b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and
  - (c) For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710.
- (5) **Language assistance.** The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

6.1.13 **WAC 392-400-475**  
**Discipline appeal council.**

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

6.1.14 **WAC 392-400-480**  
**Petition to extend expulsion.**

- (1) **Petition.** When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the school district superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the superintendent or designee of:
  - (a) The behavioral violation that resulted in the expulsion and the public health or safety concerns;
  - (b) The student's academic, attendance, and discipline history;
  - (c) Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
  - (d) The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
  - (e) The proposed extended length of the expulsion; and
  - (f) The student's reengagement plan.
- (2) **Time limit.** The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820, the principal or designee may petition to extend an expulsion at any time.
- (3) **Notice.** The school district must provide written notice of the petition to the student and parents in person, by mail, or by email within one school business day from the date the superintendent or designee received the petition. The written notice must include:
  - (a) A copy of the petition;
  - (b) The student's and parents' right to an informal conference with the school district superintendent or designee to be held within five school business days from the date the district provided written notice to the student and parents; and
  - (c) The student's and parents' right to respond to the petition orally or in writing to the school district superintendent or designee within five school business days from the date the district provided written notice.
- (4) **Written decision.** The school district superintendent or designee may grant the petition only if

there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The school district superintendent or designee must deliver a written decision to the principal, the student, and the student's parents in person, by mail, or by email within ten school business days after receiving the petition.

- (a) If the petition is granted, the written decision must include:
    - (i) The date on which the extended expulsion will end;
    - (ii) The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
    - (iii) Notice of the student's or parents' right to request review and reconsideration of the appeal decision under subsection (5) of this section, including where and to whom to make the request.
  - (b) If the petition is not granted, the written decision must identify the date on which the expulsion will end.
- (5) Review and reconsideration.**
- (a) **Requesting review.** The students or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing.
  - (b) **Time limit.** A school district may establish a time limit for parents and students to request a review under this subsection. The time limit must be no less than ten school business days from the date the school district superintendent or designee provides the written decision under subsection (4) of this section.
  - (c) **Review procedure.**
    - (i) The school board or discipline appeal council may request to meet with the student or parents or the principal to hear further arguments and gather additional information.
    - (ii) The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision under WAC 392-400-465.
  - (d) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:
    - (i) Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
    - (ii) The date on which the extended expulsion will end.
- (6) Duration.** Any extension of an expulsion may not exceed the length of an academic term.
- (7) Language assistance.** The school district must ensure that any petition proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (8) Annual reporting.** The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

#### 6.1.15 WAC 392-400-510

##### **Emergency expulsions—Conditions and limitations.**

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

- (1) **Sufficient cause.** The school district must have sufficient cause to believe that the student's presence poses:
  - (a) An immediate and continuing danger to other students or school personnel; or
  - (b) An immediate and continuing threat of material and substantial disruption of the educational process.
- (2) **Determination of immediate and continuing threat of disruption.**

For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:

- (a) The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
  - (b) School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.
- (3) **Time limit.** An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.
- (4) **Conversion.** If a school district converts an emergency expulsion to a suspension or expulsion, the district must:
- (a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
  - (b) Provide the student and parents notice and due process under WAC 392-400-455 through 392-400-480.
- (5) **Reporting.** All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

#### 6.1.16 WAC 392-400-515

##### **Emergency expulsions—Notice to student and parents.**

- (1) **Initial notice.** After an emergency expulsion, the school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.
- (2) **Written notice.** Within twenty-four hours after an emergency expulsion, a school district must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:
  - (a) The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
  - (b) The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;
  - (c) The opportunity to receive educational services during the emergency expulsion under WAC 392-400-610;
  - (d) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-520; and
  - (e) The student's and parents' right to appeal the emergency expulsion under WAC 392-400-525, including where and to whom the appeal must be requested.
- (3) **Language assistance.** The school district must ensure the initial and written notices required under this section are provided in a language the student understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### 6.1.17 WAC 392-400-520

##### **Emergency expulsions—Optional conference with principal.**

- (1) **Requesting a conference.** If a student or the parents disagree with the school district's decision to administer an emergency expulsion, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- (2) **Time limit.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
- (3) **Conference.** During the informal conference, the principal or designee must provide students and

parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.

- (4) **Language assistance.** The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (5) **Right to appeal.** An informal conference must not limit a student's or parents' right to appeal the emergency expulsion under WAC 392-400-525.

#### 6.1.18 WAC 392-400-525

##### **Emergency expulsions—Appeal.**

- (1) **Requesting an appeal.** A student or the parents may appeal an emergency expulsion to the school district superintendent or designee orally or in writing.
- (2) **Time limit.** A school district may establish a time limit to appeal an emergency expulsion. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency expulsion.
- (3) **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
  - (a) The time, date, and location of the appeal hearing;
  - (b) The name(s) of the official(s) presiding over the appeal;
  - (c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;
  - (d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and
  - (e) The student's and parents' rights under subsection (7) of this section.
- (4) **Appeal hearing.** The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.
- (5) **Presiding official(s).** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.
- (6) **Evidence and witnesses.**
  - (a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
  - (b) Upon request, the student and parents may review the student's education records. The school district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
  - (c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
    - (i) The district made a reasonable effort to produce the witness; and
    - (ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- (7) **Student and parent rights.** The student and parents have the right to:
  - (a) Be represented by legal counsel;
  - (b) Question witnesses;
  - (c) Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and
  - (d) Introduce relevant documentary, physical, or testimonial evidence.
- (8) **Recording of hearing.** The appeal hearing must be recorded by manual, electronic, or other type of recording device. The school district must provide the recording to the student or parents upon request.
- (9) **Appeal decision.** The school district must provide a written decision to the student and parents in

person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:

- (a) The findings of fact;
  - (b) A determination whether the student's presence continues to pose:
    - (i) An immediate and continuing danger to students or school personnel; or
    - (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
  - (c) Whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-455 through 392-400-480; and
  - (d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.
- (10) **Language assistance.** The school district must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### 6.1.19 WAC 392-400-530

##### **Emergency expulsions—Review and reconsideration.**

- (1) **Requesting review.** The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.
- (2) **Time limit.** A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.
- (3) **Review procedure.**
  - (a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.
  - (b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
  - (c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the decision must be made by the school board.
- (4) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:
  - (a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:
    - (i) An immediate and continuing danger to students or school personnel; or
    - (ii) An immediate and continuing threat of material and substantial disruption of the educational process.
  - (b) If the emergency expulsion has not yet ended or been converted, whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-455 through 392-400-480.
- (5) **Language assistance.** The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for

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

6.1.20 **WAC 392-400-610**

**Educational services during suspension, expulsion, or emergency expulsion.**

**(1) Educational services.**

- (a) A school district may not suspend the provision of educational services to a student in response to behavioral violations.
- (b) During the suspension, expulsion, or emergency expulsion of a student, a school district must provide the student the opportunity to receive educational services. The educational services must enable the student to:
  - (i) Continue to participate in the general education curriculum;
  - (ii) Meet the educational standards established within the district; and
  - (iii) Complete subject, grade-level, and graduation requirements.
- (c) When providing a student the opportunity to receive educational services under this section, the school district must consider:
  - (i) Meaningful input from the student, parents, and the student's teachers;
  - (ii) Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and
  - (iii) Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.
- (d) A school district may provide educational services to the student in an alternative setting or modify the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

**(2) Notice.** As soon as reasonably possible after administering a suspension or expulsion, a school district must provide written notice to the student and parents about the educational services the district will provide. The school district must provide the written notice in person, by mail, or by email. The notice must include:

- (a) A description of the educational services that will be provided; and
- (b) The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section.

**(3) Exclusions for up to five days.** For students subject to suspension or emergency expulsion for up to five consecutive school days, a school district must provide at least the following:

- (a) Course work, including any assigned homework, from all of the student's regular subjects or classes;
- (b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and
- (c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

**(4) Exclusions for six to ten days.** For students subject to suspension or emergency expulsion for six to ten consecutive school days, a school district must provide at least the following:

- (a) Course work, including any assigned homework, from all of the student's regular subjects or classes;
- (b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel must make a reasonable attempt to contact the student or parents within three school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:
  - (i) Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and
  - (ii) Communicate with the student, parents, and the student's teacher(s) about the student's

academic progress.

- (c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.
- (5) **Long-term suspensions and expulsions.** For students subject to expulsion or suspension for more than ten consecutive school days, a school district must provide educational services in accordance with WAC 392-121-107.
- (6) **Language assistance.** The school district must ensure that notices and communications required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### 6.1.21 WAC 392-400-710

##### **Student reengagement after long-term suspension or expulsion.**

- (1) **Reengagement meeting.** When a school district administers a long-term suspension or expulsion, the district must convene a reengagement meeting with the student and parents to discuss a plan to reengage the student. Before convening a reengagement meeting, a school district must communicate with the student and parents to schedule the meeting time and location. The reengagement meeting must occur:
  - (a) Within twenty calendar days of the start of the student's long-term suspension or expulsion, but no later than five calendar days before the student returns to school; or
  - (b) As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.
- (2) **Reengagement plan.** The school district must collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district must consider:
  - (a) The nature and circumstances of the incident that led to the student's suspension or expulsion;
  - (b) As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
  - (c) Shortening the length of time that the student is suspended or expelled;
  - (d) Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
  - (e) Supporting the student, parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.
- (3) **Documentation.** The school district must document the reengagement plan and provide a copy of the plan to the student and parents.
- (4) **Language assistance.** The school district must ensure that the reengagement meeting and plan are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (5) **Student and parent rights.** Reengagement meetings do not replace an appeal hearing under WAC 392-400-465 or a petition for readmission.

#### 6.1.22 WAC 392-400-805

##### **Fundamental rights.**

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

- (1) Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;
- (2) Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;



- (3) Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;
- (4) Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or
- (5) Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by a school district without due process of law.

6.1.23 **WAC 392-400-810**

**Exceptions for the purpose of protecting victims.**

In accordance with RCW 28A.600.460, a school district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion for the purpose of protecting victims of certain offenses, as follows:

- (1) **Teacher victim.** A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned;
- (2) **Student victim.** A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed classroom the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

6.1.24 **WAC 392-400-815**

**Behavior agreements.**

- (1) **General.** A school district may enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance.
- (2) **Policies and procedures.** A school district entering into behavior agreements under this section must adopt written policies and procedures authorizing the agreements.
- (3) **Reengagement meetings and educational services.** A school district must ensure that a behavior agreement does not waive a student's opportunity to participate in a reengagement meeting under WAC 392-400-710, or receive educational services as provided under WAC 392-400-610.
- (4) **Duration.** The duration of behavior agreements must not exceed the length of an academic term.
- (5) **Subsequent behavioral violations.** Nothing in this section precludes a school district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.
- (6) **Language assistance.** The school district must ensure any behavior agreement under this section is provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

6.1.25 **WAC 392-400-820**

**Firearm exceptions.**

As provided under RCW 28A.600.420:

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

- are handled or displayed; or
- (b) Any student while participating in a rifle competition authorized by the school district.

6.1.26 **WAC 392-400-825**

**Corporal punishment, restraint, and isolation.**

- (1) **Corporal punishment.** A school district may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:
  - (a) The use of reasonable physical force by a school administrator, teacher, school personnel or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;
  - (b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or
  - (c) Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.
- (2) **Restraint and isolation.** A school district may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392- 172A-02105, and 392-172A-02110.

6.1.27 **WAC 392-400-830**

**School meals.**

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

6.2 **Special Education Students - Discipline**

- 6.2.1 **Change of placement for disciplinary removals:** For purposes of removals of a special education student from the student's current educational placement, a change of placement occurs if:
  - (a) the removal is for more than ten consecutive school days; or
  - (b) the student is subjected to a series of removals that constitute a pattern because they accumulate more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
- 6.2.2 **Removals – Ten school days or less.** To the extent removal would be applied to students without disabilities, school personnel may order the removal of a special education student from the student's current placement for not more than ten (10) consecutive school days for any violation of school rules.
- 6.2.3 **Removals for weapons or controlled substance/illegal drugs.** School personnel may order a change in placement of a special education student to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:
  - (a) the student possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of a state or local education agency; or
  - (b) the student knowingly possesses or uses a controlled substance/illegal drug or sells or solicits the sale of a controlled substance/illegal drug while at school or a school function under the jurisdiction of a state or local educational agency.
- 6.2.4 **Functional behavioral assessment and intervention plan.** Within ten (10) business days after first removing a student for more than ten school days in a school year, including weapons violations, drugs violations, or behavior that is substantially likely to result in injury to the student or to others, the following actions shall be taken by the school district or other public agency:
  - (a) If the district or other public agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the

removal occurred, the district or other public agency shall convene an individualized education program meeting to develop an assessment plan.

- (b) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation and modify it, as necessary, to address the behavior.
- (c) As soon as practical after developing the plan described in subsection (1) of this section, and completing the assessments required by the plan, the district or other public agency shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.
- (d) If subsequently, a special education student who has a behavioral intervention plan and who has been removed from the student's current educational placement for more than ten (10) school days in a school year is subjected to a removal that does not constitute a change of placement, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more of the team members believe that modifications are needed, the team shall meet to review the plan and its implementation, to the extent the team determines necessary.

**6.2.5 Manifestation determination review requirements.** If an action is contemplated by a school district, other public agency personnel, or a hearing officer that involves removing a student for weapons violations, drugs violations, behavior that violates any rule or code of conduct that applies to all students which results in a change of placement, the following actions shall be taken by the school district or other public agency:

- (a) Not later than the date of which the decision to remove the student is made, the parents must be notified of that decision and provided the procedural safeguards notice described under WAC 392 172-370 through 385; and
- (b) Immediately, if possible, but in no case later than ten (10) days after the date on which the decision to remove the student is made, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

**6.2.6 Determination that behavior was not manifestation of disability.**

- (a) If the results of the manifestation determination review indicate that the behavior of the special education student was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education shall continue to be made available to those students consistent with this chapter.
- (b) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP, if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.
- (c) If the school district or other public agency initiates disciplinary procedures applicable to all students, the district or other public agency shall ensure that the special education and disciplinary records of the special education student are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
- (d) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the student's current educational placement.

**6.3 Access to course offerings – Student discipline and corrective action.**

At least annually, each school district and public charter school must review data on corrective and disciplinary actions taken against students within each school disaggregated by sex, race, limited-English proficiency (i.e., English language learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act. This review must include, but is not limited to, short-term suspensions, long-term suspensions, expulsions, and emergency expulsions. In reviewing this data, each school district or public charter school must determine whether it has disciplined or applied corrective action to a substantially disproportionate number of

students within any of the categories identified in this section. If a school district or public charter school finds that it has disciplined or applied corrective action to a substantially disproportionate number of students who are members of one of the categories identified in this section, the school district or charter school must take prompt action to ensure that the disproportion is not the result of discrimination.

## General Information

### 7 Business Day (School Day)

As used in this policy, "school business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent 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.

### 8 Harassment, Intimidation and Bullying Policy 3207

The board is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers and patrons that is free from harassment, intimidation or bullying. As defined in legislation, "Harassment, intimidation or bullying" means any intentional electronic, written verbal, or physical act, including but not limited to one shown to be motivated by (race, color, religion, ancestry, national origin, gender, sexual orientation including gender expression or identity, mental or physical disability), or other distinguishing characteristics, when the act:

- Physically harms a student or damages the student's property.
- Has the effect of substantially interfering with a student's education.
- Is so severe, persistent, or pervasive that it creates an intimidating or threatening education environment.
- Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

"Other distinguishing characteristics" can include but are not limited to: physical appearance, clothing or other apparel, socioeconomic status, and weight.

"Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

#### **Behaviors/Expressions**

This policy recognizes that 'harassment,' 'intimidation,' and 'bullying' are separate but related behaviors. Each must be addressed appropriately. The accompanying procedure differentiates the three behaviors, however, this differentiation should not be considered part of the legal definition of these behaviors.

Harassment, intimidation or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendos, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats, or other written, oral, physical or electronically transmitted messages or images.

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of harassment, intimidation or bullying may still be prohibited by other district policies or building, classroom, or program rules.

#### **Training**

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and shall be implemented in conjunction with comprehensive training of staff and volunteers.

#### **Prevention**

The district will provide students with strategies aimed at preventing harassment, intimidation and bullying. In its efforts to train students, the district will seek partnerships with families, law enforcement and other community agencies.

## **Interventions**

Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the perpetrator, and to restore a positive school climate.

The district will consider the frequency of incidents, developmental age of the student, and severity of the conduct in determining intervention strategies. Interventions will range from counseling, correcting behavior and discipline, to law enforcement referrals.

## **Students with Individual Education Plans or Section 504 Plans**

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the target of harassment, intimidation or bullying, the school will convene the student's IEP or Section 504 team to determine whether the incident had an impact on the student's ability to receive a free, appropriate public education (FAPE). The meeting should occur regardless of whether the harassment, intimidation or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving a FAPE as a result of the harassment, intimidation or bullying incident, the district will provide additional services and supports as deemed necessary, such as counseling, monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives a FAPE.

## **Retaliation/False Allegations**

Retaliation is prohibited and will result in appropriate discipline. It is a violation of this policy to threaten or harm someone for reporting harassment, intimidation, or bullying.

It is also a violation of district policy to knowingly report false allegations of harassment, intimidation, and bullying. Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

## **Compliance Officer**

The superintendent will appoint a compliance officer as the primary district contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district.

The superintendent is authorized to direct the implementation of procedures addressing the elements of this policy.

Rochester School District's Compliance Officer is  
Dr. Jennifer Bethman  
Superintendent  
Rochester School District  
10140 Hwy 12 SW  
Rochester, WA 98579  
360-273-9242 Ext. 106

## **Harassment, Intimidation and Bullying Reporting**

You can report harassment, intimidation, bullying, weapons, drugs or other concerns using our tip line. And remember, you can remain anonymous. Our tip line can be accessed in four easy ways:

Call 360-972-3617

Text #1040 to ALERT1 (253781)

Visit the website <http://1049.alert1.us>

Email 1049@alert1.us

You may also use the **Rochester School District Harassment, Intimidation or Bullying (HIB) Incident Reporting Form**. The form is available at <https://www.rochester.wednet.edu> or in each of our school offices.

## 9 Health Information

The following information is being provided to you at the direction of the Washington State Legislature to help reduce cervical cancer rates in Washington by protecting girls from HPV.

### 9.1 Human Papillomavirus Virus Disease

What is Human Papillomavirus (HPV)?

HPV is a very common virus that is spread through genital contact. At least 50 percent of sexually active people will get HPV at some time in their lives. There are many types of HPV. Some types can cause cervical cancer or genital warts. Both women and men can get HPV and easily spread it to others without knowing they have it.

What are the symptoms of HPV?

Most people with HPV have no signs or symptoms. Some people know they have HPV because they have a symptom like genital warts. Women may find out they have HPV through cervical cancer screening (Pap tests) and HPV testing. Health care providers do not usually test for HPV unless abnormal cervical cell changes are detected by a Pap test.

How can HPV infection be prevented?

The best way to prevent HPV infection is to abstain from all sexual activity. People with only one lifetime partner can get HPV if their partner had previous sexual partners. It is uncertain how well condoms protect against HPV infection. However, condom users do have lower cervical cancer rates. The HPV vaccine is a very effective way to prevent four types of HPV that can cause cervical cancer and genital warts.

What is the HPV vaccine?

The HPV vaccine, Gardasil,® protects against four types of HPV which cause 70 percent of cervical cancers and 90 percent of genital warts. The vaccine does not protect against all types of HPV or other sexually transmitted infections. The vaccine also does not protect against any type of HPV that someone already has. Current studies show that HPV vaccine protection lasts up to 5 years. Research will continue to determine the length of the HPV vaccine's protection.

Who should get the vaccine and when should they get it?

All boys and girls ages 11 or 12 years should get vaccinated.

Catch-up vaccines are recommended for males through age 21 and for females through age 26, if they did not get vaccinated when they were younger.

The vaccine is also recommended for gay and bisexual men (or any man who has sex with a man) through age 26. It is also recommended for men and women with compromised immune systems (including people living with HIV/AIDS) through age 26, if they did not get fully vaccinated when they were younger.

Where can I find the HPV vaccine?

Ask your doctor, nurse, or local health clinic to find out whether your child needs the HPV vaccine and where you can get it. Most providers in Washington will have state-supplied HPV vaccine and there will be no cost to parents (of girls under 19 years) for the vaccine. Providers may charge an office visit and/or administration fee. The HPV vaccine is available to providers at no cost through Washington State's Universal Childhood Vaccine Program.

For more information on HPV, the Vaccine, and Cervical Cancer:

Centers for Disease Control & Prevention: <http://www.cdc.gov/std/hpv>

Washington State Department of Health: <http://www.doh.wa.gov/YouandYourFamily/Immunization>

American Social Health Association: <http://www.ashastd.org>

American Cancer Society: <http://www.cancer.org>

### 9.2 Immunizations

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the board requires a student to present evidence of

his/her having been immunized against diseases as required by 28A.210 RCW and the Washington State Board of Health 246-105 WAC.

Immediately upon enrollment in the district, the student's parent or legal guardian must provide proof of the required immunizations as specified by the Washington Department of Health with a completed Certificate of Immunization Status (CIS) form approved by the Department of Health, and/or an exemption with a completed Certificate of Exemption (COE) form approved by the Washington Department of Health. The student cannot start attending school until the completed CIS and/or COE is on file at the school or the Conditional Immunization Status conditions have been met. Students experiencing homelessness, including migratory and refugee children and children in out-of-home (foster) care, who have not provided the required documentation will be allowed to enroll, attend classes, and participate fully, despite being out of compliance with immunization requirements.

The CIS and/or COE will be a part of the student's permanent record. The district will provide access to immunization records of each student enrolled to agents of the state or local health department. The district will return the CIS and/or COE or a legible copy to the parent or legal guardian if the child is withdrawn or transferred from the district. The district may not withhold the CIS and/or COE for any reasons, including nonpayment of school fees.

### **Conditional Immunization Status Attendance**

If by a student's first day of attendance the student does not have documentation of all of the required immunizations the student may be permitted to start school in a temporary "conditional immunization status" provided that the student has received all of the immunizations that he/she is eligible to receive and is waiting for the recommended date of the next vaccine dose according to the national immunization catch-up schedule. The parent or legal guardian must sign the CIS acknowledging the conditional status rules and times lines that follow. Once the next dose comes due the student can remain in conditional status for thirty (30) calendar days to have time to turn in the required documentation. If additional vaccines are needed conditional status continues in a similar manner until all of the vaccine series are complete. If the thirty (30) calendar day period expires and documentation has not been given to the school the student will be excluded from further attendance. Valid documentation includes medical records showing vaccination, evidence of immunity to the disease in question, or a completed Certificate of Exemption (COE) form.

### **Exemptions from Immunization**

Any and all exemptions will be processed and recorded on a Certificate of Exemption (COE) form approved by the Washington Department of Health (DOH). All exemptions requested on a COE must be signed by the parent or legal guardian. Additionally, with the exception of a religious membership exemption, all COE forms presented on or after July 22, 2011, must also have the signature of a health care practitioner (HCP) saying they have given the parent or guardian information about the benefits and risks of immunizations. The form may be signed by a HCP at any time prior to the enrollment of the child in a school. Photocopies of the signed form or a letter from the HCP referencing the child's name shall be accepted in lieu of the original form. Such a letter should be attached to the COE signed by the parent or legal guardian. Only a health care practitioner who is a physician (MD), physician assistant (PA), osteopath (DO), naturopath (ND), or advanced registered nurse practitioner (ARNP) licensed in Washington State may sign the COE.

The district will grant medical exemptions from one or more of the required immunizations if the HCP indicates on the COE that in their opinion the vaccine is not advisable for the student. If the HCP indicates the medical exemption is temporary an expiration date must be documented on the COE.

When a temporary medical exemption expires the student can attend school in "conditional immunization status" for thirty (30) calendar days to get the missing immunization or another exemption. If the thirty (30) calendar day period expires and documentation has not been given to the school, the student will be excluded from further

attendance. Valid documentation includes medical records showing vaccination, evidence of immunity to the disease in question, or a completed Certificate of Exemption (COE) form.

The district will grant religious exemptions from one or more of the required immunizations if the parent or legal guardian completes the religious exemption section of the COE

The district will grant religious membership exemptions from one or more of the required immunizations if the parent or legal guardian completes the religious membership section of the COE and signs affirming they are a member in a religious body or church with beliefs or teachings that preclude a child from receiving medical treatment from a HCP. The HCP signature is not required for a religious membership exemption.

The district will grant personal/philosophical exemptions from one or more of the required immunizations, except measles, mumps or rubella, if the parent completes the personal/philosophical exemption section on the COE. The district will not grant an exemption for philosophical or personal reasons from the measles, mumps, or rubella immunization requirements.

### **Exclusion from School**

The school principal will exclude students from further attendance who are out of compliance with the immunization requirements as required in RCW 28A.210.120.

When excluding students, the school will provide written notification as required in WAC 392-380-050. Written notification will:

- Order that the student is excluded immediately, and
- Be delivered in person or by certified mail, and
- Be in the parent's native language if possible, and
- Include a copy of the applicable laws and rules (RCW 28A.210.010-160, 246-105 WAC, and 392-182 WAC sections 005, 020, 045, 050, 080), and
- Provide information regarding immunization services available through local health or other public agencies, and
- Include notice that the parent/legal guardian and student has a right to a hearing provided they notify the school within three (3) days after receiving the exclusion order from the school principal, and
- Describe the hearing process, and
- Explain that the exclusion continues until either the required immunization documentation, or a completed Certificate of Exemption form is turned in to the school, or a hearing officer determines that the student is no longer excluded from school.

If the parent requests a hearing, the district will notify in writing the parent or guardian and school principal of the time and place for the hearing and will present the case to a hearing officer appointed by the superintendent

### **List of Students Not Fully Immunized**

The district will keep or be able to produce within twenty-four hours a current list of children who are not fully immunized. This list must be transmitted to the local health department upon request. The local health officer may use this list for easy identification of students to be excluded from school temporarily during a disease outbreak.

## **9.3 Meningococcal Disease**

Schools in Washington are required to provide information on meningococcal disease to parents or guardians of all students entering grades 6-12.



Meningococcal disease is a serious infection of the brain (meningitis) and blood caused by a bacteria. Fortunately, this life-threatening infection is rare -- only about 75 people are infected each year in Washington. Adolescents and young adults are most likely to get meningococcal disease, especially those living in group settings such as college dorms.

The Department of Health wants you to be aware of meningococcal disease and how you can protect your child against it. A vaccine is available that can prevent up to 65 percent of meningococcal disease among adolescents and young adults. The vaccine is recommended for all children 11-12 years. It is also recommended for unvaccinated teens age 15 years and college freshmen who will be living in a dorm. The meningococcal vaccine is not required for school or college attendance.

Here are some other ways to prevent the spread of meningococcal disease:

- Practice good hygiene (regular hand washing, covering coughs and sneezes, etc.)
- Do not share items that may spread meningococcal disease and other bacteria and viruses, such as eating utensils, glasses, cups, water bottles, drinks, lip gloss or toothbrushes.

We encourage you to learn more about meningococcal disease and how to prevent it. More information on meningococcal disease is available on the following web sites:

Washington State Department of Health Immunization Program

Meningococcal information: [www.doh.wa.gov/cfh/Immunize/meningococcal.htm](http://www.doh.wa.gov/cfh/Immunize/meningococcal.htm)

Centers for Disease Control and Prevention

Meningococcal vaccine information: [www.cdc.gov/nip/publications/vis/vis-mening.pdf](http://www.cdc.gov/nip/publications/vis/vis-mening.pdf)

Disease Information: [www.cdc.gov/ncidod/dbmd/diseaseinfo/meningococcal\\_g.htm](http://www.cdc.gov/ncidod/dbmd/diseaseinfo/meningococcal_g.htm)

Fact sheets: [www.cdc.gov/nip/vaccine/mening/mening\\_fs.pdf](http://www.cdc.gov/nip/vaccine/mening/mening_fs.pdf)

Children's Hospital of Philadelphia Vaccine Education Center

Meningococcal Questions & Answers: [www.chop.edu/vaccine/images/vec\\_mening\\_tear.pdf](http://www.chop.edu/vaccine/images/vec_mening_tear.pdf)

National Meningitis Association

Parent & Teacher Awareness Program: [www.nmaus.org/programs/pta/index.htm](http://www.nmaus.org/programs/pta/index.htm)

## 10 Language Access

The Board of Directors is committed to improving meaningful, two-way communication and promoting access to District programs, services, and activities for students and their parents and families. The Board recognizes that students whose family members have limited English proficiency might also speak or be learning multiple languages and are assets to the community. It is crucial that the District seek to address language barriers and do so free of charge. To that end and as required by law the District will develop and adopt a plan for implementing and maintaining a language access program that is culturally responsive, provides for systematic family engagement developed through meaningful stakeholder engagement, and is tailored to the district's current population of students and families who have limited English proficiency.

At a minimum, the District's plan for a language access program will adhere to the principles of an effective language access program for culturally responsive, systematic family engagement, which are:

- Accessibility and equity. This means that schools provide access to all; two-way communication is a priority and is woven into the design of all programs and services.
- Accountability and transparency. This means that the language access program and decision-making processes at all levels are: Open, accessible, and usable to families; readily available; continuously improved based on ongoing feedback from families and staff; and regulated by a clear and just complaint process.
- Responsive culture. This means that schools are safe, compassionate places where each family's opinions are heard, needs are met, and contributions are valued. School staff are humble and empathetic towards families.

- Focus on relationships. This means that schools seek to understand families without judgment on an individual level, building trust through respectful relationships that recognize the unique strengths that each family and student possesses.

The District will implement its Language Access Program by the 2023-2024 school year.

### **Identification of Families Needing Language Access Services**

The District will accurately and in a timely manner identify parents/family members of students with limited English proficiency and provide them information in a language they can understand regarding the language service resources available within the District.

### **Oral Interpretation**

The District will take reasonable steps to provide parents/family members with limited English proficiency with competent oral interpretation of materials or information about any program, service, and activity provided to parents who do not have limited English proficiency and to facilitate any interaction with district staff significant to the student's education. The District will provide such services upon request and/or when it may be reasonably anticipated by District staff that such services will be necessary.

### **Written Translation**

The District will provide a written translation of vital documents for each limited English proficient group that constitutes at least 5 percent of the District's total parent population or 1000 persons, whichever is less. For purposes of this policy, "vital documents" include, but are not limited to, those related to:

- registration, application, and selection;
- academic standards and student performance;
- safety, discipline, and conduct expectations;
- special education and related services, Section 504 information, and McKinney-Vento services;
- policies and procedures related to school attendance;
- requests for parent permission in activities or programs;
- opportunities for students or families to access school activities, programs, and services;
- student/parent handbook;
- the District's Language Access Plan and Program and related services or resources available;
- school closure information; and
- any other documents notifying parents of their rights under applicable state laws and/or containing information or forms related to consent or filing complaints under federal law, state law, or District policy.

If the District is unable to translate a vital document due to resource limitations or if a small number of families require the information in a language other than English such that document translation is unreasonable, the District will still provide the information to parents in a language they can understand through competent oral interpretation.

### **Staff**

The Superintendent will designate a staff member to serve as the Language Access Liaison / Coordinator, who will monitor and facilitate compliance with state and federal laws related to language access and family engagement. The Language Access Coordinator's name and contact information will be widely shared so parents, school staff, and community members may contact them to inquire about language access services.

All school administrators, particularly those who have the most interaction with the public, such as registrars and enrollment staff, certificated staff, and other appropriate staff as determined by the Language Access Coordinator/Liaison, will receive guidance on meaningful communication with parents/family members with limited English proficiency, best practices for working with an interpreter, how to access an interpreter or translation services in a timely manner, language services available within the District and other information deemed necessary by the Language Access Coordinator/Liaison to effectuate the language access plan and program.

Appropriate district staff, as determined by the Language Access Coordinator/Liaison, will also receive guidance on the interaction between this policy and the District’s policy on effective communication with students, families, and community members with disabilities.

### **Review and Update**

The Board will periodically review, evaluate, and further update this policy and its associated procedure based on pertinent data, including the data collected according to the accompanying procedure. This review will also include community feedback collected according to this policy and procedure and with opportunity for participation from the school community, including school personnel, students, parents, families, and the community members. .

The Board will annually review the District’s spending on language access services and consider whether budget adjustments are needed to effectively engage with families who would benefit from Language Access services.

The District will provide effective communication for students’ families who are deaf, deaf and blind, blind, hard of hearing, or need other communication assistance according to 4217 – Effective Communication.

## **11 Non-Discrimination**

Rochester School District does not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identify, disability, the use of a trained guide dog or service animal, or any other basis prohibited by law. We also provide equal access to the Boy Scouts and other designated youth groups. The following employees have been designated to handle questions and complaints of alleged discrimination: Civil Rights Coordinator: Dr. Jennifer Bethman (360) 273-9242, [jbethman@rochester.wednet.edu](mailto:jbethman@rochester.wednet.edu); Title IX Coordinator: Will Maus (360) 273-5958, [wmaus@rochester.wednet.edu](mailto:wmaus@rochester.wednet.edu); 504/ADA Coordinator: Laura Staley (360) 273-5536, [lstaley@rochester.wednet.edu](mailto:lstaley@rochester.wednet.edu). Address: 10140 Highway 12 SW, Rochester, WA 98579.

**You can report discrimination and discriminatory harassment** to any school staff member or to the district's Civil Rights Coordinator, listed above. You also have the right to file a complaint (see Section 24 – Complaint Options: Discrimination and Sexual Harassment). For a copy of your district’s nondiscrimination policy and procedure, contact your school or district office or view it online at [www.rochester.wednet.edu](http://www.rochester.wednet.edu).

## **12 Protection of Public Rights Amendment**

The Protection of Pubic Rights Amendment (PPRA) affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

**Consent** before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

**Receive notice and an opportunity to opt a student out of –**

1. Any other protected information survey, regardless of funding;

2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

**Inspect, upon request and before administration or use –**

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

## 13 Sexual Harassment Policy 3205

Students and staff are protected against sexual discrimination by anyone in any school program or activity, including on the school campus, on the school bus, or off-campus during a school-sponsored activity.

The procedure is intended to set forth the requirements of Policy 3205, including the process for a prompt, thorough, and equitable investigation of allegations of sexual discrimination, the need to take appropriate steps to resolve such situations and an effective means for preventing and responding to sexual discrimination. If sexual discrimination is found to have created a hostile environment, staff must take immediate action to eliminate the discrimination, prevent its reoccurrence, and address its effects. Sexual harassment is a form of discrimination based on sex.

**Title IX/Civil Rights Coordinator**

**William Maus**

9937 Highway 12 SW

Rochester, WA 98579

**Title IX/Alternative Civil Rights Coordinator**

**Kelley Bremgartner**

7710 James Road SW

Rochester, WA 98579

This procedure applies to sexual discrimination, including sexual violence and sexual harassment, targeted at students carried out by other students, employees or third parties involved in school district activities. Title IX prohibits physical sexual misconduct such as sexual assault, dating violence, domestic violence, and stalking. Because students can experience the continuing effects of off-campus discrimination in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. Hostile environment sexual harassment is defined as "unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity."

The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

**You can also choose to report discrimination and sexual harassment anonymously on our tip line.** Our tip line can be accessed in four easy ways:

Call 360-972-3617

Text #1040 to ALERT1 (253781)

Visit the website <http://1049.alert1.us>

Email [1049@alert1.us](mailto:1049@alert1.us)

## **COMPLAINT OPTIONS: SEXUAL DISCRIMINATION**

If you believe that you or your child have experienced unlawful discrimination, discriminatory harassment, or sexual harassment at school, you have the right to file a complaint.

Before filing a complaint, you can discuss your concerns with your child's principal or with the school district's Civil Rights Coordinators, who are listed above. This is often the fastest way to revolve your concerns.

### **Complaint to the School District**

#### ***Step 1. Write Our Your Complaint***

In most cases, complaints must be filed within one year from the date of the incident or conduct that is the subject of the complaint. A complaint must be in writing. Be sure to describe the conduct or incident, explain why you believe discrimination, discriminatory harassment, or sexual harassment has taken place, and describe what actions you believe the district should take to resolve the problem. Send your written complaint—by mail, fax, email, or hand delivery—to the district superintendent or civil rights compliance coordinator.

#### ***Step 2: School District Investigates Your Complaint***

Once the district receives your written complaint, the coordinator will give you a copy of the complaint procedure and make sure a prompt and thorough investigation takes place. The superintendent or designee will respond to you in writing within 30 calendar days—unless you agree on a different time period. If your complaint involves exceptional circumstances that demand a lengthier investigation, the district will notify you in writing to explain why staff need a time extension and the new date for their written response.

#### ***Step 3: School District Responds to Your Complaint***

In its written response, the district will include a summary of the results of the investigation, a determination of whether or not the district failed to comply with civil rights laws, notification that you can appeal this determination, and any measures necessary to bring the district into compliance with civil rights laws. Corrective measures will be put into effect within 30 calendar days after this written response—unless you agree to a different time period.

### **Appeal to the School District**

If you disagree with the school district's decision, you may appeal to the school district's board of directors. You must file a notice of appeal in writing to the secretary of the school board within 10 calendar days after you received the school district's response to your complaint. The school board will schedule a hearing within 20 calendar days after they received your appeal, unless you agree on a different timeline. The school board will send you a written decision within 30 calendar days after the district received your notice of appeal. The school board's decision will include information about how to file a complaint with the Office of Superintendent of Public Instruction (OSPI).

### **Complaint to OSPI**

If you do not agree with the school district's appeal decision, state law provides the option to file a formal complaint with the Office of Superintendent of Public Instruction (OSPI). This is a separate complaint process that can take place if one of these two conditions has occurred: (1) you have completed the district's complaint and appeal process, or (2) the district has not followed the complaint and appeal process correctly.

You have 20 calendar days to file a complaint to OSPI from the day you received the decision on your appeal. You can send your written complaint to the Equity and Civil Rights Office at OSPI:

**Email:** [Equity@k12.wa.us](mailto:Equity@k12.wa.us) | **Fax:** 360-664-2967

**Mail or hand deliver:** PO Box 47200, 600 Washington St. S.E., Olympia, WA 98504-7200

For more information, visit our website, or contact OSPI's Equity and Civil Rights Office at 360-725-6162/TTY: 360-664-3631 or by e-mail at [equity@k12.wa.us](mailto:equity@k12.wa.us).

### **Other Discrimination Complaint Options**

*Office for Civil Rights, U.S. Department of Education*

206-607-1600 | TDD: 1-800-877-8339 | [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov) | OCR Website

*Washington State Human Rights Commission*

1-800-233-3247 | TTY: 1-800-300-7525 | Human Rights Commission Website

## 14 Student Records

The district shall maintain those student records necessary for the educational guidance and/or welfare of students, for orderly and efficient operation of schools and as required by law. All information related to individual students shall be treated in a confidential and professional manner. The district will use reasonable methods to ensure that teachers and other school officials obtain access to only those education records for which they have legitimate educational interests. When information is released in compliance with state and federal law the district and district employees are immune from civil liability unless they acted with gross negligence or in bad faith.

The district will retain records in compliance with the current, approved versions of the Local Government General Records Retention Schedule (CORE) and the School Districts and Educational Service Districts Records Retention Schedule, both of which are published on the Secretary of State's website at:

[www.sos.wa.gov/archives/recordsretentionschedules.aspx](http://www.sos.wa.gov/archives/recordsretentionschedules.aspx).

Student records are the property of the district but shall be available in an orderly and timely manner to students and parents. "Parent" includes the state department of social and health services when a minor student has been found dependent and placed in state custody. A parent or adult student may challenge any information in a student record believed inaccurate, misleading or in violation of the privacy or other rights of the student.

Student records shall be forwarded to other school agencies upon request. A high school student may grant authority to the district, permitting prospective employers to review the student transcript. Parental or adult student consent shall be required before the district may release student records other than to a school agency or organization, except as otherwise provided by law.

A grades report, transcript, or diploma shall not be released until a student has made restitution for damages assessed as a result of losing or damaging school materials or equipment. If a student has transferred to another school district that has requested the student's records, but the student has an outstanding fee or fine, only records pertaining to the student's academic performance, special placement, immunization history, discipline actions, official juvenile court records, and history of violence shall be sent to the enrolling school. The content of those records shall be communicated to the enrolling district within two school days and copies of the records shall be sent as soon as possible. The official transcript will not be released until the outstanding fee or fine is discharged. The enrolling school shall be notified that the official transcript is being withheld due to an unpaid fee or fine. However, for students who meet the definition of homeless, the district will make all the student's records readily available to the enrolling school regardless of outstanding fees or fines.

## 15 Surveys, Analysis or Evaluations

15.1 **Right to Inspect:** All instructional materials, including supplementary materials and teachers manuals, used with any survey, analysis, or evaluation in a program or project supported by federal funds are available for inspection by parents or guardians. No student will be required as part of any project or program supported by federal funds to submit to survey, analysis or evaluation that reveals information concerning:

1. Political affiliations;
2. Potentially embarrassing mental or psychological problems;
3. Sexual behavior and attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of close family members;
6. Privileged or similar relationships;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or

8. Income other than information necessary to establish eligibility for a program, without the prior consent of adult or emancipated students, or written permission of parents.

A list of known surveys, analysis or evaluations including the specific or approximate date(s) of when a student would participate are:

- Mental health assessment for students who are referred for counseling services.

15.2 **Opt-Out:** Parents and adults or emancipated minor students may opt out of participating in any survey that reveals information described in Policy 3232. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or selling to others, or involving any non-emergency, invasive physical examination or screening required as a condition of attendance, administered by the school, and not necessary to protect the immediate health and safety of students.