

## STUDENT DISCIPLINE PROCEDURE

### **Introduction**

The purpose of this student discipline procedure is to implement the Northwest Educational Service District 189's student discipline policy as adopted by the board. These procedures are consistent with the Northwest Educational Service District 189 student discipline policy, as well as all applicable federal and state laws.

### **Definitions**

For purposes of the student disciplinary policy and procedures, the following definitions will apply:

1. **“Behavioral violation”** means a student’s behavior that violates the NWESD 189’s discipline policies.
2. **“Best practices and strategies”** refers to other forms of discipline the NWESD 189 identified that cooperative personnel should administer to support students in meeting behavioral expectations.
3. **“Classroom exclusion”** means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements of 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) teacher or other cooperative program 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 cooperative program personnel during such brief duration.
4. **“Culturally responsive”** has the same meaning as “cultural competency” in RCW 28A.410.270, which states "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.
5. **“Discipline”** means any action taken by the NWESD 189 in response to behavioral violations.
6. **“Disruption of the educational process”** means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.
7. **“Emergency expulsion”** means the removal of a student from the cooperative program because the student’s presence poses an immediate and continuing danger to other students or cooperative program personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in WAC 392-400-510 through 392-400-530.

8. **“Expulsion”** means a denial of admission to the student’s current cooperative program placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.
9. **“Length of an academic term”** means the total number of school days in a single trimester or semester, as defined by the board of directors.
10. **“Other forms of discipline”** means actions used in response to problem behaviors and 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.
11. **“Parent”** has the same meaning as in WAC 392-172A-01125, and means (a) a biological or adoptive parent of a child; (b) a foster parent; (c) a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state; (d) an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student’s welfare; or a surrogate parent who has been appointed in accordance with WAC 392-172A-05130. If the biological or adoptive parent is attempting to act as the parent and more than one party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person or persons to act as the “parent” of a child or to make educational decision on behalf of a child, then that person or persons shall be determined to be the parent for purposes of this policy and procedure.
12. **“NWESD 189 board”** means the governing board of directors of the NWESD 189.
13. **“Program business day”** means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the office of the Superintendent is open to the public for business. A program business day concludes or terminates upon the closure of the Superintendent’s office for the calendar day.
14. **“Program day”** means any day or partial day that students are in attendance at the cooperative program for instructional purposes.
15. **“Suspension”** means the 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. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the NWESD 189.
  - 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 cooperative program placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

- B) **Short-term suspension** means a suspension in which a student is excluded from the cooperative program for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.
- C) **Long-term suspension** means a suspension in which a student is excluded from the cooperative program for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

### **Engaging with Families & Language Assistance**

The NWESD 189 will provide for early involvement of parents in efforts to support students in meeting behavioral expectations. Additionally, cooperative program personnel will make every reasonable attempt to involve the student and parent in the resolution of behavioral violations.

The NWESD 189 will ensure that it provides all discipline related communications [oral and written] required in connection with this policy and procedure in a language the student and parent(s) understand. These discipline related communications include notices, hearings, conferences, meeting, plans, proceedings, agreements, petitions, and decisions. This effort may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. This effort may require accommodations for parents and students with communication disabilities. For parents who are unable to read any language, the NWESD 189 will provide written material orally.

### **Supporting Students with Best Practices and Strategies**

The NWESD 189 will implement culturally responsive discipline that provides every student the opportunity to achieve personal and academic success. The administration of other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior available online at: <https://www.k12.wa.us/student-success/support-programs/learning-assistance-program-lap/menus-best-practices-strategies/behavior-menu-best-practices-strategies>. Each cooperative program will take into consideration the skills of cooperative program personnel and needs of students when identifying a continuum of best practices and strategies cooperative program personnel should use to support students in meeting behavioral expectations.

The NWESD 189 will ensure cooperative programs receive adequate support to effectively implement a continuum of identified best practices and strategies that:

1. Focus on prevention to reduce the use of exclusionary discipline practices;
2. Allow the exercise of professional judgment and skill sets; and
3. May be adapted to individual student needs in a culturally responsive manner.

Each cooperative program within the NWESD 189 will implement best practices and strategies consistent with this policy and procedure. In accordance with WAC 392-400-110(1)(e), the NWESD 189 has identified a continuum of best practices and strategies that the NWESD 189

personnel should administer before or instead of exclusionary discipline to support students in meeting behavioral expectations.

*Northwest Educational Service District 189 Continuum of Discipline Responses*

**Administrative Level Continuum of Responses**

*Type Five Behavioral Violations*

Level G

- Attempt lower-level continuum of responses as appropriate
- Follow mandatory school referrals and protocols
- Notify and attempt to involve the parent in the resolution
- Investigate evidence of behavioral violation and confer with other cooperative program personnel
- Invite student to share their perspective and explanation regarding the behavioral violation
  - Consider restorative justice practices and other forms of discipline
  - Consider behavior agreement
  - Consider suspension or expulsion (if allowable) as appropriate
- Document all referrals, other forms of discipline attempted or considered, and actions

*Type Four Behavioral Violations*

Level F

- Attempt lower-level continuum of responses as appropriate
- Student referral and investigate evidence of behavioral violation
- Notify and attempt to involve the parent in the resolution
- Confer with teacher or other cooperative program personnel
- Invite student to share their perspective and explanation regarding the behavioral violation
  - Follow mandatory cooperative program referrals and protocols
  - Attempt or consider restorative justice practices and other forms of discipline
  - Consider behavior agreement
  - Consider suspension or expulsion (if allowable) as appropriate
- Document all referrals, other forms of discipline attempted or considered, and actions

*Type Three Behavioral Violations*

Level E

- Attempt lower-level continuum of responses as appropriate
- Student referral and investigate evidence of behavioral violation
- Administrator notifies and attempts to involve the parent in the resolution
- Administrator confers with teacher or other cooperative program personnel
- Administrator invites student to share their perspective and explanation regarding the behavioral violation
  - Follow mandatory cooperative program referrals and protocols
  - Attempt restorative justice practices and other forms of discipline
  - Consider behavior agreement
  - Consider suspension as appropriate
- Document all referrals, other forms of discipline attempted, and actions

*Type Two Behavioral Violations*

Level D – Classroom and Administrative Continuum of Responses

- Teacher or cooperative program personnel implements Level C continuum of responses as appropriate
- Administrator or cooperative program support staff provide classroom support
- Teacher or cooperative program personnel refers student and notifies administrator of behavioral violation
- Administrator notifies and attempts to involve the parent in the resolution
- Administrator confers with teacher or other cooperative program personnel and investigates evidence
- Administrator invites the student to share their perspective and explanation regarding the behavioral violation
  - Use cooperative program referrals and protocols as appropriate
  - Attempt restorative justice practices and other forms of discipline
  - Consider in-school suspension as appropriate (if allowable)
- Document all referrals, other forms of discipline attempted, and actions

## **Classroom Level Continuum of Responses**

### *Type One Behavioral Violations*

Level C – *Type One* behavioral violation involving unsuccessful Level B and Level A responses or repeated *Type One* behavioral violations within the same school day

Teacher or cooperative program personnel:

- Decides whether to request classroom support from cooperative program support staff
- Notifies and attempts to involve the parent in the resolution
- Implements best practices and strategies that invite the student to share their perspective and explanation regarding the behavioral violation
- Modifies and implements best practices and strategies as appropriate
- Confers with other cooperative program personnel as appropriate
- Documents interventions and monitors effectiveness

Level B – *Type One* behavioral violation involving unsuccessful Level A responses or repeated *Type One* behavioral violations within the same school day

Teacher or cooperative program personnel:

- Reteaches behavioral expectations
- Implements best practices and strategies that invite the student to share their perspective and explanation regarding the behavioral violation
- Notifies the student's parent
- Modifies and implements best practices and strategies as appropriate
- Documents interventions and monitors effectiveness

Level A – *Type One* behavioral violation initially occurs

Teacher or cooperative program personnel:

- Reteaches behavioral expectations
- Implements best practices and strategies that invite the student to share their perspective and explanation regarding the behavioral violation
- Selects and implements best practices and strategies as appropriate
- Documents interventions and monitors effectiveness
- NWESD 189 System for Continuum of Interventions and Supports

Tier 1	Tier 2	Tier 3
Core instruction grounded in Universal Design for Learning		
<p>Establishing program and classroom expectations, routines, and transition activities; framed in the positive, visual, and explicitly taught.</p> <p>For students with autism and other neurodiversity in the classroom, establish predictable routines using visual supports and visual schedules</p>	<p>Relationship-building, and instructional feedback on student's daily behavioral successes</p> <p>Use visual stories to support changes in routines.</p>	<p>Individualized student program and classroom expectations, routines, and transition activities: framed in the positive, visual, and explicitly taught.</p>
Access to counseling onsite	Short-term 1:1 or small group counseling around a specific need (on-site)	Access to community/personal counseling staff onsite
Proximity or active supervision (scanning, escorting, and interacting) for students that may be off task and pre-correction prompts;		
Behavior-specific praise to recognize and reinforce appropriate behaviors (goal of 5:1)		
Reinforcing target behaviors by providing individual incentives or group contingencies.	Reinforcing target behaviors by providing individual incentives or group contingencies at 2x the ratio of peers	Reinforcing target behaviors by providing individual incentives or group contingencies at 4x the ratio of peers
High Staff to Student Ratio		
Establish data-based teams to regularly review student data		

Tier 1	Tier 2	Tier 3
(e.g. attendance, behavior, and academic indicators) to inform decision making processes.		
Identify students who need support and progress monitor students already identified.		
Develop exit criteria and a transition plan for students no longer needing additional support.		
Cooperative program staff provides weekly social/emotional instruction	Students can check-in with assigned program personnel at multiple times during the program day regarding the student’s behavior goals and daily interactions can be structured to intentionally create opportunities for positive adult attention	Student has regular and frequent scheduled check-ins with preferred staff to pre-teach and debrief behavioral expectations
Create a daily behavior and/or academic report card to monitor student progress. Behavioral progress monitoring records are used by staff to provide students with specific feedback or instruction to monitor performance and develop skills.	Create an individualized system for student to give and receive behavioral feedback with peers	Create an individualized system for student to give and receive behavioral feedback with without peers
Have students develop routines and common language to assist with their communication skills regarding classroom behaviors (e.g. Stop. Think. Go.).		
Implementation of behavior		



Tier 1	Tier 2	Tier 3
<p>support and monitoring practices involves ethical decision-making regarding which behaviors to change, who is responsible for changing them, and the norms that serve as a background for this behavior change.</p> <p>Cooperative programs include families and community members, or organizations reflecting the cultural and ethnic makeup of the student body, in decision-making.</p>		
<p>Cooperative programs consider language access needs—both how to reduce communication barriers and how to incorporate a student’s primary language into individualized plans.</p>	<p>For students qualifying for SLP services and/or EL services, cooperative program personnel will meet with the service provider from the home district and implement recommended targeted supports for communication and language for small groups or individual students.</p>	

All cooperative program personnel are authorized to implement the best practices and strategies identified above as well as cooperative program discipline standards. At least annually, cooperative program personnel at each cooperative site will review the identified best practices and strategies as well as cooperative program discipline standards. The NWESD 189 will provide training for newly hired cooperative program personnel on implementation of the identified best practices and strategies.

Unless a student’s presence poses an immediate and continuing danger to others, or a student’s presence poses an immediate and continuing threat of material and substantial disruption to the educational process, cooperative program personnel must first attempt one or more best practices and strategies to support students in meeting behavioral expectations before considering imposing classroom exclusion, short-term suspension, or in-school suspension. Before considering imposing a long-term suspension or expulsion, cooperative program personnel must first consider one or more best practices and strategies.

**NORTHWEST EDUCATIONAL SERVICE DISTRICT 189**  
**PROCEDURE 3241-P**  
**Page 10 of 35**

When administering best practices and strategies in response to behavioral violations, cooperative program personnel will follow this policy and procedure as well as cooperative program discipline standards.

**Behavioral Violations**

Having sought the participation of cooperative program personnel, students, parents, families, and the community, The NWESD 189 has developed definitions for the following behavioral violations, which clearly state the types of behaviors for which discipline—including other forms of discipline, classroom exclusion, suspension, and expulsion—may be administered:

Behavioral Violation and Severity Level	Range of potential responses based on conditions, limitations, and interventions							
	Best Practices	Classroom exclusion	ISS	OSS short	OSS long	Emergency Expulsion	Expulsion as Determined by Partner Districts	Cooperative Program Referrals and Protocols
<b>Type Six</b>								
Firearm	n/a	n/a	n/a	n/a	n/a	x	Mandatory	Cooperative Program - based threat assessment referral
<b>Type Five</b>								
Assault - II	Level G	x	x	x	No K-4	x	No K-4	Cooperative Program - based threat assessment referral
Sexual Assault	Level G	x	x	x	No K-4	x	No K-4	Title IX Coordinator referral; Site reassignment
Illicit Drug Distribution	Level G	x	x	x	No K-4	x	No K-4	Prevention/Intervention Referral
Possession of a weapon	Level G	x	x	x	No K-4	x	No K-4	Cooperative Program - based threat assessment referral

**NORTHWEST EDUCATIONAL SERVICE DISTRICT 189**

**PROCEDURE 3241-P**

Robbery	Level G	x	x	x	No	X	No K-4	Cooperative Program-threat assessment referral
Assault of teacher	Level G	x	x	x	No	X	No K-4	Cooperative Program - based threat assessment referral  Classroom reassignment/ site assignment
Safety-II	Level G	x	x	x	No*	x	No K-4	Cooperative Program - based threat assessment referral
<b>Type Four</b>								
Assault -I	Level F	x	x	x	No	x	No	Cooperative Program-threat assessment referral
Fighting with major injury	Level F	x	x	x	No	x	No K-4	Cooperative Program - based threat assessment referral
Sexual harassment	Level F	x	x	x	No	x	No	Title IX Coordinator referral; Classroom reassignment/ site reassignment
Discriminatory Harassment	Level F	x	x	x	No	x	No	Civil Rights Coordinator Referral Classroom reassignment/ site reassignment

**NORTHWEST EDUCATIONAL SERVICE DISTRICT 189**

**PROCEDURE 3241-P**

Malicious harassment	Level F	x	x	x	No	x	No	Cooperative Program - based threat assessment referral
Arson	Level F	x	x	x	No	x	No K-4	Cooperative Program - based threat assessment referral
Marijuana Distribution	Level F	x	x	x	No K-4	x	No K-4	Prevention/Intervention Referral
Alcohol Distribution	Level F	x	x	x	No	x	No	Prevention/Intervention Referral
Gang Intimidation or activity	Level F	x	x	x	No K-4	x	No K-4	Cooperative Program - based threat assessment referral
<b>Type Three</b>								
Bullying	Level E	x	x	x	No	No	No	HIB Compliance Officer Referral  Classroom reassignment
Fighting without major injury	Level E	x	x	x	No	x	No	Cooperative Program - based threat assessment referral
Illicit drug possession or use	Level E	x	x	x	No K-4	x	No K-4	Prevention/Intervention Referral
Marijuana possession or use	Level E	x	x	x	No K-4	no	No K-4	Prevention/Intervention Referral
Alcohol possession or use	Level E	x	x	x	No	no	No	Prevention/Intervention Referral

**NORTHWEST EDUCATIONAL SERVICE DISTRICT 189**

**PROCEDURE 3241-P**

Tobacco distribution	Level E	x	x	no	No	no	No	Prevention/Intervention Referral
Theft	Level E	x	x	no	No	no	No	
<b>Type Two</b>								
Destruction of property	Level D	x	x	no	No	no	No K-4	
Physical aggression	Level D	x	x	No	No	no	No	
Tobacco possession or use	Level D	x	x	no	No	no	No	Prevention/Intervention Referral
Failure to cooperate	Level D	x	No	No	No	no	No	
Sexually inappropriate conduct	Level D	x	no	no	No	no	No	
Disruptive Conduct- II	Level D	x	No	No	No	no	No	
<b>Type One</b>								
Disruptive conduct-I	Levels A-C	No	No	No	No	no	No	
Dress code	Levels A-C	No	No	No	No	no	No	
Physical contact	Levels A-C	No	No	No	No	no	No	
Defiance	Levels A-C	No	No	No	No	no	No	
Disrespect	Levels A-C	No	No	No	No	no	No	
Academic dishonesty/plagiarism	Levels A-C	No	No	No	No	no	No	
Property misuse	Levels A-C	No	No	No	No	no	No	

Inappropriate language	Levels A-C	No	No	No	No	no	No	
------------------------	------------	----	----	----	----	----	----	--

The NWESD 189 will continue to further develop and/or revise the definitions for what constitutes behavioral violations to reduce the effect of implicit or unconscious bias. In addition to these NWESD 189 definitions, Program Administrators will confer with certificated building employees at least annually to develop and/or review cooperative program discipline standards as stated in the Board Policy. This development of building standards will also address differences in perceptions of subjective behaviors and reduce the effect of implicit or unconscious bias.

**Cooperative Program Authority and Exclusionary Discipline**

**STAFF AUTHORITY AND EXCLUSIONARY DISCIPLINE**

Cooperative program staff members are responsible for supervising students immediately before and after the program day; during the program day; during program activities (whether on or off campus); on program grounds before or after program hours when a program group or program activity is using program grounds; off program grounds, if the actions of the student materially or substantially affect or interfere with the educational process; and on NWESD 189 provided transportation. The member district is responsible for supervising students on the member district-provided school bus.

Cooperative program staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The NWESD 189 Superintendent has general authority to administer discipline, including all exclusionary discipline. The NWESD 189 Superintendent designates disciplinary authority to impose short-term suspensions, long-term suspensions, expulsions, and emergency expulsion to cooperative program administrators, the Director of Special Programs & Services, the Assistant Director of Special Programs & Services, the Director of Behavioral Health & Prevention Services, and the Assistant Superintendent for Operations.

**Classroom exclusions**

After attempting at least one other form of discipline, as set forth in this procedure, teachers have statutory authority to 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 in accordance with this policy and procedure and cooperative program discipline standards. Additionally, the NWESD 189 authorizes program administrators to administer classroom exclusion with the same authority and limits of authority as classroom teachers. As stated in policy 3241, the Superintendent, Program Administrators, and certificated staff will work together to develop definitions and consensus on what constitutes behavioral violations that disrupt the educational process to reduce the effect of implicit or unconscious bias.

Except for emergency circumstances, the teacher or other cooperative program personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations before considering using classroom exclusion. Classroom exclusion may be administered for all or any portion of the balance of the program day. Classroom exclusion does not encompass removing a student from the cooperative program, including sending a student home early or telling a parent to keep a student at home, based on a behavioral violation. Removing a student from the cooperative program constitutes a suspension, expulsion, or emergency expulsion and must include the required notification and due process outlined in the procedures below.

The cooperative program will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion. The NWESD 189 will not administer other forms of discipline or classroom exclusions, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

Following the classroom exclusion of a student, the teacher (or other cooperative program personnel as identified) must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the program administrator as soon as reasonably possible. The program administrator must report all classroom exclusions, including the behavioral violation that led to it to the Superintendent or designee. Classroom exclusion under the behavioral violation category of “other” is insufficient.

The teacher, program administrator, or program administrator designee must notify the student’s parents regarding the classroom exclusion as soon as reasonably possible. As noted above, the NWESD 189 must ensure that this notification is in a language and form (i.e. oral or written) the parents understand.

When the teacher or other authorized cooperative program personnel administers a classroom exclusion because the student’s presence poses an immediate and continuing danger to other students or cooperative program personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

1. The teacher or other cooperative program personnel must immediately notify the program administrator or the program administrator designee; and
2. The program administrator or the program administrator’s designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

The NWESD 189 will address student and parent grievances regarding classroom exclusion through the NWESD 189’s following grievance procedures.

### **Grievance procedures for classroom exclusion and other forms of discipline**

Any parent/guardian or student who is aggrieved by the administration of classroom exclusion and/or other forms of discipline, including discipline that excludes a student from transportation

or extra-curricular activities and detention, has the right to an informal conference with the program administrator for resolving the grievance. If the grievance pertains to the action of an employee, the NWESD 189 will notify that employee of the grievance as soon as reasonably possible.

At such conference, the student and parent will have the opportunity to voice issues and concerns related to the grievance and ask questions of staff members involved in the grievance matter. Staff members will have opportunity to respond to the issues and questions related to the grievance matter. Additionally, the program administrator will have opportunity to address issues and questions raised and to ask questions of the parent, student, and staff members.

If after exhausting this remedy the grievance is not yet resolved, the parent 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. The Superintendent or designee will provide the parent and student with a written copy of its response to the grievance within ten (10) school business days. Use of the grievance process will not impede or postpone the disciplinary action, unless the program administrator or Superintendent elects to postpone the disciplinary action.

### **Student disciplinary board**

The board recognizes that when a student's behavior is subject to disciplinary action, review by a panel of the student's peers may positively influence the student's behavior. The board has discretion to authorize the establishment of one or more student disciplinary boards, which may also include teachers, administrators, parents, or any combination thereof. If so authorized, the NWESD 189 will ensure that the student disciplinary board reflects the demographics of the student body. The student disciplinary board may recommend to the appropriate cooperative program authority other forms of discipline that might benefit the student's behavior and may also provide input on whether exclusionary discipline is needed. The cooperative program authority has discretion to set aside or modify the student disciplinary board's recommendation.

### **Suspension and expulsion – general conditions and limitations**

The NWESD 189's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the NWESD 189, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning. The NWESD 189 will not administer discipline, including suspension and expulsion, in any manner related to a student's performance of or failure to perform any act not related to the orderly operation of the cooperative program or cooperative program-sponsored activities or any other aspect of preserving the educational process. The NWESD 189 will not administer any discipline, including suspension and expulsion, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.



The NWESD 189 will provide the parent(s) opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion. Additionally, the Superintendent or designee must consider the student's individual circumstances and the nature of the violation before administering any suspension or expulsion to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

The program administrator or designee at each cooperative program must report all suspensions and expulsions, including the behavioral violation that led to the suspension or expulsion, to the Superintendent or designee within twenty-four (24) hours after the administration. Suspension or expulsion under the behavioral violation category of "other" is insufficient.

An expulsion or suspension of a student may not be for an indefinite period and must have an end date. After suspending or expelling a student, The NWESD 189 will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, The NWESD 189 must allow the student to petition for readmission at any time. The NWESD 189 will not administer any discipline in a manner that prevents a student from completing subject, grade-level, or graduation requirements.

When administering a suspension or expulsion, the NWESD 189 may deny a student admission to, or entry upon, real and personal property that the NWESD 189 owns, leases, rents, or controls. The NWESD 189 must provide an opportunity for students to receive educational services during a suspension or expulsion in accordance with WAC 392-400-610. The NWESD 189 will not suspend or expel a student from the cooperative program for absences or tardiness.

If during a suspension or expulsion the NWESD 189 enrolls a student in another program or course of study, the NWESD 189 may not preclude the student from returning to the student's regular educational setting following the end of the suspension or expulsion, unless one of the following applies:

1. The Superintendent or designee grants a petition to extend a student's expulsion under WAC 392-400-480;
2. The change of setting is to protect victims under WAC 392-400-810; or
3. Other law precludes the student from returning to their regular educational setting.

### **In-school suspension and short-term suspension – conditions and limitations**

The Superintendent designates program administrators with the authority to administer in-school and short-term suspension. Before considering administering an in-school or short-term suspension, staff members must have first attempted one or more other forms of discipline to support the student in meeting behavioral expectations. Before administering in-school or short-term suspension, the NWESD 189 will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension and the length of the suspension, is warranted. The NWESD 189 will not administer in-school or short-term suspension in a manner that would result in the denial or delay of a nutritionally adequate

meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

The NWESD 189 is not required to impose in-school or short-term suspensions and instead, strives to keep students in the cooperative program, learning in a safe and appropriate environment. However, there are circumstances when the NWESD 189 may determine that in-school or short-term suspension is appropriate. As stated in this policy and procedure, the NWESD 189 will work to develop definitions and consensus on what constitutes behavioral violations to reduce the effect of implicit or unconscious bias.

For students in kindergarten through fourth grade, the NWESD 189 will not administer in-school or short-term suspension for more than ten (10) cumulative school days during any academic term. For students in grades five through twelve, the NWESD 189 will not administer in-school or short-term suspension for more than fifteen (15) cumulative school days during any single semester, or more than ten (10) cumulative school days during any single trimester. Additionally, the NWESD 189 will not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

the NWESD 189 will not administer in-school or short-term suspensions in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

When administering an in-school suspension, cooperative program personnel will ensure they are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension. Additionally, cooperative program personnel will ensure they 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.

### **Long-term suspensions and expulsions – conditions and limitations**

Before administering a long-term suspension or an expulsion, cooperative program personnel must consider other forms of discipline to support the student in meeting behavioral expectations. The NWESD 189 must also consider the other general conditions and limitations listed above.

Unless otherwise required by law, the NWESD 189 is not required to impose long-term suspension or expulsion and may only administer long-term suspension or expulsion for specific severe behavioral violations. In general, the NWESD 189 strives to keep students in the cooperative program, learning in a safe and appropriate environment. However, in accordance with the other parameters of this policy there are circumstances when the NWESD 189 may determine that long-term suspension or expulsion is appropriate for behavioral violations that meet the definitions provided under RCW 28A.600.015 (6)(a) through (d), which include:

1. Having a firearm on cooperative program property, cooperative program or member district transportation in violation of RCW 28A.600.420;
2. Any of the following offenses listed in RCW 13.04.155, including:

- A. any violent offense as defined in RCW 9.94A.030, including:
    - i. any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
    - ii. manslaughter;
    - iii. indecent liberties committed by forcible compulsion;
    - iv. kidnapping;
    - v. arson;
    - vi. assault in the second degree;
    - vii. assault of a child in the second degree;
    - viii. robbery;
    - ix. drive-by shooting; and
    - x. vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner.
  - B. any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to registered as a sex offender in violation of 9A.44.132), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
  - C. any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at cooperative program in violation of RCW 9.41.280; or
  - D. unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW.
3. Two or more violations of the following within a three-year period including:
- A. criminal gang intimidation in violation of RCW 9A.46.120;
  - B. gang activity on cooperative program or member district grounds in violation of RCW 28A.600.455;
  - C. willfully disobeying cooperative program administrative personnel in violation of RCW 28A.635.020; and
  - D. defacing or injuring cooperative program property in violation of RCW 28A.635.060; and
4. Any student behavior that adversely affects the health or safety of other students or educational staff.

The NWESD 189 may only administer long-term suspension or expulsion for behavioral violations that meet the definitions provided under RCW 28A.600.015(6)(a) through (d) as outlined above, and after determining that the student would pose an imminent danger to others

or, in the case of long-term suspension, an imminent threat of material and substantial disruption of the educational process should they return to the cooperative program before an imposed length of exclusion. Consistent with this policy and procedure, the NWESD 189 will work to develop definitions and consensus on what constitutes an imminent danger or imminent threat to reduce the effect of implicit or unconscious bias.

A long-term suspension may not exceed the length of an academic term. The NWESD 189 may not administer a long-term suspension beyond the program year in which the behavioral violation occurred.

An expulsion may not exceed the length of an academic term, unless the NWESD 189 Superintendent grants a petition to extend the expulsion under WAC 392-400-480. The NWESD 189 is not prohibited from administering an expulsion beyond the program year in which the behavioral violation occurred.

In accordance with RCW 28A.600.420, a school district or educational service 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 cooperative program premises, cooperative program or member district-provided transportation, or areas of facilities while being used exclusively by public schools. The Superintendent may modify the expulsion on a case-by-case basis.

A school district or educational service district may also 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, cooperative program transportation, or member district-provided transportation, or areas of facilities while being used exclusively by public schools. These provisions do not apply to students while engaged in member district authorized military education; a member district authorized firearms convention or safety course; or member district authorized rifle competition.

Except for a firearm violation under WAC 392-400-820, the NWESD 189 will not impose a long-term suspension or an expulsion for any student in kindergarten through fourth grade.

If a long-term suspension or expulsion may exceed ten (10) days, the NWESD 189 will consider whether the student is currently eligible or might be deemed eligible for special education services. If so, the principal will notify relevant special education staff of the suspension or expulsion so that the district can ensure it follows policy and procedure 2161 – Special Education and Related Services for Eligible Students as well as this student discipline policy and procedure.

After suspending or expelling a student, the NWESD 189 will make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

### **Suspensions and expulsions – initial hearing**

Before administering any suspension or expulsion, the NWESD 189 will attempt to notify the student's parent(s) as soon as reasonably possible regarding the behavioral violation and the program administrator or designee will conduct an informal initial hearing with the student to hear the student's perspective. At the initial hearing, the program administrator or designee must provide the student an opportunity to contact their parent(s), or, in the case of long-term suspension or expulsion, the program administrator or designee must make a reasonable attempt to contact their parent(s) to provide an opportunity for the parents to participate in the initial hearing in person or by telephone. The NWESD 189 must hold the initial hearing in a language the student and parents understand.

At the initial hearing, the program administrator or designee will provide the student:

1. Notice of the student's violation of this policy;
2. An explanation of the evidence regarding the behavioral violation;
3. An explanation of the discipline that may be administered; and
4. An opportunity for the student to share their perspective and provide explanation regarding the behavioral violation.

### **Suspensions and expulsions – notice**

Following the initial hearing, the program administrator or designee will inform the student of the disciplinary decision regarding the behavioral violation, including the date when any suspension or expulsion will begin and end.

No later than one (1) program business day following the initial hearing with the student, the NWESD 189 will provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email in a language and form the student and parents will understand. The written notice must include:

1. A description of the student's behavior and how the behavior violated this policy;
2. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
3. The other forms of discipline that the NWESD 189 considered or attempted, and an explanation of the NWESD 189's decision to administer the suspension or expulsion;
4. The opportunity to receive educational services during the suspension or expulsion;
5. The right of the student and parent(s) to an informal conference with the program administrator or designee;
6. The right of the student and parent(s) to appeal the suspension or expulsion; and

7. For any long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting.

### **Emergency expulsions – conditions and limitations**

The NWESD 189 may immediately remove a student from the student’s current cooperative program placement, subject to the following requirements:

The NWESD 189 must have sufficient cause to believe that the student’s presence poses:

1. An immediate and continuing danger to other students or cooperative program personnel;  
or
2. An immediate and continuing threat of material and substantial disruption of the educational process.

The NWESD 189 may not impose an emergency expulsion solely for investigating student conduct.

For purposes of determining sufficient cause for an emergency expulsion, the phrase “immediate and continuing threat of material and substantial disruption of the educational process” means:

1. 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 cooperative program day; and
2. Cooperative program personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

An emergency expulsion may not exceed ten (10) consecutive program days. An emergency expulsion must end or be converted to another form of discipline within ten (10) program days from its start.

If the NWESD 189 converts an emergency expulsion to a suspension or expulsion, the NWESD 189 must:

1. Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
2. Provide the student and parents with notice and due process rights under WAC 392-400-430 through 392-400-480 appropriate to the new disciplinary action.

All emergency expulsions, including the reason the student’s presence poses an immediate and continuing danger to other students or cooperative program personnel, must be reported to the Superintendent or designee within twenty-four (24) hours after the start of the emergency expulsion.

### **Emergency expulsions – notice**

After an emergency expulsion, the NWESD 189 must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the NWESD 189 believes the student's presence poses an immediate and continuing danger to other students or cooperative program personnel, or an immediate and continuing threat of material and substantial disruption of the education process.

Within twenty-four (24) hours after an emergency expulsion, the NWESD 189 will provide written notice to the student and parents in person, by mail, or by email. The written notice must include:

1. The reason the student's presence poses an immediate and continuing danger to students or cooperative program personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process,
2. The duration and conditions of the emergency expulsion, including the date on which the emergency expulsion will begin and end,
3. The opportunity to receive educational services during the emergency expulsion,
4. The right of the student and parent(s) to an informal conference with the program administrator or designee; and
5. The right of the student and parent(s) to appeal the emergency expulsion, including where and to whom the appeal must be requested.

### **Optional conference with program administrator**

If a student or the parent(s) disagree with the NWESD 189's decision to suspend, expel, or emergency expel the student, the student or parent(s) may request an informal conference with the program administrator or designee to resolve the disagreement. The parent or student may request an informal conference orally or in writing.

The program administrator or designee must hold the conference within three (3) program business days after receiving the request, unless otherwise agreed to by the student and parent(s).

During the informal conference, the student and parent(s) will have the opportunity to share the student's perspective and explanation regarding the behavioral violation and the events that led to the exclusion. The student and parent will also have the opportunity to confer with the program administrator or designee and cooperative program personnel involved in the incident that led to the suspension or expulsion and discuss other forms of discipline that the NWESD 189 could administer.

An informal conference will not limit the right of the student or parent(s) to appeal the suspension, expulsion, or emergency expulsion, participate in a reengagement meeting, or petition for readmission.

## **Appeals**

### **Requesting appeal**

The appeal provisions for in-school and short-term suspension differ from those for long-term suspension and expulsion. The appeal provisions for long-term suspension or expulsion and emergency expulsion have similarities but the timelines differ.

A student or the parent(s) may appeal a suspension, expulsion, or emergency expulsion to the NWESD 189 Superintendent or designee orally or in writing. For suspension or expulsion, the request to appeal must be within five (5) program business days from when the NWESD 189 provided the student and parent(s) with written notice. For emergency expulsion, the request to appeal must be within three (3) program business days from when the NWESD 189 provided the student and parent(s) with written notice.

When an appeal for long-term suspension or expulsion is pending, the NWESD 189 may continue to administer the long-term suspension or expulsion during the appeal process, subject to the following requirements:

1. The suspension or expulsion is for no more than ten (10) consecutive program days from the initial hearing or until the appeal is decided, whichever is earlier,
2. The NWESD 189 will apply any program days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion, and
3. If the student returns to the cooperative program before the appeal is decided, the NWESD 189 will provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

### **In-school and short-term suspension appeal**

For short-term and in-school suspensions, the NWESD 189 Superintendent or designee will provide the student and parent(s) the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

The NWESD 189 Superintendent or designee must deliver a written appeal decision to the student and parent(s) in person, by mail, or by email within two (2) program business days after receiving the appeal. The written decision must include:

1. The decision to affirm, reverse, or modify the suspension;



2. The duration and conditions of the suspension, including the beginning and ending dates;
3. The educational services the NWESD 189 and/or member district will offer to the student during the suspension; and
4. Notice of the student and parent(s)' right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

**Long-term suspension or expulsion and emergency expulsion appeal**

For long-term suspension or expulsion and emergency expulsions, the NWESD 189 Superintendent or designee will provide the student and parent(s) written notice in person, by mail, or by email, within one (1) program business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:

1. The time, date, and location of the appeal hearing;
2. The name(s) of the official(s) presiding over the appeal;
3. The right of the student and parent(s) to inspect the student's education records;
4. The right of the student and parent(s) to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
5. The rights of the student and parent(s) to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
6. Whether the NWESD 189 and/or member district will offer a reengagement meeting before the appeal hearing.

For long-term suspension or expulsion, the student, parent(s) and NWESD 189 and/or member district may agree to hold a reengagement meeting and develop a reengagement plan before the appeal hearing. The student, parent(s), and NWESD 189 may mutually agree to postpone the appeal hearing while participating in the reengagement process.

**Hearings**

A hearing to appeal a long-term suspension or expulsion or emergency expulsion is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the NWESD 189 will hold such hearings without public notice and without public access unless the student(s) and/or the parent(s) or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the NWESD 189 will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.

When multiple students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

1. A single hearing will not likely result in confusion; and
2. No student will have his/her interest substantially prejudiced by a group hearing.

If the official presiding over the hearing finds that a student's interests will be substantially prejudiced by a group hearing, the presiding official may order a separate hearing for that student. The parent(s) and student have the right to petition for an individual hearing.

For long-term suspension or expulsion, the NWESD 189 will hold an appeal hearing within three (3) program business days after the NWESD 189 Superintendent or designee received the appeal request, unless otherwise agreed to by the student and parent(s).

For emergency expulsion, the NWESD 189 will hold an appeal hearing within two (2) program business days after the NWESD 189 Superintendent or designee received the appeal request, unless the student and parent(s) agree to another time.

The NWESD 189 Board may designate a discipline appeal council to hear and decide any appeals in this policy and procedure or to review and reconsider a NWESD 189's appeal decisions. A discipline appeal council must consist of at least three (3) persons appointed by the NWESD 189 Board for fixed terms. All members of a discipline appeal council must be knowledgeable about the rules in Chapter 392-400 WAC and this policy and procedure. The NWESD 189 Board may also designate the NWESD 189 Superintendent or a hearing officer to hear and decide appeals. The presiding official(s) may not have been involved in the student's behavioral violation or the decision to suspend or expel the student.

Upon request, the student and parent(s) or their legal representative may inspect any documentary or physical evidence and list of any witnesses that the NWESD 189 will introduce at the appeal hearing. The NWESD 189 must make the information available as soon as reasonably possible, but no later than the end of the program business day before the appeal hearing. The NWESD 189 may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parent(s) intend to introduce at the appeal hearing. The student and parent(s) must make this information available as soon as reasonably possible, but no later than the end of the program business day before the appeal hearing.

Upon request, the student and parent(s) may review the student's education records. The NWESD 189 will make the records available as soon as reasonably possible, but no later than the end of the cooperative program business day before the appeal hearing.

If a witness for the NWESD 189 cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness' nonappearance if the NWESD 189 establishes that:

1. The NWESD 189 made a reasonable effort to produce the witness; and
2. The witness' failure to appear is excused by fear of reprisal or another compelling reason.

The NWESD 189 will record the appeal hearing by manual, electronic, or other type of recording device and upon request of the student or parent(s) provide them a copy of the recording.

For long-term suspension or expulsion, the presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and parent(s) in person, by mail, or by email within three (3) program business days after the appeal hearing. The written decision must include:

1. The findings of fact;
2. A determination whether:
  - A. the student's behavior violated this policy;
  - 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;
3. The duration and conditions of suspension or expulsion, including the beginning and ending dates;
4. Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and
5. Notice of the opportunity for a reengagement meeting and contact information for the person(s) who will schedule it.

For emergency expulsion, the NWESD 189 will provide a written decision to the student and parent(s) in person, by mail, or by email within one (1) program business day after the appeal hearing. The written decision must include:

1. The findings of fact;
2. A determination whether the student's presence continues to pose:
  - A. an immediate and continuing danger to students or cooperative program personnel; or
  - B. an immediate and continuing threat of material and substantial disruption of the educational process;
3. Whether the NWESD 189 will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the NWESD 189 converts the emergency expulsion to a suspension or expulsion, the NWESD 189 will provide the student and

parent(s) notice and due process consistent with the disciplinary action to which the emergency expulsion was converted; and

4. Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

### **Reconsideration of appeal**

The student or parent(s) may request the NWESD 189 Board or discipline appeal council, if established by the NWESD 189 Board, review and reconsider the NWESD 189's appeal decision for long-term suspensions or expulsions and emergency expulsions. This request may be either oral or in writing.

For long-term suspension or expulsion, the student or parent(s) may request a review within ten (10) program business days from when the NWESD 189 provided the student and parent(s) with the written appeal decision.

For emergency expulsion, the student or parent(s) may request a review within five (5) program business days from when the NWESD 189 provided the student and parent(s) with the written appeal decision.

1. In reviewing the NWESD 189's decision, the NWESD 189 Board or discipline appeal council, if established, must consider
  - A. all documentary and physical evidence from the appeal hearing related to the behavioral violation;
  - B. any records from the appeal hearing;
  - C. relevant state law; and
  - D. this policy adopted.
2. The NWESD 189 Board (or discipline appeal council) may request to meet with the student and parent(s), the program administrator, witnesses, and/or cooperative program personnel to hear further arguments and gather additional information.
3. The decision of the NWESD 189 Board (or discipline appeal council) will be made only by NWESD 189 Board or discipline council members who were not involved in
  - A. the behavioral violation;
  - B. the decision to suspend or expel the student; or
  - C. the appeal decision.

If the discipline appeal council presided over the appeal hearing, the NWESD 189 Board will conduct the review and reconsideration.

For long-term suspension or expulsion, the NWESD 189 Board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) program business days after receiving the request for review and reconsideration. The written decision must identify:

1. Whether the NWESD 189 Board (or discipline appeal council) affirms, reverses, or modifies the suspension or expulsion;
2. The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
3. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

For emergency expulsion, the NWESD 189 Board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within five (5) program business days after receiving the request for review and reconsideration. The written decision must identify:

1. Whether the NWESD 189 Board (or discipline appeal council) affirms or reverses the NWESD 189's decision that the student's presence posed:
  - A. an immediate and continuing danger to students or cooperative program personnel; or
  - B. an immediate and continuing threat of material and substantial disruption of the educational process.
2. If the emergency expulsion has not yet ended or been converted, whether the NWESD 189 will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the NWESD 189 converts the emergency expulsion to a suspension or expulsion, the NWESD 189 will provide the student and parent(s) notice and due process under WAC 392-400-455 through 392-400-480 consistent with the disciplinary action to which the emergency expulsion was converted.

### **Petition to extend an expulsion**

When risk to public health or safety warrants extending a student's expulsion, the program administrator or designee may petition the NWESD 189 Superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the NWESD 189 Superintendent or designee of:

1. The behavioral violation that resulted in the expulsion and the public health or safety concerns;
2. The student's academic, attendance, and discipline history;
3. Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
4. The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
5. The proposed extended length of the expulsion; and
6. The student's reengagement plan.

The program administrator 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 involving a firearm on cooperative program premises, NWESD 189 provided transportation, or areas of facilities while being used exclusively by public schools or cooperative programs, the program administrator or designee may petition to extend an expulsion at any time.

#### **Notice**

The NWESD 189 will provide written notice of a petition to the student and parent(s) in person, by mail, or by email within one (1) program business day from the date the NWESD 189 Superintendent or designee received the petition. The written notice must include:

1. A copy of the petition;
2. The right of the student and parent(s) to an informal conference with the NWESD 189 Superintendent or designee to be held within five (5) program business days from the date the NWESD 189 provided written notice to the student and parent(s); and
3. The right of the student and parent(s) to respond to the petition orally or in writing to the NWESD 189 Superintendent or designee within five (5) program business days from the date the NWESD 189 provided the written notice.

The NWESD 189 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 cooperative program placement after the length of an academic term, the student would pose a risk to public health or safety. The NWESD 189 Superintendent or designee must deliver a written decision to the program administrator, the student, and the student's parent(s) in person, by mail, or by email within ten (10) program business days after receiving the petition.

If the NWESD 189 Superintendent or designee does not grant the petition, the written decision must identify the date when the expulsion will end.

If the NWESD 189 Superintendent or designee grants the petition, the written decision must include:

1. The date on which the extended expulsion will end;
2. The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
3. Notice of the right of the student and parent(s) to request a review and reconsideration. The notice will include where and to whom to make such a request.

**Review and reconsideration of extension of expulsion**

The student or parent(s) may request that the NWESD 189 Board (or discipline appeal council, if established by the NWESD 189 Board) review and reconsider the decision to extend the student's expulsion. The student or parent(s) may request the review orally or in writing within ten (10) program business days from the date the NWESD 189 Superintendent or designee provides the written decision.

The NWESD 189 Board (or discipline appeal council) may request to meet with the student or parent(s) or the program administrator to hear further arguments and gather additional information.

The decision of the NWESD 189 Board (or discipline appeal council) may be made only by NWESD 189 Board or discipline appeal council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision.

The NWESD 189 Board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) program business days after receiving the request for review and reconsideration. The written decision must identify:

1. Whether the NWESD 189 Board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
2. The date when the extended expulsion will end.

Any extension of an expulsion may not exceed the length of an academic term.

The NWESD 189 will annually report the number of petitions approved and denied to the Office of Superintendent of Public Instruction.

**Educational Services**

The NWESD 189 will offer educational services to enable a student who is suspended, expelled or emergency expelled to:

1. Continue to participate in the general education curriculum;

2. Meet the educational standards established within the NWESD 189; and
3. Complete subject, grade-level, and graduation requirements.

When providing a student the opportunity to receive educational services during exclusionary discipline, the cooperative program must consider:

1. Meaningful input from the student, parents, and the student's teachers;
2. 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
3. Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

After considering the factors and input described above, The NWESD 189 will determine a student's educational services on a case-by-case basis. Any educational services in an alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline.

As soon as reasonably possible after administering a suspension or expulsion, the NWESD 189 will provide written notice to the student and parents about the educational services the NWESD 189 will provide. The notice will include a description of the educational services and the name and contact information of the cooperative program personnel who can offer support to keep the student current with assignments and course work.

For students subjected to suspension or emergency expulsion up to five (5) days, the cooperative program must provide at least the following:

1. Course work, including any assigned homework, from all of the student's regular subjects or classes;
2. Access to cooperative program 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
3. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

For students subjected to suspension or emergency expulsion for six (6) to ten (10) consecutive program days, the cooperative program must provide at least the following:

1. Course work, including any assigned homework, from all of the student's regular subjects or classes;
2. An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and



3. Access to cooperative program 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. Cooperative program personnel will make a reasonable attempt to contact the student or parents within three (3) program business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:
  - A. Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and
  - B. Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

For students subject to expulsion or suspension for more than ten (10) consecutive program days, a cooperative program will make provisions for educational services in accordance with the "Course of Study" provisions of WAC 392-121-107.

## **Readmission**

### **Readmission application process**

The readmission process is different from and does not replace the appeal process. Students who have been suspended or expelled may make a written request for readmission to the NWESD 189 at any time. If a student desires to be readmitted at the cooperative program from which he/she has been suspended/expelled, the student will submit a written application to the program administrator, who will recommend admission or non-admission. If a student wishes admission to another cooperative program, he/she will submit the written application to the Superintendent.

The application will include:

1. The reasons the student wants to return and why the request should be considered;
2. Any evidence that supports the request; and
3. A supporting statement from the parent or others who may have assisted the student.

The Superintendent will advise the student and parent of the decision within seven (7) program days of the receipt of such application.

## **Reengagement**

### **Reengagement Meeting**

The reengagement process is distinct from a written request for readmission. The reengagement meeting is also distinct from the appeal process, including an appeal hearing, and does not replace an appeal hearing. The NWESD 189 must convene a reengagement meeting for students with a long-term suspension or expulsion.

Before convening a reengagement meeting, the NWESD 189 will communicate with the student and parent(s) to schedule the meeting time and location. The purpose of the reengagement meeting is to discuss with the student and parent(s) a plan to reengage the student.

The reengagement meeting must occur:

1. Within twenty (20) calendar days of the start of the student's long-term suspension or expulsion, but no later than five (5) calendar days before the student's return to the cooperative program; or
2. As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

### **Reengagement plan**

The NWESD 189 will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to the cooperative program. In developing a reengagement plan, the NWESD 189 must consider:

1. The nature and circumstances of the incident that led to the student's suspension or expulsion;
2. As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;
3. Shortening the length of time that the student is suspended or expelled;
4. Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
5. Supporting the student parents, or cooperative program personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

The NWESD 189 must document the reengagement plan and provide a copy of the plan to the student and parents. The NWESD 189 must ensure that both the reengagement meeting and the reengagement plan are in a language the student and parents understand.

### **Behavior agreements**

The NWESD 189 authorizes program administrators to 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. Behavior agreements will also describe cooperative program actions planned to support students in meeting behavioral expectations. Behavior agreements may be supplemental to but will not

replace best practices and strategies implemented at the classroom level to support students in meeting behavioral expectations. Behavior agreements entered into with students and parents under this section may not replace or negate provisions within a student's Individual Education Plan (IEP), 504 Plan, or Behavioral Intervention Plan (BIP). The NWESD 189 will provide any behavior agreement in a language and form 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.

A behavior agreement does not waive a student's opportunity to participate in a reengagement meeting or to receive educational services. The duration of a behavior agreement must not exceed the length of an academic term. A behavior agreement does not preclude the NWESD 189 from administering discipline for behavioral violations that occur after the NWESD 189 enters into an agreement with the student and parents.

**Exceptions for protecting victims**

The NWESD 189 may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion to protect victims of certain offenses as follows:

1. 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 cooperative program or any other cooperative program where the teacher is assigned;
2. A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that cooperative program or any other cooperative program where the victim is enrolled.

Presented to Board: 02/22/92 (as 6440)  
Reviewed: 03/25/92 (as 6440)  
Revised: 04/25/01 (recodified 3241-P)  
Revised: 06/23/10  
Revised: 12/15/14  
Revised: 08/17/16  
Revised: 10/24/18  
Revised: 06/26/19  
Revised: 08/25/21