

Student Conduct Expectations and Reasonable Sanctions

TABLE OF CONTENTS

Section I	General
Section II	Definitions
Section III	Persons Authorized to Impose Discipline, Suspension, Expulsion, or Emergency Removal Upon Students
Section IV	School District Rules for Student Conduct
Section V	School District Rules Defining Misconduct — Distribution of Rules
Section VI	Conditions and Limitations for Discipline
Section VII	Rules for Suspensions
Section VIII	Types of Student Misconduct
Section IX	Student Misconduct Eligible for Long-Term Suspension and Expulsion
Section X	Due Process
Section XI	Disciplinary Guidelines for Handicapped Students
Section XII	Review of Disciplinary Data
Section XIII	Resident Students Expelled From Other School Districts

Section I: GENERAL

The mission of the Richland School District is to provide learning experiences which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of studies, comply with the student conduct rules, and submit to reasonable corrective action, discipline, or punishment imposed by the school/district.

All students who attend the District's schools, school sponsored events, present on school grounds or are transported in school district vehicles shall comply with the written policies, rules and regulations of the schools and shall submit to the authority of the teachers of the schools, subject to such corrective action as the school officials determine.

Students and/or their parents/guardians will be provided information regarding substantive and procedural due process in regard to grievances, hearings and/or appeals of corrective action. The District will assist long-term suspended and expelled students in returning to school as soon as possible by providing them with a reengagement plan tailored to the student's individual circumstances, considering the incident that led to the student's removal. Reengagement meetings must take place within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's exclusion from school is set to expire, to discuss a plan to reengage the student in a school program. Staff will consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and other interventions that aid in the student's academic success. The student's family will be provided the opportunity to participate and have meaningful input into the student's reengagement plan.

The District, however, 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:

- 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; and
- 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 school or any other school where the victim is enrolled.

Section II: DEFINITIONS

As used in this policy the term:

“Academic term” shall mean the duration of time equal to the cumulative number of school days within a semester which is 90 school days and does not mean the duration lasting until the end of the current semester.

“Alternative setting” shall mean those educational opportunities provided to a student who is excluded from their regular classroom as a form of discipline, suspension, or expulsion. Alternative settings should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include but not limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning. The educational services must enable the student to continue to participate in the general education curriculum, meet the educational standards established within the District, and complete subject, grade-level, and graduation requirements.

“Alternatives to suspension” shall mean responses to student behavior that help direct or redirect the student without resorting to suspension.

“Behavior violation” shall mean a student’s behavior that violates a school district’s discipline policy.

“Classroom exclusion” shall mean the exclusion of a student from a classroom or instructional activity area for behavior violations. Classroom exclusions do 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 behavior expectations; and
- (b) The student remains under the supervision of the teacher or other school personnel during such brief duration.

“Corrective action” shall mean discipline, classroom exclusions, suspension, emergency expulsion, or expulsion.

“Culturally responsive” shall have the same meaning as “cultural competency” in RCW 28A.410.270.

“Discipline” shall mean any action taken by a school in response to behavior violations.

“Discretionary discipline” shall mean a disciplinary action taken by the school for student behavior that violates rules of student conduct. State law prohibits districts from imposing long-term suspensions or expulsions as a form of discretionary discipline.

“Disruption of the educational process” shall mean the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

"Emergency expulsion" shall mean the removal of a student from school because the student's statements or behavior pose 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. An emergency expulsion must end or be converted to another form of corrective action within ten (10) school days from the date of the emergency removal from school.

"Exceptional misconduct" shall mean student misconduct other than absenteeism which (a) is of such frequent occurrence, despite past attempts of staff to control such misconduct through the use of other forms of corrective action; or (b) is so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school as to warrant an immediate resort to a short-term or a long-term suspension or expulsion.

"Expulsion" shall mean a denial of admission to the student's current school placement in response to a behavioral violation. An expulsion also may include a denial of entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

"Length of an academic term" shall mean the duration of time equal to the cumulative number of school days within a semester which is 90 school days and does not mean the duration lasting until the end of the current semester.

"Other forms of discipline" shall mean actions used in response to behavior 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.

"Re-engagement meetings" shall mean the required meeting held between the school district and the student's parent and/or guardian to discuss how to return a long-term suspended or expelled student to an educational setting as soon as possible.

"Re-engagement plan" shall mean a written plan developed between the school district and a student and his/her parent or guardian designed to aid the student in taking the necessary steps to remedy the situation that led to the student's long-term suspension or expulsion and return the student to the educational setting as soon as possible.

"School business day" shall mean any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, upon when the office of the Superintendent of the school district is open to the public for business. A school business day concludes or terminates upon the closure of the Superintendent's office for the calendar day.

"School day" shall mean any day or partial day that students are in attendance at school for instructional purposes.

"Suspension" shall mean 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. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the District.

- A. "In-school suspension" shall mean 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.
- B. "Short-term suspension" shall mean a suspension in which a student is excluded for any portion of a calendar day up to and not exceeding ten consecutive school days.
- C. "Long-term suspension" shall mean a suspension in which a student is excluded from school for more than ten consecutive school days.

Section III: PERSONS AUTHORIZED TO IMPOSE DISCIPLINE, SUSPENSION, EXPULSION, OR EMERGENCY REMOVAL UPON STUDENTS

Each certificated teacher, each school administrator, each school bus driver, and any other employee designated by the Superintendent shall possess the authority to impose discipline upon a student for misconduct which violates rules of the school district established pursuant to school district policies and to impose an emergency removal from a class, subject, or activity in accordance with this policy.

Subject to the limitations set forth herewith in connection with the suspension or expulsion of students, the following school district personnel are delegated the authority to suspend, expel, or order the emergency expulsion of students for any misconduct which violates the rules for student conduct: Superintendent, Deputy Superintendent, Assistant Superintendent, Principals, Assistant Principals, Administrative Assistants, and any other district employee to whom such authority has been delegated by the Superintendent.

Section IV: SCHOOL DISTRICT RULES DEFINING RULES OF STUDENT CONDUCT — DISTRIBUTION OF RULES

The District shall adopt, publish, and make available on an annual basis to all students and parents written rules which state with reasonable clarity the types of misconduct for which discipline, suspension, and expulsion may be imposed.

Rules that establish types of misconduct must have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning.

The consequences of violations listed in this policy shall be determined at the building level and shall be consistent with district policy and state and local law as applicable. The Principal or their designee(s) shall have the responsibility to establish disciplinary standards appropriate to his/her particular school as he/she deems necessary and which bear a real and substantial relationship to the direct preservation of the students, staff, and public health and safety, or for the maintenance of the educational process.

Regardless of other discipline imposed, a student and his/her parent/guardian may be held responsible for damage, vandalism, destruction or other financial loss to the school or District.

Section V: DISCIPLINE — CONDITIONS AND LIMITATIONS

Discipline may be imposed upon any student for violation of the rules of the school or District that have been established pursuant to this policy, subject to the following limitations and conditions:

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

The Principal will notify special education staff of any suspensions to be imposed on a student who is currently eligible for special education services or any student who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days, the Principal will notify relevant special education staff so that the District can ensure compliance with special education discipline procedures.

Building administrators shall have the responsibility for ensuring that written procedures for administering corrective action are developed for their schools with the input of parents, staff, and the community. The procedures shall provide that every reasonable attempt be made to involve parents and the student in the resolution of behavior problems at an early stage. The building administrator and staff shall meet at least annually to review building behavior standards and discuss uniform enforcement of those standards. All staff shall work cooperatively toward consistent enforcement of behavior standards.

Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited. Corporal punishment does not include:

- (a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming themselves, other students and school staff, or property.
- (b) Physical pain or discomfort resulting from or caused by training for or participating 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.

Nothing herein shall be construed as limiting or otherwise modifying provisions governing aversive interventions set forth in state and federal law.

Section VI. Educational Services During a Suspension or Expulsion

The District will not suspend the provision of educational services as a disciplinary action, nor will schools suspend the provision of educational services to a student in response to behavioral violations.

Schools will provide the student the opportunity to receive educational services during a suspension, expulsion, or emergency expulsion. The educational services must enable the student to:

- Continue to participate in the general education curriculum;
- Meet the educational standards established within the district; and
- Complete subject, grade-level, and graduation requirements.

Such services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

When providing a student the opportunity to receive educational services under this section, the school must consider:

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

A. Suspensions or Emergency Expulsions Up to and Including 5 Days

For students subject to suspension or emergency expulsion up to five (5) days, a school must provide at least the following:

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

B. Suspensions and Emergency Expulsions 6 – 10 Consecutive Days

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

- Course work, including any assigned homework, from all of the student's regular subjects or classes;
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and
- 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 will make a reasonable attempt to contact the student or parents within three (3) school business days following the start of the suspension or emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:
 - 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
 - Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

C. Long Term Suspensions and Expulsions

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

D. Language Assistance

The School 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.

Section VII: RULES FOR STUDENT DISCIPLINE

When a school administrator has good and sufficient reason to believe that a student's presence poses an immediate and continuing danger to the student, other students or school staff, or an immediate and continuing threat of substantial disruption of the educational process, immediate emergency removal or emergency expulsion may be appropriate.

In conjunction with the following sanction guidelines, administrators may also consider any alternative form of corrective action—including programs intended to lessen the time of exclusion from class attendance. The District encourages the use of alternative forms of correction action when possible and practicable in light of the duty to maintain safe and orderly school environments conducive to student learning.

School administrators are expected to use their professional judgment and experience when assigning students sanctions and will, to the best of their abilities, attempt to apply these sanctions to all similarly-situated students in a fair and equitable manner. The administrator's judgment and discretion will carefully balance the duty to maintain order and discipline in a safe school environment, the appropriate corrective action needed to address the student's misconduct, and the student's long-term educational success. Staff are expected to refer criminal matters to local law enforcement.

Schools must provide for early involvement of parents in efforts to support students in meeting behavioral expectations and must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

The methods employed in administering the rules of student conduct involve professional judgment. Such judgment should:

- Provide due process and ensure fairness and equity in administration;
- Implement the policy and procedure in a culturally responsive manner;
- Respond to the needs and strengths of students ;
- Facilitate collaboration between school personnel, students, and families ;
- Provide a safe and supportive learning environment for all students

Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff at secondary school sites may assign students detention during after school hours for not more than 45 minutes on any given day.

Preceding the assignment of detention, the staff member will inform the student of the nature of the offense charged and of the specific conduct that allegedly constitutes the violation. The student will be afforded an opportunity to explain or justify his/her actions to the staff member.

Detention will not begin until the parent/guardian has been notified (except in the case of an adult student) for the purpose of informing him/her of the basis and reason for the detention and to permit him/her to make arrangements for the necessary transportation of the student when he/she has been detained after school hours for corrective action.

Students assigned detention for corrective action will be under the direct supervision of the staff member or another member of the professional staff.

Classroom Exclusions

A teacher or other school personnel 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. 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 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.

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, instructional area, or activity area. When a student is excluded from the student's classroom, instructional area, or activity area for longer than the balance of the school day, the school will provide the student and the student's family notice and due process for a suspension, expulsion, or emergency expulsion, as appropriate. A student may not be removed from school during a classroom exclusion unless the school provides such notice and due process for a suspension, expulsion, or emergency expulsion.

The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion.

Following the classroom exclusion of a student, 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 their designee as soon as reasonably possible.

The teacher, principal, or the principal's designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. The school 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.

When the teacher or other authorized 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 student discipline

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 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 their 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 school board during its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for considering the grievance. The school 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 school board elects to postpone such action.

Section VIII: TYPES OF STUDENT MISCONDUCT

The Superintendent, Deputy Superintendent, Assistant Superintendent, Principals, Assistant Principals, Administrative Assistants, and any other district employee to whom such authority has been delegated may impose in school and short terms suspensions.

The types of student misconduct that are appropriate for in-school suspensions and short-term suspensions include, but are not be limited to, the following:

1. Alcoholic Beverages and/or Controlled Substances - A student may be guilty of violation of this policy and school rule for the possession, consumption, use, storage, transfer, being under the influence of, showing evidence of having used, manufacture of, delivery, distribution, and/or sale/barter of alcoholic beverages, illegal or controlled chemical substances, controlled substances including marijuana, substances proposed to be drugs or look-alike substances, paraphernalia, inhalants, anabolic steroids, and/or imitation drugs on school property, district transportation, or at a school activity. See Policy 3418 on Alcohol, Tobacco, and Other Drug Use/Abuse Policy for more information.

For purposes of student conduct expectations:

- a. This section applies to any controlled substance, medication, stimulant, depressant, or mood altering compound, including simulated compounds intended to produce intoxication or euphoria, whether or not such compounds have been designated a controlled substance by state or federal law;
- b. This section applies to marijuana or substances containing marijuana;
- c. This section applies to legally-prescribed drugs which a student is nevertheless not lawfully authorized to possess on school grounds, at school activities, or on district-provided transportation;

- d. This section applies to students who enter school grounds, school activities, or district-provided transportation following the unlawful use or consumption of drugs, alcohol, and other similar chemical substances, including students who appear to be under the influence of such substances; and
 - e. This section applies equally to the possession or use of paraphernalia or other items used to possess, consume, store, or distribute drugs, alcohol, and/or other illegal chemical substances, including marijuana or substances containing marijuana.
2. Arson/Damaging School Property/Vandalism - For purposes of school discipline, “arson” means any intentional or reckless setting of a fire or other burning of personal or public property. “Reckless” means that the student understood, but acted with disregard for, the consequences of his or her conduct. “Damaging School Property” means intentional damage to district property. “Vandalism” means the act of deliberately destroying or damaging property of another.
3. Assault/Fighting - For the purposes of school discipline, “assault” means actual or attempted hitting, striking or other wrongful physical contact inflicted on another either directly or indirectly through an object. For verbal threats, see Harassment, Intimidation, and Bullying. Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse are included in this prohibition. Engaging in any form of fighting where physical blows are exchanged is prohibited, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, choking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another.
4. Cheating - cheating/academic dishonesty includes but is not limited to the following:
 - a. Copying from or allowing another student to copy from a test, homework, paper, project, lab report or other work that is not intended to be collaborative in nature
 - b. Sharing papers with another student
 - c. Plagiarizing the work of others
 - d. Intentionally obtains test questions and/or answers through fraudulent means
 - e. Looking at another student’s test, answer sheet, or other materials
 - f. Using unauthorized material including textbooks, notes, calculators, computer program, or outside help during an examination or other assignment
 - g. Using writings, passages, ideas of others and passing them off as your own (including, but not limited to faxing, duplicating, file sharing, or transmittal using any technology)
 - h. Sabotaging or destroying the work of others
 - i. Illegal or unauthorized entry into school computer or program

- j. Submitting material (written or designed by someone else without citing the source, e.g., plagiarizing or submitting work created by family, friends, tutors, or anyone else not the student)
5. Computer Misuse/Unauthorized Use of Technology - It may be a violation of this section for a student to tamper with the electronic hardware, data files, or software or gain unauthorized access to, or use of, such technology. Students are NOT permitted to:
 - a. Damage any part of the computer system by attempting to harm, modify, or destroy computer hardware, software, or the data stored therein.
 - b. Send, receive, or display offensive, inappropriate, or sexually explicit material
 - c. Use obscene language
 - d. Use other people's passwords
 - e. Harass, bully, insult, or attack others
 - f. Seek to receive or provide unauthorized access to resources
 - g. Trespass in files and/or folders of others
 - h. Violate copyright laws and/or plagiarize the material of others
 - i. Steal equipment or software
 - j. Intentionally waste resources
 - k. Use a network computer for commercial purposes, personal gain, and fraud

*See Policy 2314 – Electronic Information System for more information.
6. Criminal Acts - For purposes of student discipline, the commission of any crime on school grounds, while the student is expected to be attending school, at a school sponsored event, on school bus or vehicle.
7. Cyber-Bullying - See Policy 3207 - Harassment, Intimidation, Bullying, and Cyber-Bullying for more information.
8. Defiance of School Authority/Insubordination/Cumulative Violations - For purposes of student discipline, the refusal to obey reasonable requests, instructions, and directives of any school personnel, including volunteers or contractors working for the school. Defiance includes dress or appearance in violation of Policy 3224 that the student either refuses to correct at the direction of a school administrator, or that is a persistent and repeated violation of school district policy. Defiance of school authority can also include intentional disruptive behavior.
9. Disrupting the Educational Process - For disciplinary purposes, this section addresses the student creating a substantial or material disruption to the educational process or any school operation and conduct that markedly interrupts or severely impedes the day-to-day operations of a school. The following illustrate the kinds of offenses that are prohibited:

- Intentionally obstructing normal pedestrian or vehicular traffic on a school campus;
 - Intentionally obstructing the entrance or exit of any school building or room in order to deprive others of passing through;
 - Causing a disturbance or disruption on school grounds, at school activities, or on district-provided transportation, including substantially interfering with any class or activity;
 - Cheating or disclosure of exams;
 - Defiance of school personnel;
 - Disobedience of reasonable requests, instruction, and directives of school personnel;
 - Refusal to leave an area when instructed to do so by school personnel;
 - Refusing a reasonable request to identify oneself to district personnel (including law enforcement officers) while under the supervision of the school;
 - Refusal to cease prohibited behavior;
 - Disruptive and/or dangerous use of motor vehicles or conduct on a school bus that endangers students;
 - Extortion, theft, forgery;
 - Gang-related behavior, association, and/or affiliation;
 - Harassment of others;
 - Trespassing on school property or school transportation at a time or place the student's presence is not permitted;
 - Occupying a school building or school grounds in order to deprive others of its use;
 - Preventing students from attending class or school activities;
 - Using any object in a dangerous manner; and
 - Intentionally defacing or destroying the property of another.
10. Damages or Destruction of Property - A student may be guilty of this section if they cause physical damage to the property of another and/or the school district.
11. Falsification/Forgery - A student may be guilty of falsifying or forging documents if the student knowingly makes any false entry, alters times, names, dates, grades, addresses or alters any school document used or intended to be used in connection with the operation of the school. Also a false representation of a matter of fact - whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed - that deceives and is intended to deceive another so that the individual will act upon it to her or his detriment.
12. False Accusations - A student may be guilty of making a false accusation if the student intentionally makes false accusations or untrue charges of wrong-doing against staff, students, volunteers, or patrons.

13. Gambling - For purposes of student discipline, means an activity in which a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome.
14. Gang/Gang Activity - The School board of Directors is aware of the public existence of gangs which are involved in illegal, intimidating and harassing conduct and the School board hereby determines that such gangs and the expression of such gang membership cause or are likely to cause disruption in the school environment and present a threat to the health and safety of students and school personnel. "Gang" means a group which:
 - (a) consists of three or more persons; (b) has identified leadership; and (c) on an ongoing basis, regularly conspires and acts in concert for criminal purposes. Any such activity or expression by students is prohibited while they are subject to the disciplinary control of the school district. Therefore, it may be a violation of this section for a student or students on or about school property or in any place involving a school-related activity to:
 - a. wear, possess, distribute or display any clothing, jewelry, display any sign, which by virtue of its color, arrangement, symbol, or any other attribute, is evidence of membership of affiliation in any such gang; or imply gang membership or affiliation by written communication in conjunction with design, emblem upon any school or personal property or one's person that is disruptive or interferes with the school environment, and/or activity, and/or educational objectives and/or process; or
 - b. Use any speech, gesture, conduct, or commit any act or omission in furtherance of the interest of any such gang or such gang activity.

Harassment, Intimidation, and Bullying – See Policy 3207.

15. Lewd Conduct - For purposes of school discipline, this includes, but is not limited to, lewd, obscene or profane language, gestures, exhibits indecent, or vulgar behavior through writing, pictures, signs, text messages, social networking sites, electronic mail (e-mail) messages or acts or materials that are unrelated to authorized school curriculum. Obscene acts or expressions, whether verbal or non-verbal. Prohibited "materials" includes digital or electronic text, images, or sounds that are possessed, displayed, or transmitted while under the supervision of school authorities.
16. Malicious Mischief - For purposes of student discipline, the willful, wanton, or reckless damage to or destruction of another's property shall include the total or partial alteration, damage, obliteration, or erasure of records, information, data, computer programs, or their computer representations, which are recorded for use in computers or the impairment, interruption, or interference with the use of such records,

information, data, or computer programs, or the impairment, interruption, or interference with the use of any computer or services provided by computers. "Physical damage" also includes any diminution in the value of any property as the consequence of an act and the cost to repair any physical damage.

17. Possession of a Firearm or Dangerous Weapon - A student may be guilty of this section if the student has a firearm or other weapon on school premises, at a school sponsored event, on school-provided transportation, at any official school bus stop, or in other areas of other facilities being used exclusively for school activities. Also defined in Policy 10,020. This includes when a student acts with malice as defined under RCW 9A.04.110 and displays a device that appears to be a firearm. Use or possession of dangerous weapons, including firearms, air guns, knives, nun chucks, throwing stars, stun guns, explosives and other weapons prohibited by state law.
18. Sexual Harassment - A student may be guilty of sexual harassment if they make unwelcomed verbal, written, visual, or physical advances toward another person. See Policy 8700 - Sexual Harassment for more information.
19. Theft - A student may be guilty of theft if the student obtains or exerts unauthorized control over the property or services of another or the value thereof, with intent to deprive the person of such property or services. Also, the possession of another person's or district property, regardless of value, without the person's permission with the intent to deprive the owner of such property. As part of the sanction, restitution will usually be required.
20. Threat/Verbal Assault - A student may be guilty of this section if the student communicates, directly or indirectly, the intent to cause bodily injury to the person threatened or any other person or to cause physical damage to the property of a person.
21. Tobacco/Nicotine Products, Possession of Smoking Devices and "Look Alike" Products - Students may not participate in smoking, use of tobacco products or products containing nicotine, or possess tobacco products, smoking devices on the school premises, district vehicles, or at school-sponsored functions this includes Vaping devices. See Policy 3418 - Alcohol, Tobacco, and Other Drug Use/Abuse Policy for more information.

In addition to the above general rules, individual schools are authorized to develop and implement building discipline plans specifying additional expectations and consequences for student behavior. Such plans shall be reasonable in nature and shall have the primary purpose of creating an orderly and appropriate educational environment with the building.

Section IX: STUDENT MISCONDUCT ELIGIBLE FOR SUSPENSIONS, EXPULSIONS

Suspensions (including long-term suspensions) and expulsions may be imposed by the Superintendent, Deputy Superintendent, Assistant Superintendent, Principals, Assistant Principals, Administrative Assistants, and any other district employee to whom such authority has been delegated. Suspensions and expulsions may be imposed for any of the following student behaviors:

- 1) Having a firearm on school property or school 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 register 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) inhaling toxic fumes in violation of chapter 9.47A RCW;
 - d) any controlled substance violation of chapter 69.50 RCW;
 - e) any liquor violation of RCW 66.44.270;
 - f) any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
 - g) any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon

- assistance for an injured victim of a crime in need of assistance;
- h) any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
 - i) any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation; and
 - j) any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti;
- 3) Two or more violations of the following within a three-year period
- a) criminal gang intimidation in violation of RCW 9A.46.120;
 - b) gang activity on school grounds in violation of RCW 28A.600.455;
 - c) willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
 - d) defacing or injuring school 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.

Exceptional Misconduct

The list of exceptional misconduct has been reviewed and developed by the ad hoc citizens committee, each incident may not rise to the level of "exceptional misconduct". Exceptional misconduct includes:

- Arson
- Assault
- Criminal Acts
- Drug Possession, Being under the Influence, Transfer of Alcohol, Controlled Substance, Inhalants, Anabolic Steroids or Look-alike/Imitation Drugs
- Drug Sale/Barter of a Controlled Substance, Alcohol, Controlled Substance, Inhalants, Anabolic Steroids or Look-alike/Imitation Drugs
- Possession of a Firearm
- Sexual Harassment as defined by Policy and Regulation 8700
- Theft
- Threat/Verbal Assault
- Tobacco/Nicotine/Smoking devices/"look alike" products possession and use
- Vehicle Infraction
- Verbal/Physical Abuse Directed At Staff Member

Unless otherwise required by law, school administrators are not required to impose a long-term suspension or expulsion for the misconduct listed above, and whenever reasonable, school administrators should first consider alternative sanctions.

For student behaviors, including specific offenses that do not fall within one or more of the categories listed above, schools may only impose discretionary discipline. Schools may not impose long-term suspension or expulsion as a form of discretionary discipline, but may impose other sanctions up to and including short-term suspension in a manner consistent with this procedure.

Section X. Due Process

A. Initial Hearing with Student

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:

1. Notice of the student's violation of the school district's discipline 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 the student's perspective and provide explanation regarding the behavioral violation.

(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.

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.

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.

B. Notice to Students and Parents

Before administering any suspension or expulsion, a school must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

No later than one school business day following the initial hearing with the student, a school 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;
- (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 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;
- (e) The student's and parents' right to an informal conference with the Principal or designee;
- (f) The student's and parents' right to appeal the suspension or expulsion, 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.

The school 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.

C. Optional Conference with Principal

If the student or parents disagree with the school'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.

The Principal or designee must hold the informal conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents. During the informal conference, the Principal or designee must provide the student and parents the opportunity to:

1. Share the student's perspective and explanation regarding the behavioral violation;
2. Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
3. Discuss other forms of discipline that may be administered.

The school 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.

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.

D. Appeal

A student or the parents may appeal a suspension or expulsion to the Superintendent or their designee orally or in writing within five school business days from the date the school provides written notice to the student or the parents.

(a) Short-term and in-school suspensions.

The Superintendent or their 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.

The Superintendent or their 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 district will offer to the student during the suspension; and
- (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request.

(b) Long-term suspensions and expulsions.

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 of the hearing officer presiding over the appeal;
- (iii) The student's and parents' rights to inspect the student's education records;
- (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;
- (v) The student's and parents' rights; and
- (vi) Whether the school district will offer to hold a reengagement meeting before the appeal hearing.

Before the appeal hearing, the student, parents, and school may agree to hold a reengagement meeting and develop a reengagement plan. The student, parents, and school may mutually agree to postpone the appeal hearing while participating in the reengagement process.

The 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.

A hearing officer will hear and decide appeals under this section. The hearing officer may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about WAC 392-400 and of the school district's discipline policies and procedures.

Upon request, the student, parents, and district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The 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.

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.

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:

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

During the appeal hearing, the student and parents have the right to:

1. Be represented by legal counsel;
2. Question witnesses;
3. Share the student's perspective and provide explanation regarding the behavioral violation; and
4. Introduce relevant documentary, physical, or testimonial evidence.

The appeal hearing must be recorded by manual, electronic, or other type of recording device. The District must provide the recording to the student or parents upon request.

The hearing officer must base the decision solely on the evidence presented at the hearing. The hearing officer 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:

1. The findings of fact;
2. A determination whether:
 - a. The student's behavior violated the school district's discipline 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 the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
4. Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request; and
5. Notice of the opportunity to participate in a reengagement meeting and the contact information for the person who will coordinate scheduling of the reengagement meeting.

The 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.

If the student or parents request an appeal under this section, the district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:

1. The 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;
2. 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;
3. If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the District must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

E. Review and Reconsideration

The student or parents may request that the school board review and reconsider the District's appeal decision. The student or parents may request the review orally or in writing. The student or parents must request review and reconsideration by the school board within ten school business days from the date they received the written appeal decision.

In reviewing the District's decision, the school board must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal, relevant state law, and the District's discipline policy.

1. The school board may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
2. The decision of the school board must be made only by board members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision.

The school board 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:

1. Whether the school 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 dates on which the suspension or expulsion will begin and end; and
3. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

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.

F. Petition to Extend Expulsion

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:

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 Principal or designee may petition to extend an expulsion only after the development of a reengagement plan 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.

The 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:

1. A copy of the petition;
2. 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
3. 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.

The Superintendent or their 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.

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.

If the petition is not granted, the written decision must identify the date on which the expulsion will end.

G. Review and Reconsideration.

The students or parents may request that the school board or discipline appeal council, review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing within ten school business days from the date the Superintendent or designee provided the student or parents with the written decision.

The school board may request to meet with the student or parents or the principal to hear further arguments and gather additional information.

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.

The school board 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:

1. Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
2. The date on which the extended expulsion will end.

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

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.

The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction (OSPI).

Section XI: DISCIPLINE GUIDELINES FOR HANDICAPPED STUDENTS

If an identified handicapped student is identified for disciplinary action pursuant to WAC 392-400 for violation of student conduct rules which would otherwise result in expulsion or suspension, the administrator will act immediately to determine whether or not such student behavior is related to the student's handicapping condition. The determination of such relationship will be made by a multidisciplinary team having knowledge of the student's needs, limitations and abilities and special education placement options.

Section XII: REVIEW OF DISCIPLINARY DATA

The District will annually review data on disciplinary actions taken against students within each school disaggregated by groups and subgroups as defined by law. The review must include short-term suspensions, long-term suspensions and expulsions. In reviewing the data, the District will determine whether it has disciplined a substantially disproportionate number of students within any of the disaggregated categories. If disproportionality is found, the District will take action to ensure that it is not the result of discrimination.

Section XIII: RESIDENT STUDENTS EXPELLED FROM OTHER DISTRICTS

If a resident student has been expelled from another school district, the student can make application for admission at any time. The expulsion from the previous school district follows the student and the Richland School District can opt to honor the expulsion.

RSD #400

Deleted Regulation September 27, 2016

Adopted April 11, 1989

Revised: January 9, 1990

Revised: November 24, 1992

Revised: November 9, 1993

Revised: June 24, 2008

Revised: September 1, 2015

Revised: September 27, 2016

Revised: July 23, 2019