

Emergency Expulsion

Emergency Expulsions

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

The District **must** have sufficient cause to believe 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.

The District 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:

- The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
- School 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 consecutive school days. An emergency expulsion must end, or be converted, to another form of discipline within ten (10) school days from its start.

After an emergency expulsion, the District must attempt to notify the student's parent/guardian, as soon as reasonably possible, regarding the reason the District believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the education process.

Notice

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

- The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;

- The duration and conditions of the emergency expulsion, including the date on which the emergency expulsion will begin and end;
- The opportunity to receive educational services during the emergency expulsion;
- The right of the student and parent/guardian to an informal conference with the principal or designee; and
- The right of the student and parent/guardian to appeal the emergency expulsion, including where and to whom the appeal must be requested.

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

- (a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
- (b) Provide the student and parents with notice and due process rights under WAC 392-400-455 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 school personnel, must be reported to the Superintendent or designee within twenty-four (24) hours after the start of the emergency expulsion.

Appeal, Reconsideration, and Petition

Optional Conference with Principal

If a student and/or the parent/guardian disagree with the District's decision to emergency expel the student, the student and/or parent/guardian may request an informal conference with the principal or designee to resolve the disagreement. The student and/or parent/guardian may request an informal conference orally or in writing.

The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent/guardian.

During the informal conference, the student and parent/guardian will have the opportunity to share the student's perspective and explanation regarding the events that led to the behavioral violation. Further, the student and parent/guardian will have the opportunity to discuss other forms of discipline that the District could administer.

An informal conference will not limit the right of the student and/or parent/guardian to appeal the emergency expulsion or petition for readmission.

Appeals

Requesting appeal

The appeal provisions for in-school 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 and/or the parent/guardian may appeal an emergency expulsion to the Superintendent or designee orally or in writing. For emergency expulsion, the request to appeal must be within three (3) school business days from when the District provided the student and parent/guardian with written notice.

Emergency expulsion appeal

For emergency expulsions, the Superintendent or designee will provide the student and parent/guardian written notice in person, by mail, or by email, within one (1) school business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:

- The time, date, and location of the appeal hearing;
- The name(s) of the official(s) presiding over the appeal;
- The right of the student and parent/guardian to inspect the student's education records;
- The right of the student and parent/guardian to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing; and
- The rights of the student and parent/guardian to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence.

Hearings

A hearing to appeal an 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 District will hold hearing 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 District will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.

When 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:

- A single hearing will not likely result in confusion; and
- 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 student and/or parent/guardian have the right to petition for an individual hearing.

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

The school Board has designated a Discipline Appeal Council (DAC) to hear and decide any appeals in this policy and procedure or to review and reconsider a District's appeal decisions. All members of a Discipline Appeal Council must be knowledgeable about the rules in Chapter 392-400 WAC and this policy and this procedure. The school Board may also designate the 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/guardian or their legal representative may inspect any documentary or physical evidence and list of any witnesses that the District will introduce at the appeal hearing. The District 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. The District may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parent/guardian intend to introduce at the appeal hearing. The student and parent/guardian must make this 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 parent/guardian may review the student's education records. The District will 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 District cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness' nonappearance if the District establishes that:

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

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

- The findings of fact;
- A determination whether the student's presence continues to pose (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process;
- Whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the District will provide the student and parent/guardian notice and due process consistent with the disciplinary action to which the emergency expulsion was converted; and
- Notice of the right of the student and parent/guardian 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 and/or parent/guardian may request the Discipline Appeal Council to review and reconsider the District's appeal decision for emergency expulsions. This request may be either oral or in writing.

For emergency expulsion, the student and/or parent/guardian may request a review within five (5) school business days from when the District provided the student and parent/guardian with the written appeal decision.

- In reviewing the District's decision, the Discipline Appeal Council must consider (i) all documentary and physical evidence from the appeal hearing related to the behavioral violation; (ii) any records from the appeal hearing; (iii) relevant state law; and (iv) this policy adopted.
- The Discipline Appeal Council may request to meet with the student and parent/guardian, the principal, witnesses, and/or school personnel to hear further arguments and gather additional information.
- The decision of the Discipline Appeal Council will be made only by discipline council members who were not involved in (i) the behavioral violation; (ii) the decision to suspend or expel the student; or (iii) the appeal decision. If the Discipline Appeal Council presided over the appeal hearing, the school Board will conduct the review and reconsideration.

For emergency expulsion, the Discipline Appeal Council will provide a written decision to the student and parent/guardian in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration. The written decision must identify:

- Whether the Discipline Appeal Council affirms or reverses the school District's decision that the student's presence posed (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process.
- If the emergency expulsion has not yet ended or been converted, whether the District will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the District converts the emergency expulsion to a suspension or expulsion, the District 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.

Date: 01.20