

Long-Term Suspension/Expulsion

Long-term suspensions or expulsions may be imposed by those designated by the Superintendent only after a fair hearing is made available to the affected students. To safeguard the rights of students, hearings related to expulsion or suspension will adhere to the following:

- A. A notice of the hearing written, if feasible, in the predominant language of the parent(s) or guardian(s), shall be delivered to the student and his or her parent or guardian by certificated mail or in person. The notice shall specify:
1. the misconduct and the school rules it violates;
 2. the recommended punishment;
 3. the right to a hearing; and
 4. that, if a written request for a hearing is not received by the district employee named in the notice within three school business days after the notice is received, the hearing will be waived and the recommended punishment will take effect.
- B. If a hearing is requested, the superintendent/designee shall schedule the matter for hearing within three school business days of such request.

Representatives of the student and of the school district shall be permitted to inspect in advance of such hearing any affidavits or exhibits which are to be submitted at the hearing. Similarly, the district may examine before the hearing evidence a student intends to introduce. The student shall have the opportunity to be represented by counsel and shall have the opportunity to present his or her explanation as to the charges and to make such showing by way of affidavits, exhibits and witnesses as desired. The student may ask questions of witnesses presented by the administration.

- C. Either a tape-recorded or verbatim record shall be made of the hearing by the school district.
- D. The hearing shall be conducted before a hearing officer appointed by the superintendent. Such hearing officer shall not be a witness and shall determine the facts of each case solely on the evidence presented at the hearing. A written decision setting forth the finding of fact, conclusions, and the nature and duration of the long-term suspension or expulsion or lesser form of corrective action or punishment, if any, to be imposed, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).
- E. If the hearing officer hearing the case imposes a sanction of long-term suspension or expulsion, the student and his or her parent or guardian wish to appeal the decision, a written notice indicating the desire to appeal the decision shall be provided, within three school business days of receipt of the decision, to the office of the superintendent or to the office of the person who rendered the decision. If an appeal is made to the board of directors, the imposition of the sanction shall be stayed until such appeal is decided, except in cases of long-term suspension and non-emergency expulsions in which cases the district may impose up to 10 days of the suspension or expulsion during the appeal period. If an appeal is not made in writing within three school business days of receipt of the decision, the sanction decided upon shall take effect at the end of this three-day period.

If a timely appeal is made, the board of directors shall schedule and hold a meeting to informally review the matter within ten school business days from receipt of such appeal. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal. At that time the student, his or her parent(s), guardian(s) or attorney shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board of directors deems reasonable. Prior to adjournment of the board, it shall agree to one of the following procedures:

1. study the hearing record or other materials submitted and record its findings within ten school business days;
2. schedule and hold a special meeting to hear further arguments on the case and record its findings within fifteen school business days; or
3. hear and try the case de novo within ten school business days and in accordance with the hearing procedures provided herein.

Any decision by the board of directors shall be made only by those directors who have heard or read the evidence, who have not acted as a witness in the matter, and only at a meeting at which a quorum of the board is present and by a majority vote.

Within thirty days of receipt of the board of directors' final decision, the student, parent or guardian desiring to appeal from any action upon the part of a board of directors regarding suspension or expulsion may serve notice upon the president of the board of directors and file with the clerk of the Superior Court in the county in which the school district is located a notice of appeal. Such notice shall set forth also in a clear and concise manner the errors complained of. The district may choose whether to postpone or impose the decision of the Board during an appeal.

- F. Any student who has been suspended or expelled shall be allowed to make application for re-admission at any time.

Such applications shall be made in writing to the principal of the school from which the student has been suspended or expelled. Such application may set forth reasons for the request and such evidence as the applicant may feel relevant.

The principal shall within five school business days of receipt of the request respond in writing, indicating approval or disapproval of the request or setting forth conditions which must be met prior to the student's re-admission to school.

For the purpose of this policy, a *school business day* shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent is open to the public for the conduct of business.

Legal Reference:

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| WAC | 180-40-260 | Short-term expulsion |
| | 180-40-245 | Long-term expulsion |
| | 180-40-295 | Emergency expulsion |
| | 180-40-310 | Appeals—Long-term suspension and expulsion |
| | 180-40-315 | Appeals—Hearing before school board—procedure |
| | 180-40-320 | School board decisions |

Adopted September 24, 1986

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Formerly: Policy No. 3320