

## Due Process

### Discipline ▪ Suspension ▪ Expulsion Appeals

#### Definitions (Procedures 3241P)

**Discipline** means all forms of corrective action other than emergency removal, suspension or expulsion. Discipline includes the exclusion from of an activity conducted by or on behalf of the school district.

**Discretionary discipline**, (RCW 28A.600.015) refers to any form of corrective action taken in response to student misconduct that violates the school rules, policies, or procedures adopted by the board.

**Emergency removal** means a student’s immediate removal from a class, subject or activity when there is good and sufficient reason that the 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 class, subject, activity, or educational process.

**Suspension** means the denial of attendance for any single subject or class or for any full schedule of subjects or classes for a stated period of time. Suspension will also include denial of admission to district activities.

**Short-term suspension** means suspension for any portion of a calendar day up to and not exceeding ten (10) consecutive school days.

**Long-term suspension** means a suspension that exceeds ten (10) consecutive school days. A long-term suspension may not exceed the length of an academic term.

**Emergency expulsion** means an emergency removal from school for up to, but not exceeding, ten (10) consecutive school days from the student’s current school placement by the superintendent or designee. An emergency expulsion requires good and sufficient reason to believe that the student’s presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process.

**Expulsion** means a denial of attendance for a period of time up to but no longer than length of an academic term (as defined by the board) from the time the student is removed from his/her current school placement by a school district superintendent or designee. An expulsion will also include denial of admission to district activities.

**School business day** means any calendar day which the office of the superintendent is open to the public for business.

**School day** means a calendar day enrolled students are engaged in educational activity which is planned, supervised and conducted by or under the supervision of certificated staff and on which day all or any portion of enrolled students participate in such educational activity.

**Reengagement meeting** means a meeting held between the district and the student and parent/guardian to discuss how to return a long-term suspended or expelled student to an educational setting as soon as possible.

**Reengagement plan** means a written plan developed between the 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 suspension or expulsion and to return the student to the educational setting as soon as possible.

**Corrective Action** (Procedures 3241P)  
School employees shall have the authority to: (1) impose discipline on any student for misconduct in accordance with the procedures; (2) temporarily remove a student from a class, subject, or activity; and (3) make recommendations to appropriate school authorities.

#### **Corporal punishment is prohibited by state law and board policy.**

Discipline, as defined above, may be imposed upon a student for violation of school district rules. Discipline shall be enforced, in such a manner, as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

#### **Provisions Applicable to Short Term Suspension Conditions and limitations**

The nature and circumstances of the student conduct violation must reasonably warrant a suspension.

#### **Prior notice and conference**

Prior to the short-term suspension of a student, the principal or designee will conduct a conference with the student and provide:

- An oral or written notice of the charges;
- An oral or written explanation of the evidence in support of the allegation(s); AND
- An oral or written explanation of the short-term suspension which may be imposed.

The student will be provided an opportunity to present his/her explanation of the allegation(s).

If a student is suspended, the principal or designee will notify the student’s parent/guardian of the reason for the suspension and its duration either orally and by U.S. mail as soon as reasonably possible. The notice will also address the parent/guardian’s right to an informal conference pursuant to state laws and board policy.

#### **Grievance and appeal process for short-term suspension**

Any parent/guardian or student who is aggrieved by the imposition of a short-term suspension will have the right to an informal conference with the principal or designee to resolve the grievance. At such conference the student and parent will be subject to questioning by the principal and will be entitled to question staff involved in the matter.

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

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days’ prior notice, will have the right to present a written or oral grievance to the board at its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance.

The board will notify the parent/guardian and student of its response to the grievance within ten (10) school business days after the date when the grievance was presented. The short-term suspension will continue unless the principal, superintendent or board elects to postpone such action.

#### **Emergency expulsion Conditions and limitations**

A student may be immediately removed from school prior to a hearing without other forms of corrective action if there is good and sufficient reason to believe that the student poses:

- An immediate and continuing danger to other students or school staff; OR
- An immediate and continuing threat of substantial disruption of the educational process.

Such emergency expulsion must end or be converted to another form of corrective action within ten (10) school days of the date of the expulsion. If the emergency expulsion is converted to another form of corrective action, the district will provide the student and/or

parents/guardians with notice and due process rights appropriate to the new corrective action.

#### **Long-term suspension Conditions and limitations**

The nature and circumstances of the violation must reasonably warrant a long-term suspension. As a general rule, no student will be long-term suspended unless other forms of corrective action to modify his/her conduct have previously been imposed.

#### **Expulsion Conditions and limitations**

Schools may not expel a student unless the student’s misconduct falls within one or more of the categories listed:

- An immediate and continuing danger to other students or school staff; OR
- An immediate and continuing threat of substantial disruption of the educational process.

The nature and circumstances of the alleged violation must reasonably warrant the harshness of expulsion. No student will be expelled unless other forms of corrective action to modify his or her conduct have failed or there is good reason to believe that other forms of corrective action would fail if used. The district will make reasonable efforts to assist students in returning to an educational setting prior to the end date of the expulsion.

An expulsion may not exceed the length of the academic term unless:

- The school petitions the superintendent for an extension; AND
- The superintendent authorizes the extension in compliance with the superintendent of public instruction’s rules adopted for this purpose.

Once a student is expelled, the expulsion will be brought to the attention of appropriate local and state authorities including juvenile authorities acting pursuant to the Basic Juvenile Court Act, so that such authorities may address the student’s educational needs.

Any elementary or secondary school student who is determined to have carried a firearm or to have possessed a firearm on school premises, school-provided transportation, or facilities while being used by schools, will be expelled from school for not less than one calendar year pursuant to RCW 28A.600.420 with notification to parents/guardians and law enforcement. The superintendent may modify the expulsion of a student on a case-by-case basis.

### **Grievance for Long-Term Suspension or Expulsion Notice of hearing for Long-Term Suspension or Expulsion**

The district will notify the student and his/her parents/guardians of the expulsion or long-term suspension and of their opportunity for a hearing by:

- Hand-delivery of written notice within twenty-four hours of expulsion or long-term suspension OR
- Certified letter mailed within twenty-four hours of the expulsion or long-term suspension (reasonable attempts to contact parents/guardians by phone or in person will also be made as soon as reasonably possible).
- The district's written and oral notice of emergency expulsion or long-term suspension and opportunity for hearing will:
  - Be provided in a language the student and/or a parent/guardian can understand, if other than English;
  - Specify the alleged reasons of the sanction
  - Set forth the date on which the sanction began and when it will end;
  - Set forth the right of the student and/or his or her parents/guardians to a hearing for purposes of contesting the allegations as soon as is reasonably possible; and
  - Set forth the facts that:
    - A written or oral request for hearing must be received by a designated school employee or his or her office on or before the end of the third school business day after receipt of the notice of opportunity for hearing; AND
    - If the request is not received within three school business days, then the right to a hearing may be deemed without any further opportunity for the student or his or her parent/guardian to contest it.

### **Prehearing and hearing**

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will immediately schedule and give notice of a hearing to commence as soon as reasonably possible and no later than the second school business day after receipt of the request for hearing.

The student and his/her parents/guardians have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce;
- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct;
- Present relevant affidavits, exhibits, and witnesses.

- The district has the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce.
- The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Either a tape-recorded or verbatim record of the hearing will be made.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due;
- Findings of fact as to the alleged misconduct;
- A conclusion as to whether the nature and duration of the proposed long-term suspension is appropriate or whether a lesser form of corrective action should be imposed.

Within one (1) school business day after the date upon which the hearing concludes, the hearing officer will issue the decision and the district will provide notice of such decision to the student and the student's parents/guardians and legal counsel, if any, by depositing a letter in certified U.S. mail.

If the hearing officer concludes in his/her decision that the emergency expulsion shall be converted to another form of corrective action, the district must provide notice of all due process rights to the student and parent/guardian for the appropriate corrective action. For appeals from a hearing officer decision regarding an emergency expulsion, see

### **Other Provisions Continuation of educational services**

The district will not suspend the provision of educational services during a period of any suspension or expulsion and will provide the student the opportunity to receive such services.

### **Readmission**

Any student who has been suspended or expelled will be allowed to make application for readmission at any time in accordance with district policy and procedure.

### **Discipline of Special Education Students**

Specific directions regarding appeal of disciplinary actions as they pertain to special education/handicapped students can be obtained through the Fife School District Assistant Superintendent's Office.

### **Student Discipline Cumulative Records**

Discipline files will be kept for each student throughout their elementary careers. These files may be used as a reference in determining patterns of behavior for which corrective action is necessary. Progressive corrective action or punishment for inappropriate behavior patterns or similar cumulative violations may be assigned based upon these records.

Discipline files will be kept for each student throughout their secondary careers. These files may be used as a reference in determining patterns of behavior for which corrective action is necessary. Progressive corrective action or punishment for inappropriate behavior patterns or similar cumulative violations may be assigned based upon these records.

Fife School District does not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal by a person with a disability and provides equal access to the Boy Scouts and other designated youth groups. The following employees have been designated to handle questions and complaints of alleged discrimination: Title IX Coordinator, Ben Ramirez, Assistant Superintendent: [bramirez@fifeschools.com](mailto:bramirez@fifeschools.com). Section 504/ADA Coordinator, Nancy Fitta, Director of Special Programs: [nfitta@fifeschools.com](mailto:nfitta@fifeschools.com) Fife Public Schools: 5802 20th St. E., Tacoma, WA 98424, [253.517.1000](tel:253.517.1000).

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Kevin Alfano Superintendent  
Ben Ramirez Assistant Superintendent

School Principals:

Ron Ness	Fife High School
Mark Robinson	Columbia Junior High School
Mark Beddes	Surprise Lake Middle School
Josh Goodman	Endeavour Elementary School
Don Sims	Hedden Elementary School
Julie Bartlett	Discovery Primary School

# Student Discipline and Due Process Procedures



The mission of Fife Public Schools is to provide an engaging and safe environment where learning is linked to life.

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