



# Emergency Expulsion Converted to Suspension

Student Name  School

Beginning Expulsion Date  Converted to Suspension on

day(s) suspension (including expulsion) Effective date(s) (including expulsion) :

May return to school on:   Section 504  IEP

Educational Services Provided:

- You are entitled to request an informal conference pursuant to WAC 392-400-460 (copy enclosed) with the Principal or designee for the purpose of resolving any disagreements you may have concerning this action. The suspension will continue while you access the due process procedures.
- You are entitled to request an appeal hearing within five (5) school business days of the receipt of this notice pursuant to Arlington Public Schools Board Procedure 3241P and WAC 392-400-465 (copy enclosed) for the purpose of sharing/explaining the behavioral violation. *(Please refer to the Arlington District Calendar to determine school business days during the month.)*
- To request a hearing, contact the District Administration Office at 360-618-6207 or send a written request to:

Director of Equity and Student Well Being  
Arlington Public Schools  
315 N French Ave  
Arlington, WA 98223

- A student serving an out-of-school suspension is not allowed to be on school district property or participate in or attend any school activities for the duration of the suspension. Failure to comply will result in further discipline.
- Absences from an out-of-school suspension are excused absences and all work may be made up for credit.
- Upon arrival at school after the suspension, you student must check-in at the office and complete a re-entry conference with the Principal or designee prior to returning to their regular schedule.

We invite you to contact us so we can attempt a cooperative approach toward corrective action producing a more positive and satisfactory adjustment in school.

Date

Signature

Name

Email:

Title

Phone:           —           —

cc: Superintendent's Office; Director of Equity and Student Well Being; Executive Director of Teaching & Learning; Executive Director of Human Resources; Director of Special Education (Special Education Only); Transportation Department

## WAC 392-400-460

### Suspensions and expulsions --Optional conference with principal.

- (1) **Requesting a conference.** If the student or parents disagree with the school district'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.
- (2) **Time limit.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
- (3) **Conference.** During the informal conference, the principal or designee must provide the student and parents the opportunity to:
  - (a) Share the student's perspective and explanation regarding the behavioral violation;
  - (b) Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
  - (c) Discuss other forms of discipline that may be administered.
- (4) **Language assistance.** The school district 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.
- (5) **Right to appeal.** 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.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-460, filed 7/30/18, effective 7/1/19.]

## WAC 392-400-465

### Suspensions and expulsions --Appeal.

- (1) **Requesting an appeal.** A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.
- (2) **Time limit.** A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.
- (3) **Short-term and in-school suspensions.**
  - (a) **Appeal.** The superintendent or 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.
  - (b) **Appeal decision.** The superintendent or 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 school district will offer to the student during the suspension under WAC 392-400-610; and
    - (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request.
  - (c) **Long-term suspensions and expulsions.**
    - (a) **Notice.** 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(s) of the official(s) presiding over the appeal;
      - (iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;
      - (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 under (e) of this subsection;
      - (v) The student's and parents' rights under (f) of this subsection; and
      - (vi) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.
    - (b) **Reengagement.** Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.
    - (c) **Appeal hearing.** The school 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.
    - (d) **Presiding officials.** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.
  - (d) **Evidence and witnesses.**
    - (i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school 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.
    - (ii) 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.

- (iii) 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:
  - (A) The district made a reasonable effort to produce the witness; and
  - (B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- (iv) **Student and parent rights.** During the appeal hearing, the student and parents have the right to:
  - (i) Be represented by legal counsel;
  - (ii) Question witnesses;
  - (iii) Share the student's perspective and provide explanation regarding the behavioral violation; and
  - (iv) Introduce relevant documentary, physical, or testimonial evidence.
- (v) **Recording of hearing.** The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.
- (vi) **Appeal decision.** The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) 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:
  - (i) The findings of fact;
  - (ii) A determination whether:
    - (A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;
    - (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;
  - (iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
  - (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and
  - (v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710 and the contact information for the person who will coordinate scheduling of the reengagement meeting.
- (vii) **Language assistance.** The school 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.
- (viii) **Pending appeal.** If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:
  - (a) The school 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;
  - (b) 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;
  - (c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

[Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-465, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-465, filed 7/30/18, effective 7/1/19.]