

# WHAT EVERY PARENT NEEDS TO KNOW



## DISCIPLINE IN PUBLIC SCHOOLS

A HANDBOOK FOR PARENTS WITH CHILDREN IN ELEMENTARY AND  
SECONDARY PUBLIC SCHOOLS IN THE STATE OF WASHINGTON



## TeamChild®

TeamChild is a non profit agency that was founded in 1995 to work directly with youth who were involved in or at risk of involvement in the juvenile justice system. TeamChild provides civil legal representation and advocacy to help youth secure appropriate educational services, mental health & medical evaluation and treatment, safe and stable living situations, and other community based supports. TeamChild currently has offices in King, Pierce, Snohomish, Spokane and Yakima counties. TeamChild also provides a wide range of community legal education and training statewide for lawyers, advocates, families and youth. For more information about TeamChild, visit [www.teamchild.org](http://www.teamchild.org).

## Office of the Education Ombuds

The Office of the Education Ombuds (OEO) is an agency within the Governor's Office that provides information regarding elementary and secondary public education, promotes family and community involvement in schools, helps resolve problems between families and educators, and makes recommendations to public officials.

OEO promotes equity in education and the academic success of all students attending elementary and secondary public schools in Washington State.

All of OEO's resources and services are free and available Monday through Friday from 8 am to 5 pm. For consultation over the phone with an Education Ombuds or to receive resource materials about other education issues, call toll-free **1-866-297-2597**. Interpreter services are available in over 100 languages. **For additional information, visit OEO's website at [www.oeo.wa.gov](http://www.oeo.wa.gov).**

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This publication is an adaptation of portions of the manual, *Make a Difference in a Child's Life: A Manual for Helping Children and Youth Get What They Need in School*, written and produced by TeamChild in partnership with Casey Family Programs. For a copy of the *Make a Difference* manual, visit [www.teamchild.org](http://www.teamchild.org) or call TeamChild at (206) 322-2444.

This publication provides basic information on education law in Washington State. While it provides information about the law, it is not legal advice, and is not in any way intended to be a substitute for legal advice or representation. If you need legal advice, please contact a lawyer who can look at the specifics of a particular situation and apply the law.

**Keep in mind that laws change and that the law explained in this publication may have changed since it was written. Consult with an attorney who knows this area of law to make certain that it is still valid.**

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# Discipline in Public Schools

## The 3 Most Important Things to Remember about Discipline

- ◆ Students have a right to an education, even if they misbehave at school.
- ◆ Students have a right to challenge schools if the punishment for misbehavior is not fair or if there is a disagreement about what happened.
- ◆ Students have a right to due process.

## I. Introduction

Schools must make sure that students have a chance to tell their side of the story and voice an opinion about whether the punishment is fair.

Every child and young person has a right to education. The right to education is an important one that is protected by Washington’s laws. Along with those rights, students have responsibilities, including following rules. If rules get broken, school districts can impose punishment to try to correct the behavior or to prevent it from happening again. Schools must make sure that students have a chance to tell their side of the story and voice an opinion about whether the punishment is fair. This publication gives information about the ways that a school district can try to correct or punish behavior. It also has tools for you to challenge discipline when it’s not fair or right for your child.

The laws and policies cited in this publication can be found in the Revised Code of Washington (RCW) in [Chapter 28A.600](#) and in the Washington Administrative Code (WAC) in [Chapter 392-400](#). You can find both state laws (RCWs) and rules (WACs) at [www.leg.wa.gov](http://www.leg.wa.gov).

## II. How and Why Students Can be Disciplined



### Where you can have an impact

Different schools sometimes have different rules, and students won't necessarily know what the rules are, or how to follow them, without your help.

Understanding the rules and showing an interest in your child's education are good ways of keeping problems from happening.

Take time to talk with your child and help him or her make good decisions about what is worn or brought to school.

### What are my child's responsibilities at school?

Students must:

- Attend school and be on time to classes
- Follow school rules
- Behave on the bus and follow the driver's directions
- Show respect to other students and school staff
- Not bring drugs, alcoholic beverages or tobacco products to school
- Not have weapons on school property or carry weapons on the way to and from school. A weapon is anything that can be used to threaten or intimidate people
- Not participate in any gangs or gang-related activity at school. A "gang" means a group of three or more people, with a leader, that regularly plans and acts together to do illegal things. Schools often have policies forbidding students from using gang signals, wearing gang symbols or colors, recruiting gang members, or advertising that they are in a gang.

### How does my child know what behavior is expected?

All students, including your child, should receive a copy of the school rules. If your child didn't get one, ask for it from the school office.

Read the school rules together. If they are confusing, ask the school Principal for clarification.

### What happens if my child misbehaves or breaks the rules at school?

Teachers and school administrators can use a variety of methods to discipline students.

For example, districts can:

- Send a student home early
- Require a conference with the teacher or Principal
- Impose an in-school suspension or detention that separates the student from other students
- Refer the student for outside help such as counseling or a drug and alcohol evaluation
- Immediately remove the student from school on an emergency expulsion
- Suspend the student for a certain number of days
- Expel the student for up to one academic term
- Call the police or make a referral to juvenile court if a crime is alleged to have been committed.

### III. Limits on Discipline

#### Are there limits to the discipline that a school district can impose on my child? *Yes.*

Teachers and other school staff may not verbally or physically abuse students.

All students are also entitled to an opportunity to challenge the punishment.

#### What is corporal punishment, and is it allowed in schools?

Corporal punishment means intentionally causing physical pain to a student. It has not been allowed in Washington State since September 1, 1994. The ban on corporal punishment does not include situations where a school staff person uses reasonable physical force as necessary to control spontaneous behavior that poses an imminent likelihood of serious harm.

### IV. Student Rights When Removed from School

#### What are my child's rights if he or she is kicked out of school?

The school administrator (usually a Principal or Vice Principal) must:

1. Tell your child that he or she will be suspended or expelled;
2. Give reasons for kicking your child out;
3. Explain which rule was broken;
4. Give your child a chance to tell his or her side of the story; and
5. Provide access to alternative educational services so your child can continue learning even while suspended or expelled.



The alternative educational services should be comparable, equitable and appropriate to the regular education services a student would have received.

A student's rights are slightly different depending on what punishment the district proposes. The rest of this publication discusses rights and procedures for challenging:

- A short-term suspension
- A long-term suspension
- Expulsion
- Emergency expulsion.

## V. Short-Term Suspension

### Where you can have an impact

Challenging a short-term suspension

Ask for an informal conference to talk about the bad behavior.

Work with school staff on ways to prevent the problem behavior from happening again.

### What is a short-term suspension?

A suspension for ten school days or less is called a short-term suspension.

### What are my child's basic rights if short term suspended?

Schools must try other ways to correct problem behavior before using a short-term suspension.

A student serving a short-term suspension must be allowed to make up missed schoolwork if the suspension will have a substantial effect on grades or prevent the student from getting credit for the course.

Kindergarten to 4<sup>th</sup>-graders can be short-term suspended for a total of up to 10 days in a term. Students in grades 5 and above can be short-term suspended for a total of up to 15 days in a semester or 10 days in a trimester.

### What is the process?

Students have the right to an informal conference with school district administration **before** serving the suspension. The student has a right to give his or her side of the story at the informal conference.

Before the informal conference, the school must give the student an oral or written notice describing:

1. The alleged bad behavior.
2. The school district rule that was broken.
3. An explanation of the facts showing that the bad behavior really happened.
4. An explanation of the corrective action or punishment that the school district wants to impose.

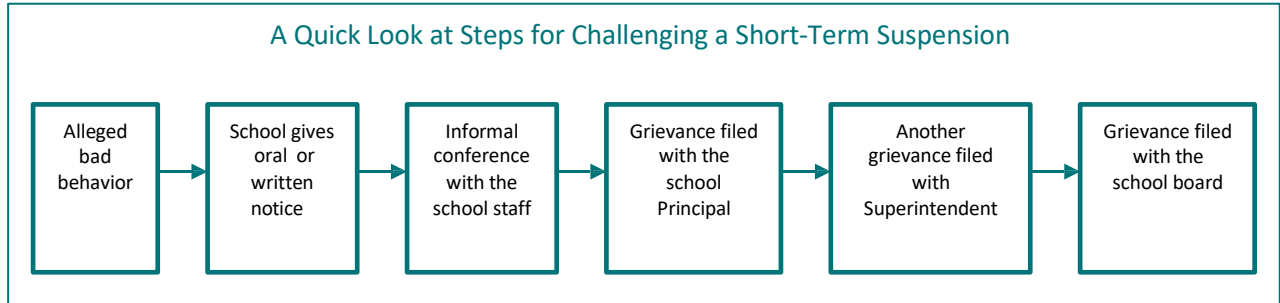
If the suspension is going to last more than one calendar day, the district must provide written and/or oral notice to the student's family.

### What if my child is still unhappy with the short-term suspension after an informal conference?

Students and their families can file a grievance with the school Principal. A grievance is a statement of why the student is unhappy with the short-term suspension. The Principal must hold an informal conference to try to resolve the grievance. During the conference, the Principal can ask questions of the student, the student's parent or guardian, and the school staff involved in the matter.

If a student or his or her family is still unhappy after the grievance conference, another grievance can be filed with the Superintendent and then a third with the school board. Further challenge of the short-term suspension would most likely need to occur in court.





## VI. Long-term Suspension

### Where you can have an impact

Challenging a long-term suspension

Request a hearing as soon as you receive a notice. Timelines are very short, in this case three school business days. If you miss the timeline, you may lose your chance to challenge the suspension.

Put the hearing request in writing.

Deliver it to the school or board office, whichever is specified in the notice.

Keep a copy of your request. Ask the person receiving it to stamp or write the date and his or her initials on your copy.

Expect the hearing to be scheduled within three days.

### What is a long-term suspension?

An exclusion from school for a definite period of time that lasts more than 10 school days in a row is a long-term suspension (LTS).

A long-term suspension may not last longer than the total number of days in *one academic term*, as defined by the school district. That means a long-term suspension cannot be more days in total than the total number of school days within the district's "academic term." For example, if a district defines an academic term as 90 school days, then a long-term suspension may not be longer than 90 school days. If a district defines an academic term as 60 school days, then an expulsion may not be longer than 60 school days.

### What are my child's basic rights if long-term suspended?

The nature and circumstance of the rule violation must warrant a long-term suspension. This means that the punishment must be appropriate for the bad behavior.

School districts may not impose a long-term suspension as a form of "discretionary discipline." "Discretionary discipline" is a disciplinary action taken by a district for student behavior that violates the rules of student conduct, **except**:

1. A violation of the prohibition against firearms on school premises, transportation, or facilities;
2. Certain violent offenses, sex offenses, offenses related to liquor, controlled substances, toxic inhalants, certain crimes related to firearms, assault, kidnapping, harassment, and arson;
3. Two or more violations within a three-year period of criminal gang intimidation or other gang activity on school grounds, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property; or
4. Behavior that adversely impacts the health or safety of other students or educational staff.

For any other violations of school rules, school districts may not use long-term suspension as a punishment.

For any violation of a school rule, including ones other than the offenses listed above, the school should first try other ways to address the behavior, unless the rule violation is "exceptional misconduct." Exceptional misconduct is a category of bad behavior that can be punished more harshly. School districts should have a list of what falls into the exceptional

misconduct category. If it is not listed in your school rules, ask the school district for a copy.

Students in Kindergarten through 4<sup>th</sup> grade cannot be given long-term suspensions.

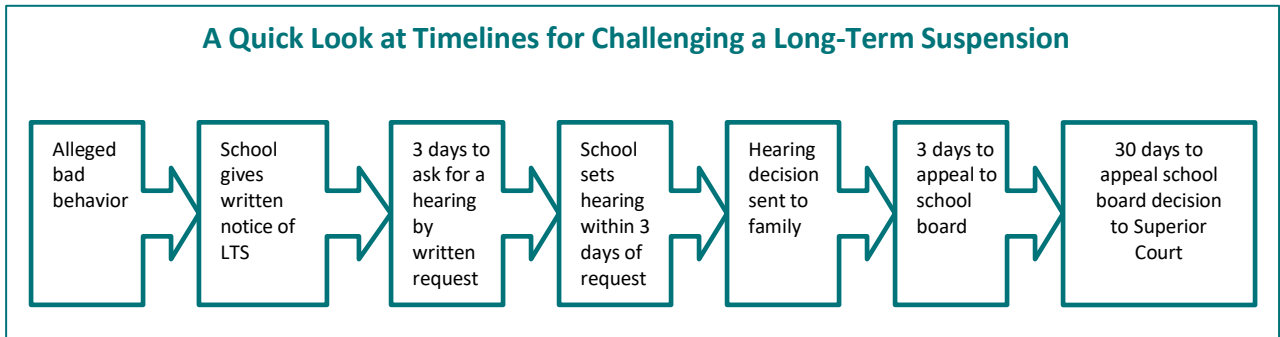
Students in 5<sup>th</sup> grade or above cannot be given a long-term suspension if it will cause a loss of academic grades or credit for more than one semester or trimester during the same school year.

Students have three school business days to request a hearing to challenge the long-term suspension.

**See Section XI below for Educational Services While student is Suspended or Expelled.**

**What is the process?**

- Schools must give written notice to you and your child before imposing the long-term suspension.
- The notice must be delivered in person or by certified mail.
- The notice must:
  - Be in the predominant language of your family
  - Describe the things your child is supposed to have done wrong
  - Identify the rule that was broken
  - Describe the punishment
  - Explain the right to a hearing, how to request a hearing, and the timelines for making a request.



## VII. Expulsion

### Challenging an expulsion

Request a hearing as soon as you receive a notice. Timelines are very short, in this case three school business days. If you miss the timeline, you may lose your chance to challenge the expulsion.

Put the hearing request in writing. Deliver it to the school or board office, whichever is specified in the notice. Keep a copy of your request. Ask the person receiving it to stamp or write the date and his or her initials on your copy.

Expect the hearing to be scheduled within three days.

### What is an expulsion?

An expulsion is an exclusion from school for a period of time up to but not longer than one academic term. An expulsion can also include a denial of admission to or entry onto property owned, leased, rented, or controlled by a school district.

An expulsion may not last longer than the total number of days in *one academic term*, as defined by the school district. That means an expulsion cannot be more days in total than the total number of school days within the district's "academic term." For example, if a district defines an academic term as 90 school days, then an expulsion may not be longer than 90 school days. If a district defines an academic term as 60 school days, then an expulsion may not be longer than 60 school days.

### What are my child's basic rights if expelled?

The nature and circumstance of the rule violation must warrant the harshness of an expulsion. Expulsions are usually used for very serious violations of school rules.

School districts may not impose an expulsion as a form of "discretionary discipline." "Discretionary discipline" is a disciplinary action taken by a district for student behavior that violates the rules of student conduct, **except:**

1. A violation of the prohibition against firearms on school premises, transportation, or facilities;
2. Certain violent offenses, sex offenses, offenses related to liquor, controlled substances, toxic inhalants, certain crimes related to firearms, assault, kidnapping, harassment, and arson;
3. Two or more violations within a three-year period of criminal gang intimidation or other gang activity on school grounds, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property; or
4. Behavior that adversely impacts the health or safety of other students or educational staff.

For any other violations of school rules, school districts may not use expulsion as a punishment.

For any violation of a school rule, including ones other than listed above, the school should try other ways to address the behavior first, unless

other ways have been tried and failed or there is good reason to believe that other forms of corrective action or punishment wouldn't change the student's behavior.

Expelled students can ask to be readmitted at any time.

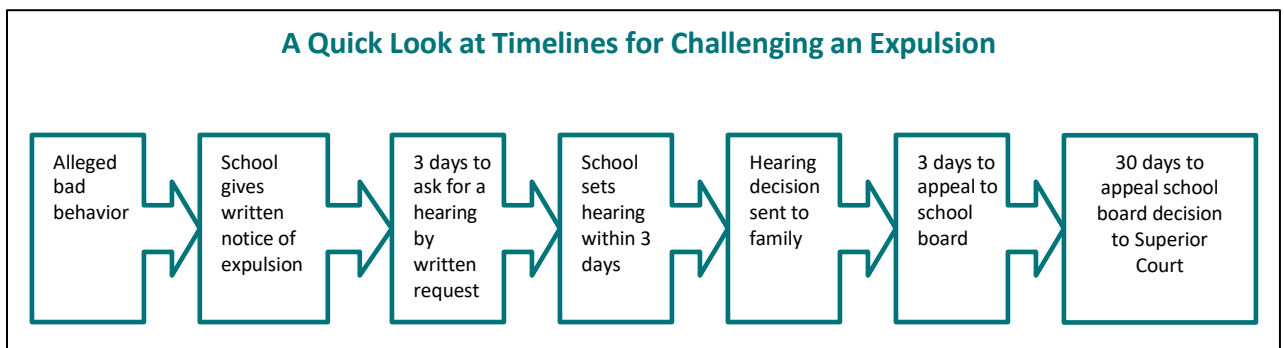
**See Section XII in this publication, which talks about petitioning for readmission.**

Students have three school business days to request a hearing to challenge the expulsion.

**See Section XI below for Educational Services While student is Suspended or expelled.**

### What is the process?

- Schools must give written notice to you and your child before imposing the expulsion.
- The notice must be delivered in person or by certified mail.
- The notice must:
  - Be in the predominant language of your family
  - Describe the things your child is said to have done wrong
  - Identify the rule that was broken
  - Describe the punishment
  - Explain the right to a hearing, how to request a hearing, and the timelines for making a request.



## VIII. Emergency Expulsion

### What is an emergency expulsion?

An immediate removal from school for up to but not more than ten consecutive school days is an **emergency expulsion**.

### What are my child’s basic rights if emergency expelled?

Districts can expel students on an emergency basis only when there is good and sufficient reason to believe that a student’s presence would be unsafe to him/herself or to others. Districts can also order an emergency expulsion if a student’s presence presents an immediate and continuing threat of substantial disruption to the education process.

Emergency expulsions may last no more than ten consecutive school days. An emergency expulsion must end or be converted to another form of corrective action within 10 school days from the date of the expulsion. The district must provide notice and due process rights again if it converts the emergency expulsion to another form of corrective action.

### What is the process?

- Schools must give written notice to you and your child.
- The notice must be hand-delivered or sent by certified mail within 24 hours of the expulsion.
- In addition to the written notice, the school must try to notify you and your child by telephone or in person as soon as reasonably possible.
- The written and oral notice must:
  - Be in the predominant language of your family
  - Describe the things your child is said to have done wrong
  - Identify the rule that was broken
  - Describe the punishment
  - Explain the right to a hearing, how to request a hearing, and the timelines for making a request.

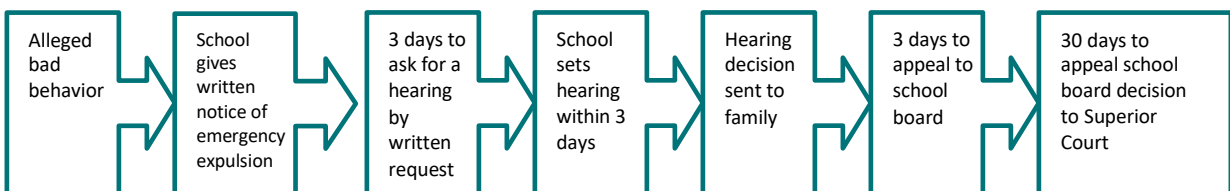
### Where you can have an impact

Challenging an emergency expulsion

Make a written request for a hearing as soon as you receive a notice. Timelines are very short, in this case within three school business days after receiving the notice.

If you miss the timeline, you may lose your chance to challenge the emergency expulsion.

### A Quick Look at Timelines for Challenging an Emergency Expulsion



## IX. Discipline Hearings

### What should I know about discipline hearings?

A discipline hearing is an opportunity for your child to challenge the claims that he or she did something wrong. Even if your child admits to the wrongdoing, the hearing can be used to make sure that the punishment is fair.

### When will it be scheduled?

Once a hearing is requested, the school district must schedule it within 3 school business days. If you need to, ask the school district for more time to prepare or to find an attorney.



### Who will make decisions at the hearing?

A hearing officer appointed by the school district will make a decision after listening to your child and the district give their sides of the story. The hearing officer can be an employee of the school district but cannot be someone who is also a witness. This means that the hearing officer can't be someone who took part in the original decision to suspend or expel the student.

### What can I expect at the hearing?

The hearing can be formal or informal depending on how the hearing officer wants to handle it. The hearing is tape-recorded. Usually, the district will go first and present documents, witnesses, and reasons why your child should be punished. You and your child will also get an opportunity to present documents, witnesses, and reasons why your child should not be punished in the way proposed by the district.

The hearing officer may make a decision at the end of the hearing or wait to send it in writing. Even if the decision is given orally, the hearing officer must also send a written decision to you and your child. Hearing officers must make decisions about emergency expulsion hearings within one school business day after the hearing.

### What can I do to prepare for a discipline hearing?

- See the Office of the Education Ombuds' publication on [How to be an Education Advocate](#). The Section on hearings has many helpful hints about how to prepare for a hearing.
- Look at the school district's evidence. Before the hearing, you have a right to review the information that the school district plans to present. Ask for it.
- Prepare your case by figuring out where you disagree with the district—think about whether you agree with the facts and the

### Where YOU can have an impact

Although sometimes it is helpful to have an attorney for school discipline hearings, it is not necessary. You can be a strong advocate for your child.

Discipline hearings are informal, and provide an excellent opportunity not only to challenge whether your child did what the school says he or she did, but also whether the punishment is appropriate. Districts will often reduce disciplinary sanctions when people supporting the student work with the district to develop a plan for re-entry into school.

fairness of the punishment. Is there another explanation of what happened?

- Bring documents and witnesses to the hearing. They should support your side of the story or your proposal for corrective action. Make 3 copies of the documents you want to present—one copy for the hearing officer, one copy for the school district, and one copy for you to use. Write out questions that you want to ask your witnesses.
- Think of what school district witnesses might say (or not say) at the hearing. You have a right to ask them questions. You also have the right to question the people accusing your child of bad behavior.
- Bring a lawyer if you can. Students and their families have a right to be represented by legal counsel.

### What if we lose the hearing?

You will receive a written hearing decision. It will tell you whether you won or lost the case. Read it and decide if you want to have another decision-maker review it. This is called an appeal. Both parents and students have a right to appeal a hearing officer's decision. **The appeal must be requested within 3 school business days of receiving the hearing officer's decision.** The hearing decision should give you instructions about when and how to appeal.

Appeals are heard by the School Board, and sometimes an Appeals Council designated by the School Board.

A meeting will be set up within 10 school business days of the request for an appeal. You and your child should be given the opportunity to present your case. The School Board or an Appeals Council will decide whether to study the record and make its own decision, hear further argument, or hear the case *de novo* (basically start all over again). Further appeal would be to Superior Court.



**X. Behavior Charged as a Crime****Can the school district call the police if my child gets in trouble?**

Yes.

Schools can report crimes committed by students.

**What if the incident is filed as a crime?**

If the misconduct at school is referred to juvenile court and is charged as a crime, your child will have either a public defender or other criminal defense attorney to represent him or her. Be sure to encourage your child to talk to his or her defense attorney to determine how the school discipline case might affect the criminal case. For example, it may not be a good idea for your child to make statements in a school discipline hearing if the criminal matter has not yet been resolved. Those statements could be used against your child in the criminal case.

The defense attorney should also be made aware of any disabilities that might impact whether your child should be charged or not. For example, if your child has a very low I.Q., the court may decide that it isn't right to take the case through the juvenile court process.

## **XI. Education While Suspended or Expelled**

### **Does my child have a right to educational services during a suspension or expulsion if my child is in general education?**

Yes.

School districts may not suspend the provision of educational services to a student as a disciplinary action.

School districts must provide all suspended and expelled students an opportunity to receive educational services. Students may be excluded from particular classrooms or instructional or activity areas for a defined period of suspension or expulsion. However, following the imposition of a suspension or expulsion, districts are required to provide educational services as soon as reasonably possible.

When educational services are provided in an alternative setting, the alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. The regular educational services provided during suspension or expulsion should include appropriate services for the individual student, for example, English language development services for eligible English Learner (EL) students.

Some examples of ways school districts may provide these alternative educational services include:

- Alternative high schools;
- One-on-one tutoring;
- Online learning;
- Alternative Learning Experience (ALE) (where the learning takes place primarily outside of the traditional school setting); or
- An appropriate course of study (for example, through contract with another district or other provider).

While a student may enroll in another program to receive educational services, school districts should make efforts to have suspended or expelled students return to their regular educational setting as soon as possible.

If a student is short-term suspended, enrollment in another program will not generally be practical. For short term suspensions, schools may consider using in-school suspension where students can have access to regular assignments, their regular teachers and/or another certified teacher. If in-school suspension is not an option, students might be assigned to a different district program for the period of suspension.

Regardless, students must be given an opportunity to make up any missed assignments or tests if they might affect the student's grades or credits.



Keep the lines of communication open with the school, so that you can try to avoid the need for school discipline before it is imposed. Know about your child's behavior at school by keeping in touch with teachers and administrators. Whenever there is an incident at school, ask for a meeting to talk about it. This will help you and the school address problem behavior better and also make sure the school is following the rules when imposing discipline. When behavior has been a consistent problem, consider making a special education referral to evaluate your child. This could help determine whether there is a more serious emotional or behavioral disorder impairing your child's ability to learn. Your child may be eligible for help. See the Office of the Education Ombuds' publication on [\*Protecting the Educational Rights of Students with Disabilities in Public Schools\*](#) for information on special education referrals. Finally, keep all of the documentation you receive about school discipline.

## XII. Reengagement with School After an Expulsion or Suspension

### How and when can my child get back into school after an expulsion or suspension?

Every expulsion or suspension must have an end date. That is, a date when the student can return to school. Even before the end of the expulsion or suspension, the school should work with the student to keep up with learning. There are also ways students can return to school before the date set for the end of the suspension or expulsion. You can:

- **Contact** the school principal to ask about how to **get started with alternative educational services** and **schedule a [re-engagement meeting](#)** (read more below about re-engagement meetings).
- **Petition for readmission**—ask to be let back into school. Students have a right to petition for readmission at any time before the expulsion or suspension runs out
- Try **enrolling in another school** or district.



### What are alternative education services that must be provided to my student during the expulsion and suspension and how do I find out what is available in my district?

Alternative education means public education provided in a setting or way that is different from the regular public school.

When educational services are provided in an alternative setting, the alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. The regular educational services provided during suspension or expulsion should include appropriate services for the individual student, for example, English language development services for eligible English Learner (EL) students.

Some examples of ways school districts may provide these alternative educational services include:

- Alternative high schools;
- One-on-one tutoring;
- Online learning;
- Alternative Learning Experience (ALE) (where the learning takes place primarily outside of the traditional school setting); or

- An appropriate course of study (for example, through contract with another district or other provider).

Some school districts offer alternative education through re-entry programs, internet or computer learning classes, community colleges, and special schools.

Schools should contact the student and family to set up a plan for alternative educational services. If you have not heard from the school or district within a few days of the suspension or expulsion, try contacting the school principal or superintendent's office to ask how to get started with the alternative educational services. You can ask the school or district to work with you to identify an alternative option that will be practical and appropriate for your student.

### **What is a Re-engagement Meeting and how can I prepare for it?**

Anytime a student is suspended or expelled for more than 10 days, the school district must invite the student and family to a meeting to plan for the student's return to school.

The goal of the re-engagement process is to support the student's ability to be successful in school when they return after a long-term suspension or expulsion. School districts must convene a reengagement meeting with a student and family when a long-term suspension or expulsion is imposed and try to return the student to their school of origin.

The school or district must contact the family and student to schedule a meeting and begin the process of working out a re-engagement plan.

Families must have an opportunity to give meaningful input to the plan. Re-engagement plans must be culturally sensitive and culturally responsive – they should take into account a student's cultural background, traditions and strengths.

School districts should work to have suspended or expelled students return to an educational setting they were in as soon as possible. In order to do this, a re-engagement meeting must be held either:

- Within 20 days of the start of the suspension or expulsion if it is for longer than 20 days; or
- No later than 5 days before the student will return to school if the suspension or expulsion is less than 20 days.

In developing the plan, districts should consider shortening the length of the suspension or expulsion. The plan should also include steps to

support the student’s continued academic progress and keep the student on track to graduate.

Plans should be tailored to the individual circumstances of the student. The plan should take into account the incident that led to the suspension or expulsion and help the student identify and take steps to remedy the situation caused by the student’s behavior.

You can read more about preparing for Re-engagement meetings in OEO’s [Tips for Families](#), available at [www.oeo.wa.gov](http://www.oeo.wa.gov) and also attached as an appendix in this guide.

### **What is a petition for readmission and how is it done?**

Students who have been excluded from school can ask to be readmitted into school at any time during the exclusion.

School districts must develop policies regarding readmission requirements. Ask for a copy of the readmission process. If the school district does not have a readmission policy, ask the Principal or Superintendent’s office for information. You can ask questions like:

- Where should the petition for readmission be sent?
- What should be included in the petition?
- Who decides whether to approve or deny the petition?
- Will there be an opportunity to speak to the decision-makers?
- Can my child bring people to help make the case for readmission?
- Are there any expectations that my child should try to meet in order to get the petition approved?

School districts are not required to accept all students who petition for readmission prior to the end of a suspension or expulsion. A petition for readmission might be more successful if your child takes special care in putting it together.

### **How can I make the petition for readmission strong?**

1. Gather information about positive things your child has done since the incident, such as:
  - Getting into counseling
  - Completing anger management
  - Participating in drug/alcohol treatment
  - Attending another school program
  - Working
  - Participating in activities with peers—sports, arts classes, camp, etc.

- Being involved in organized groups—church, scouts, team sports
  - Volunteering and community service.
2. Ask other adults, mentors, and supervisors to write letters of support.
  3. Bring supporters to the meeting where the petition for readmission is reviewed.
  4. Help your child outline his or her goals, strengths, and interests. Include this information into the petition for readmission.
  5. Think creatively about ways that your child could return to school. For example, if the district seems reluctant to grant the petition, try proposing that your child return to school for a probationary period, attend half days, abide by a behavior plan, or get extra support. The district may be more willing to let your child back in gradually or with support.

### **XIII. Conclusion**

Education is critical to a young person's success, and it is a right in Washington. If your child misbehaves or has problems in school, have confidence in him or her and be an advocate. Help your child get back on track and turn mistakes into opportunities to learn.





## Action Points – Discipline in Public Schools

If you feel that you have hit a dead end or you are stuck trying to get help for your child, read this list for ideas about possible steps you can take to move things forward. **Remember, you can be a strong advocate for your child!**

- Read the front and back of all notices.
- Look for and follow instructions for requesting a hearing or conference.
- Act quickly; timelines are short.
- Request a hearing. Prepare by:
  - Gathering records
  - Preparing questions for witnesses
  - Making 3 copies of important documents for the hearing
  - Bringing a lawyer or advocate to the hearing if you can
  - Appealing the hearing officer decision if you disagree.
- Talk to a lawyer to get advice on student rights.
- Talk to your child's public defender if there are criminal charges.
- Petition for readmission by writing a letter to the Superintendent.
- Get outside help to address the problem behavior.
- Help construct creative ways to deal with problem behavior. Suspension/expulsion is just one way, and it might not be the most effective.

## Key Terms – Discipline in Public Schools

<b>appeal</b>	A request for a person or entity (such as the School Board) to review a decision. The appeal is made to the person or entity with authority to change the earlier decision. Usually appeals must be made within a certain time period.
<b>day</b>	In general, a day means a calendar day unless otherwise specified. “Calendar day” means all days, weekdays, and weekends. “School day” means any day, including a partial day, in which students are at school for instructional purposes. “Business day” means Monday through Friday, except for state and federal holidays. Note that in some cases, “business day” includes holidays. What is counted as a day is different under different laws. Be sure to check the definition section of whichever law governs your situation.
<b>discipline</b>	All forms of corrective action or punishment used with students, except a suspension or expulsion from school.
<b>due process of law</b>	A legal concept that ensures that a person will be notified and have an opportunity to be heard before a public entity denies, reduces, or terminates a person's rights.
<b>emergency expulsion</b>	Immediate removal from school or class for up to, but not more than 10 consecutive school days.
<b>expulsion</b>	Removal from school, class, and sometimes district property for up to but not more than the period of time equal to one academic term as defined by the school district.
<b>Hearing Examiner/Officer</b>	The decision-maker in school discipline hearings. The hearing examiner/officer is often an employee of the school district.
<b>long-term suspension</b>	An exclusion from school for more than 10 days but not more than the period of time equal to one academic term as defined by the school district.
<b>notice</b>	Notification of action, such as a school district’s suspending a student or changing a special education student’s placement. Depending on the action, notices usually contain information about legal rights to appeal the decision.
<b>petition for readmission</b>	A request to a school district, often made to the superintendent, for a student to return to school prior to the end of an expulsion or suspension.
<b>School Board</b>	The board of directors for a school district. The School Board manages the operation of the school district and has broad power to adopt policies and implement educational programs, activities and services.

## REENGAGEMENT MEETINGS - TIPS FOR FAMILIES

**School districts are required to create reengagement plans for every student excluded from school for 10 or more days.**

### WHAT HAPPENS AFTER A STUDENT GETS LONG-TERM SUSPENDED OR EXPELLED?

When your student is expelled or suspended for longer than 10 school days, the school district must work with you and your student to create an appropriate, culturally responsive and culturally sensitive reengagement plan. The school district should contact you to invite you to a reengagement meeting. This should happen within 20 days of the suspension or expulsion if it is for more than 20 days, and no more than five days before the end of the suspension or expulsion if it is for less than 20 days. Make sure the meeting is set for a date and time that works for you and your student.

### WHAT ARE THE BENEFITS OF A REENGAGEMENT MEETING ?

The meeting gives you, your student, and the school from which your child was suspended or expelled an opportunity to:

- 1) Establish a plan for ensuring safety for all;
- 2) Discuss the possibility of allowing the student to return to their school earlier;
- 3) Collaboratively develop a plan to address and amend the situation that led to your student's exclusion;
- 4) Help reconnect you to the school thereby improving your student's ability to succeed in school and life.

### HOW SHOULD I PREPARE FOR THE MEETING?

- Talk with your student and think together about your goals for returning to school.
- Reflect on how your student's behavior might have looked through the school's eyes.
- Prepare a list of suggestions for support and skills your student might need to prevent future problems.
- Reflect on the facts as you know them and be prepared to share those with the school.
- Review the model meeting template as an option for use at the meeting (on back of page).

### AT THE MEETING?

- Acknowledge common goals you may share (see template).
- Hear the administrator out. Let them tell their side of the story. You don't have to agree.
- Discuss how all parties could repair damaged relationships that led to or resulted from the incident.
- Review how the alternative educational services offered by the school are working for your student.
- Think of ways your student could reconnect socially and academically.
- Think of ways your student may be able to transition back into school with dignity.
- Help the school find positive activities your student could be doing in and out of school.
- With the help of your student, think of trusted adult role models that your student could have contact with regularly once he/she returns.
- *Establish a schedule for regular connection/progress assessment with your student and reporting to the school. At least weekly is recommended for the first month back in school.*
- Avoid getting defensive.
- Avoid making accusations.
- Remember, you are all looking for ways for your student to be successful in school and in life.

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## REENGAGEMENT MEETINGS - TIPS FOR FAMILIES

### Sample Meeting Template

SHARE GOALS FOR THE MEETING (choose those that apply)

- Safety
- Ensure that behavior is not repeated
- Access to education for your student
- Rebuild the connection between you, your student, and your school, school staff, other students
- Additional academic and social support for your student
- Other: \_\_\_\_\_

WHAT IS YOUR STUDENT’S PERSPECTIVE ON WHAT HAPPENED?

WHAT IS THE SCHOOL’S PERSPECTIVE ON WHAT HAPPENED?

HOW MIGHT YOUR STUDENT MAKE AMENDS (REPAIR DAMAGE TO THINGS OR RELATIONSHIPS)?

HOW MIGHT THE SCHOOL SUPPORT BETTER OUTCOMES AND/OR REPAIR THE RELATIONSHIPS BETWEEN THE SCHOOL (STAFF) AND YOUR STUDENT AND YOU?

WHAT IS THE SAFETY PLAN FOR THE FUTURE THAT DOES ITS BEST TO HONOR THE DIGNITY OF YOUR STUDENT, YOUR FAMILY, AND THE STAFF OF THE SCHOOL?

HOW WILL YOUR STUDENT RECONNECT ACADEMICALLY AND SOCIALLY AT SCHOOL TO AIM TOWARD SUCCESS?

HOW / WHEN WILL THE ADMINISTRATOR FOLLOW UP WITH YOU AND YOUR STUDENT?



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### Request for District Rules and Policies

Date: \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

I am writing to request a copy of the school district policies regarding the following:

- Rules defining student misconduct and penalties, including exceptional misconduct
- Rules explaining petitions for readmission for suspended or expelled students
- Rules outlining how to make complaints against teachers or administrators.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am making this request pursuant to Chapter 28A.600 of the RCW and Chapters 392-400 and of the WAC. Please send these rules and policies to me at:

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

\_\_\_\_\_  
(Signature)

### Request for Informal Conference

Date: \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student \_\_\_\_\_

Dear \_\_\_\_\_:

I have some concerns regarding the school's recent discipline of my son or daughter, and I would like to schedule a conference as soon as possible. My concerns are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am making this conference request pursuant to Chapter 392-400 of the Washington Administrative Code. Please call me to schedule the conference.

Please contact me at:

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

\_\_\_\_\_  
(Signature)

### Request for Discipline Hearing

Date: \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student \_\_\_\_\_

Dear \_\_\_\_\_:

I received the school’s notice of LONG TERM SUSPENSION / EXPULSION/EMERGENCY EXPULSION issued against my son or daughter. I would like to request a hearing under Chapter 392-400 of the Washington Administrative Code in order to contest this action. I understand that I may have a hearing within 3 days of making this request. In order to prepare for the hearing, I request copies of the following documents as soon as possible:

- A list of all witnesses the school expects to call at the hearing
- Copies of all documents the school intends to present at the hearing, including witness statements, statements by my child, and statements by building officials
- Copies of all records in my child’s disciplinary file, including referrals, notices of suspension, notices of expulsion, and any behavior intervention or accommodation plans.

Please call me as soon as possible to arrange for the transfer of these copies to me and the date and time of the hearing.

Please contact me at:

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Unless this is an emergency expulsion, I understand that my child is entitled to remain in school during the hearing process.

Sincerely,

\_\_\_\_\_  
(Signature)

## Appeal of Discipline Hearing Decision

Date: \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student \_\_\_\_\_

Dear \_\_\_\_\_:

I am writing to request an appeal to the school board of the hearing officer's decision to issue a LONG TERM SUSPENSION / EXPULSION/EMERGENCY EXPULSION against my son or daughter. Attached is a copy of the hearing officer's decision. I expect to hear from the school board within 10 school business days, with respect to how my appeal will be handled. Please call me as soon as possible if you have any questions regarding this notice of appeal.

Please contact me at:

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

\_\_\_\_\_  
(Signature)





Office of the Education Ombuds

[www.oeo.wa.gov](http://www.oeo.wa.gov)