STUDENT DISCIPLINE IN WASHINGTON STATE K-12 PUBLIC SCHOOLS
A HANDBOOK FOR FAMILIES

REVISED SEPTEMBER 2018
OFFICE OF THE EDUCATION OMBUDS

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Office of the Education Ombuds

The Office of the Education Ombuds (OEO) is a state agency situated within the Governor’s Office that shares information, helps resolve disputes and makes policy recommendations to promote fair and equitable processes and positive student outcomes. We work with families, communities, and schools to navigate educational challenges and increase collaborative problem-solving so that every student can fully participate in and benefit from public K-12 education in Washington.

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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 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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Introduction

Every student living in Washington State has a right to access a free public education.

Along with their rights, students have responsibilities, including following school rules. If rules get broken, school districts can give consequences to ensure student safety, support students in meeting behavior expectations, and prevent disruption of the learning environment.

While schools can sometimes remove a student from the classroom, or from the school entirely, they cannot discipline a student by taking away all access to education.

When a student is facing discipline, schools must make sure the student has a chance to tell their side of the story and voice an opinion about whether the discipline action is fair.

Students - like all people - make mistakes, and might find themselves in trouble at school. If they do, you can help them by trying to understand what happened, why it happened, and how to help them avoid making similar mistakes in the future.

Educators – even the very best of them – also make mistakes, and sometimes discipline students unfairly, by imposing consequences when a student did not actually misbehave, or with discipline that is unfairly harsh. Because the stakes are high, and sometimes mistakes are made, students and families have the right to challenge a decision to suspend or expel a student.

If you start to notice problems at school, it is important to try to address them right away.
In Washington State, school districts are encouraged to administer student discipline in a way that:

- **responds** to the needs and strengths of students;
- **supports** students in meeting the school’s behavior expectations; and
- **keeps** students in classrooms as much as possible.

This process requires collaboration between schools and families. Washington state law, at [RCW 28A.600.020](https://laws.wa.gov/code/28A.600.020), requires educators to attempt to involve parents and students early on in efforts to improve student behavior and resolve discipline issues. State law, at [RCW 28A.320.211](https://laws.wa.gov/code/28A.320.211), also requires districts to involve families, as well as other members of school communities, in the periodic review and updating of district wide rules, policies and procedures.

We hope this guide will help students, families and schools work through discipline issues in a way that keeps students in classrooms as much as possible, in safe, positive learning environments, and ensures fairness and equity in student discipline.

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**An Evolution in Discipline**

Less than 10 years ago, a student in Washington state could be expelled indefinitely without any alternative educational services. That meant an expulsion was often a one-way door out of school. That is not the case anymore.

**Every suspension and expulsion has to have an end-date**, and there are several ways a suspension or expulsion can be shortened. Schools are required to work with every student who is expelled or suspended on a plan for keeping up while they are out of school and a plan for successful reengagement before a student returns from a long-term suspension or expulsion.

Suspensions and expulsions are still very disruptive to students’ learning, and can make it difficult to build the kind of positive relationships that help students stay in school and succeed. So taking steps to address discipline issues at the earliest sign of a problem is critical.
What is in this Guide?

This guide gives information about Washington State laws and rules on student discipline, including:

☑️ What authority school districts have to impose discipline,

☑️ What rights students and families have when a student faces discipline, and

☑️ How a student can keep up with their school work and get back to school after a suspension or expulsion.

The laws and rules 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.

This guide provides legal information, but not legal advice. Please reach out to a lawyer if you need legal advice or representation. Also, this guide includes information that is up-to-date as of its most recent revision. However, laws and rules around student discipline have been changing frequently in the past several years, and more changes will take effect starting with the 2019-20 school year, so be sure to check for updates.

We hope this guide will answer many questions about student discipline, but it won’t answer them all. Please do not hesitate to reach out to our office if you have any questions or concerns relating to student discipline in Washington’s k-12 public schools. You can find us online at www.oeo.wa.gov, or by email at oeoinfo@gov.wa.gov, or by phone at 1-866-297-2597.

Do these rules apply to students with IEPs (Individual Education Plans) or Section 504 Plans?

Yes! Students with disabilities are protected by the general rules that apply to all students. Rules regarding discipline for students with disabilities give additional protections to make sure students are not punished for doing something that is caused by a disability, or by a school’s failure to implement their IEP. Find more information relating to the discipline of students eligible for special education in the Learn About section of our website, www.oeo.wa.gov, for Supports for Students with Disabilities, and on the Office of Superintendent of Public Instruction’s (OSPI)’s special education webpages, here: http://www.k12.wa.us/SpecialEd/Families/Behavior.aspx.
Are discipline rules the same in Charter Schools?

Not necessarily. You should check with the school and look at the charter school’s contract for information about student discipline.

According to Washington State’s charter school law, charter schools are public schools, but they are operated separately from the state’s common school system and are an alternative to traditional common schools. They are subject to some of the same requirements as common schools, but not all of them. Student discipline is one area where there may be differences.

Every charter school’s plan must include information about its student discipline policies. Start by checking with the school for their discipline rules and procedures. You can also find the contracts for each charter school that has been approved by the Washington State Charter School Commission on the Commission’s website, under the Operating tab, here: http://charterschool.wa.gov/operating/contract/. The charter contracts for schools approved by the Spokane Public Schools are on the district’s website, in the Department of Innovation section here: http://www.spokaneschools.org/Domain/4158.

Are discipline rules the same in Tribal Compact Schools?

Not necessarily. You should check with the school and look at the school’s compact agreement for information about student discipline.

Washington State law authorizes OSPI to enter into state-tribal compacts for tribal compact schools. Tribal compact schools are exempt from state laws and rules governing schools, except for ones specified in the state-tribal education compact law. Tribal compact schools are required to comply with anti-discrimination laws, and laws protecting students with disabilities, but they are not subject to the state discipline laws or rules.

Check with the school for information about student discipline rules and procedures. You can also find the Compact for each of the existing Tribal State Compact Schools on OSPI’s Office of Native Education webpages, here: http://www.k12.wa.us/IndianEd/TribalSchools.aspx.

In addition to state-tribal compact schools, there are some tribal schools in Washington State funded by the U.S. Bureau of Indian Education, and tribally controlled and/or operated according to a grant or contract. Check with the school for information about their discipline policies.
Are schools required to use a positive behavior approach to student discipline?

Schools are not required to adopt a particular approach to discipline, but they are encouraged to develop school climates that support positive behavior. In general, that would mean focusing first on teaching and reinforcing appropriate behavior, and responding to misbehavior with consequences that keep students safe, and help them learn at the same time.

The Washington State Office of Superintendent of Public Instruction (OSPI) has developed a Behavior Menu of Best Practices and Strategies that schools can look to for information and ideas on how to:

1. develop school climates that support positive behavior;
2. develop clear and fair reasonable rules that respect the diversity of their school communities; and
3. respond effectively when school rules are broken.

Ask your child’s teacher, school counselor or principal about the school’s approach to student behavior.

Join the Discipline Policy Design and Review Processes in Your District

Each school district has some flexibility in deciding how to approach student discipline. When making decisions about discipline policy, and when reviewing discipline data, districts need input from the whole school community.

Check in with your school district office for opportunities to share your ideas and weigh in on the discipline policy and practices in your district.

If you have questions or concerns about the plan or want to understand better how it works, you can ask for a meeting with the teacher or principal.

There may be a specific program or curriculum that your child’s school is using, or a system that the school has developed itself. You might get information at the beginning of the year about a behavior program in your child’s school that may include some key goals or behavioral expectations that all students will work on during the year.

If your child’s school is using a program or has a set of key goals or behavioral expectations for the whole school, it can be very helpful if you talk about those at home. You might have different norms and expectations for behavior in the home, and you don’t have to change those to match the school. However, helping your child become familiar with the language of behavioral expectations used at school, and what it means, can help them be successful in meeting those expectations at school.
School Rules and Student Responsibilities

Each school district is responsible for adopting policies and procedures that describe the rights and expectations for students in their district. School districts must develop those policies and procedures through a process that allows input from the whole school community that includes teachers, staff, family and students.

Are there rules that apply in every public school in the state?

Yes, there are some rules that apply to students across the state.

Students have to attend school regularly. (You can learn more about attendance requirements in our Attendance Toolkit, in the Learn About section of our website, www.oeo.wa.gov, or by clicking here: https://oeo.wa.gov/education-issues-topics/attendance-and-truancy/).

Here are some additional rules all schools have:

- **School Bus**: If students ride the school bus, they have to follow the bus rules and the driver’s directions.

- **Bullying/Harassment**: All schools are required to have policies prohibiting bullying and harassment, and your child’s school should take time to make sure students understand what that means, and how to follow the rules to avoid bullying or harassment.

- **Alcohol/Drugs/Tobacco**: Students are not allowed to bring cigarettes or other tobacco products, alcohol, or illegal drugs to school.

- **Weapons**: Students are not allowed to bring guns or other weapons to school or have them in their possession when they are there.

- **Gangs**: Students are not allowed to participate in gangs or gang-related activity at school. State law defines a “gang” to mean a group of three or more people, with a leader, that regularly plans and acts together to do illegal things.

Where can I find the rules for my child’s school?

Look in the student or parent handbook, or ask for the rules at the school. Also, check your school district’s policy and procedure manual for policies on when and how students can be disciplined.
All students should receive a copy of their school’s rules at the beginning of the school year, or when the student starts at a new school. The rules are often included in student or parent handbooks, or sent home separately.

In addition to student and parent handbooks, districts also will have a district-wide policy and procedure regarding student discipline. You should be able to find your school district’s discipline policies and procedures either on the district’s website (often under a School Board tab, or a Policies and Procedures tab) or by asking for copies at the school or district office.

Sometimes school rules change from one year to the next, so check to be sure you have a copy of the current year’s handbook or school rules. If you do not have one, you can often find them on a school’s website, or you can request one from the school office.

In addition to the student handbook, sometimes teachers have additional rules or expectations for their class. Some teachers develop a set of classroom rules or expectations together with their students.

To make sure you and your child understand what the rules and expectations are:

- **Read through the student handbook together.** If there are parts of it that do not make sense, check in with the Principal for clarification;
- **Ask your child** about the expectations in their classroom, and whether the teacher has posted a list of rules or expectations for their class; ask whether there are additional rules for classes like P.E., art, music or for recess; and
- **Ask your child’s teachers** about any particular classroom expectations.

**Different Schools, Different Rules**

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

Take time to talk with your child and help them make good decisions about what they wear and what they bring to school.

**Should the school give me a translation of the rules if I don’t read English?**

Yes. Schools are required to provide important information to parents in a language they understand. Ask the school or the district office for a translation of the school rules.

Information about school rules and student discipline is important, so schools and districts need to make sure all students and parents can understand it.
Many schools and districts translate student handbooks before the school year starts. Ask if they have a copy in your language, or if they can create one.

If you have questions about your rights to receive interpretation or translation services from your child’s school, please do not hesitate to call our office. You can reach us at 1-866-297-2597. You can also find information online, at OSPI’s Office of Equity and Civil Rights webpage, here: http://www.k12.wa.us/Equity/Interpretation.aspx.

**Limits on Schools’ Authority to Discipline Students**

While school districts have authority to set rules and decide appropriate consequences when rules are broken, there are some limits on their authority.

Some limits on school districts’ authority come from constitutional protections, like the right to due process, equal protection, and freedom of speech. There are also limits that the Washington State legislature has passed regarding when and for how long schools can suspend or expel students. School districts are also required to avoid discrimination in their discipline policies and practices.

**Can schools discipline students for things they say or write (freedom of speech)?**

Not unless the student’s expression would cause a substantial disruption, or falls under another limited category of types of speech that is not protected in schools.

In a famous case from 1969, *Tinker v. Des Moines*, the U.S. Supreme Court explained that students do have the right to free speech, even at school, but their rights are not absolute. Schools can put reasonable rules in place, and students can face discipline if they express themselves in a way that would cause a substantial disruption, or harm to another person.

Since *Tinker*, there have been several more decisions about what kind of speech is protected at school, and what is not. New cases continue to raise new questions. You can find information from various sources online about students’ free speech rights in school. If you have questions about whether a particular student’s expression would be protected speech, that is a good time to seek legal advice.
Can schools discipline students for things they post online, even if they are off-campus?

It might depend on the specific circumstances. Schools are responsible for students when they are at school, or participating in school activities. Along with that responsibility, schools have authority to discipline students for things they do while at school, or while participating in school activities.

When kids are not at school or participating in school activities, generally, that means schools are not responsible, and do not have authority to discipline them.

Talking with Kids about the Impact of Words

Talking with students about the impact of their words can help them stay out of trouble. Some of us grew up hearing “Sticks and stones may break my bones but words will never hurt me,” suggesting we shouldn’t worry about what others say. The reality is that students today can face significant consequences for saying things that might be considered threatening, or harassment or bullying. Even if the school ultimately agrees there was no real threat, if there is a chance of a real threat, a school might start with an emergency expulsion to make time for an investigation.

At some point, most of us say things we wish we hadn’t, or make jokes we later realize were not funny. Students also might say or post things they don’t really mean. Taking time to talk with your child about the impact of words, and encouraging them to pause and think before posting, can help them stay out of trouble.

What if a student does something while they are out of school that causes a disruption at school?

That is a question that schools and families are facing more and more frequently with the increase in social media and its ability to spread information so quickly. There have been several cases taken to courts that challenge a school’s authority to discipline a student for something the student wrote or posted when they were at home, or out of school. If a student writes or posts something that is considered a threat against another student, an adult at school, or the school itself, they might find themselves in trouble at school, and potentially with law enforcement as well. Recently, courts have looked at whether something a student does when they are out of school would create a substantial disruption at school, when deciding whether schools have authority to discipline the student.

You can find information from various sources online about students’ rights in relation to off-campus or online speech and student discipline. One source for information about students’ free speech rights in schools is the Student Press Law Center, at www.splc.org. If you have questions about whether a particular student’s expression or conduct outside of school can be a basis for school discipline, that is a good time to seek legal advice.
How do anti-discrimination laws apply to schools’ authority to discipline students?

State and federal laws prohibit schools from exercising their authority to discipline students in a discriminatory manner.

Discrimination is the unfair or unequal treatment or harassment of a person because they are part of a group, defined by law, as a protected class. A protected class is a group of people who share common characteristics and are protected from discrimination and harassment under federal and state law. Washington State’s anti-discrimination law prohibits schools from discriminating on the basis of:

- Race and color
- Sexual orientation
- National origin
- Gender expression
- Religion and creed
- Gender identity
- Sex
- Veteran or military status
- Disability, or
- Use of a trained dog guide or service animal.

Different treatment: Unlawful discrimination can happen if a student is treated differently because of their race, ethnicity, gender, religion or other protected class status. For example, if two students engage in the same behavior, in similar situations, but one student receives a more severe punishment because of a stereotype or worry that students of the same race or ethnicity, religion, gender or with the same disability are more dangerous, that could be a case of unlawful discrimination.

If you believe your child may have been treated differently because of their race, gender or other protected class status in a discipline matter, there are informal and formal options for raising your concerns. You can find information about dispute resolution options for discrimination complaints at OSPI’s Equity & Civil Rights Office webpage, here: http://www.k12.wa.us/Equity/ComplaintOptions.aspx. You can also find a brief toolkit on Discrimination on our website, here: http://oeo.wa.gov/publications-reports/publications/.
**Disparate impact:** Unlawful discrimination can also show up if a discipline policy or practice causes a disparate, or disproportionate and unjustified, impact on a particular group of students.

Finding disparities in the data, by itself, might not mean there has been unlawful discrimination, as there can be a range of factors that influence rates of discipline. However, discipline data is a critical tool for school communities that want to make sure their discipline policies and practices are fair, reasonable and effective in helping support students’ learning.

Washington state law requires each school district and public charter school in Washington to review discipline data at least once each year to look for possible disparities and indication of discriminatory impact. OSPI’s Equity & Civil Rights Office has posted tools to support school communities in reviewing their discipline data and trying to understand root causes of disparities, here: [http://www.k12.wa.us/studentdiscipline/Equity/Laws.aspx](http://www.k12.wa.us/studentdiscipline/Equity/Laws.aspx).

You can find data on discipline for the state overall, and for each district in the state, on OSPI’s Data and Analytics webpage, here: [http://www.k12.wa.us/DataAdmin/PerformanceIndicators/DataAnalytics.aspx](http://www.k12.wa.us/DataAdmin/PerformanceIndicators/DataAnalytics.aspx).  

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**Help Uncover Root Causes of Disparities in Discipline**

One of the key steps in reviewing discipline data that shows disproportionate impacts is to consider what might be the root cause or causes of disproportionalities.

Districts are encouraged to bring together data equity teams to do the data review and analysis. Including people with different perspectives, and different roles in discipline processes can help open up the root cause inquiry and avoid mistaken assumptions about what might be influencing outcomes.

If you are interested in participating in that data inquiry process, reach out to your district office to see how you can participate.

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For more explanation on different treatment and disparate impact in relation to student discipline, check out the 2014 Joint Dear Colleague letter from the U.S. Department of Education and U.S. Department of Justice, regarding Nondiscriminatory Administration of Student Discipline, available here: [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html).
What limits does state law put on the use of suspensions and expulsions?

School districts cannot discipline students by denying them access to educational services. No discipline can be enforced in a way that it would prevent a student from finishing a grade, subject or graduation requirements. That means, even if a student is suspended or expelled, their school district still has to provide access to services so the student can keep moving forward with their education.

Also, the state has set rules that prohibit schools from using suspensions and expulsions for certain kinds of behavior:

- Schools cannot suspend or expel students for missing or skipping school or being late to class.
- Schools cannot use long-term suspensions or expulsions except in cases involving certain serious behaviors (see the sections on long-term suspensions and expulsions for details).
- Schools also cannot impose discipline in a way that would deny or delay a student’s access to a nutritionally adequate meal.

The state rules also set limits on the use of suspensions and expulsions for students in Kindergarten through 4th grade.

Starting in the 2018-19 school year, no student in grades k-4 can be given a long-term suspension (more than 10 days), or a series of short-term suspensions that would add up to more than 10 days in a semester or trimester.

Starting in the 2019-20 school year, school districts will not be allowed to use expulsions for students in grades k-4, with an exception for firearms.

There will also be limits on the use of in-school suspension that will apply to all grade levels.

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

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

**Classroom Exclusions – Authority, Limits and Notice**

The state’s new school discipline rules include provisions that schools must follow if a teacher decides a student should be removed from a classroom. This is called a “Classroom Exclusion” in the state rules.

**Who has authority to remove my child from class for misbehavior?**

Teachers are the ones who have much of the responsibility for making sure classrooms are safe and productive places for all students to learn, so teachers also have authority to remove a student if they are being disruptive or unsafe.

Specifically, teachers have the authority to exclude or remove a student for behavior that disrupts the classroom if there is:

- **Continuing Disruptive Behavior**: If the student’s behavior is disrupting the class, and the teacher has tried other things to support the student in meeting behavior expectations, but the disruptive behavior continues, the teacher can send the student out of the class.

- **Immediate Threat of Continuing Disruption or Danger to Others**: If the student’s presence is threatening to disrupt the class or put other students or staff in danger, the teacher can send the student out of class. (If there is an immediate threat of disruption or danger to others, a principal (or designee) has to be notified immediately).

In addition to classroom teachers, school districts can give other school staff the authority to decide if a student should be excluded from a class, or an instructional activity, for behavioral violations.

Decisions about suspensions and expulsions are generally made by principals or another administrator.

**How long can a Classroom Exclusion last?**

A student can be sent out of the classroom for up to the rest of the class period, or the rest of the school day.
A student cannot be kept out for more than the rest of that day unless they are being suspended, expelled or emergency expelled. The student cannot be sent home (out of the school) unless the school decides they should be suspended, expelled or emergency expelled.

**If my child is removed from class, do they have a right to make up tests or assignments they missed?**

Yes. If a student is excluded or removed from class for misbehavior, they still have the right to make up tests or assignments they missed while they were out.

**Should I (the parent) be notified if my child is sent out of class?**

Yes.

The teacher is required to report the classroom exclusion, and the behavior that led to it, to the principal as soon as reasonably possible. The teacher or the principal is required to notify the parent as soon as reasonably possible.

**What can I do if I think the classroom exclusion was unfair or unnecessary?**

Start by asking for a meeting with the teacher and the principal.

This can be an important opportunity to hear from the school about what they have been seeing, and to share your concerns with them.

If you still have concerns after talking with the principal, you can request a meeting with the Superintendent, or someone at the district level. If you still have concerns after that, you can ask to present your concerns to the school board at their next meeting.

**What can I do if my child keeps getting in trouble, and sent out of the classroom?**

If a student is getting in trouble often, it is important to try to understand why. The causes of behavior issues are not always clear, or easy to identify.

In some situations, repeated classroom exclusions or discipline referrals can be a sign that the student is struggling with academics, peer relationships or behavior expectations and may need more individualized supports. In other situations, it can be a reflection of a challenging classroom environment where a teacher may
need help with implementing positive behavior supports.

It can be helpful to ask yourself, your child, and your child’s teacher and principal questions about what has been happening, like:

- Is my child having a difficult time in general with following rules, or engaging appropriately with peers both in school and out of school?
- Are the challenges occurring just in one classroom, or only at a particular time of day, or area of the school?
- Is it just my child, or are several students getting in trouble frequently in the same classroom, or area of the school?
- Are there similar behaviors happening repeatedly, or is it different behavior each time?

Sometimes frequent misbehavior or discipline can be a sign that a child might have a disability that is affecting their learning. Certainly not every child who misbehaves has a disability, nor does every child with a disability have challenges with behavior. However, sometimes a child who is struggling to keep up academically or meet the demands of the classroom will act out when they are frustrated or don’t know what else to do. If you suspect your child might have a disability (whether it is a learning disability, a developmental disability, an emotional or behavior-related disability or something else), you can ask the school district to do a comprehensive evaluation. You can find information about Supports for Students with Disabilities in the Learn About section of our website, www.oeo.wa.gov, or by clicking here: https://oeo.wa.gov/education-issues-topics/special-education/.

If your child seems to be getting in trouble for the same thing over and over again, it might be helpful to connect with the teacher, a school counselor and the principal and work on a plan to address it. The plan might involve teaching, or re-teaching what appropriate behavior would be in that situation, and making sure the adult responses to the behavior are not unintentionally reinforcing it.

If you are concerned that there are more general problems in the classroom or school environment, you can ask for a meeting with the principal and teacher, or reach out to someone at your school district’s office.
Removals from School – Suspensions and Expulsions

Unless it is an emergency, before a student can be suspended or expelled from school, they have a right to hear why they are in trouble and to explain their side of the story.

Anytime any child is suspended or expelled, they still have a right to access educational services. Depending on how long the suspension or expulsion is supposed to last, that might mean getting course work, homework and a chance to make up tests, or it could mean enrolling in an alternative program.

When a student is suspended or expelled, there is also a right for the student and parent to appeal. The school should give you notice of the discipline and the appeal process.

In addition to the right to appeal a suspension or expulsion, students also have the right to plan for reengagement if the suspension or expulsion is more than 10 days.

Also, students who are suspended or expelled can petition for readmission at any time.

The next sections of this guide explain more about what to expect for the different kinds of suspensions and expulsions, including:

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

Some schools also use “in school suspensions” as a response to misconduct. As with any discipline, you can ask about why your child is being disciplined, for how long, and ask for time to talk about what you can do to help avoid further suspensions, whether in school or out.

In-School Suspensions

Some schools use in-school suspensions as a consequence that removes a student from their regular classroom, but not from the school.

Starting with the 2019-20 school year, there will be additional rules that schools will have to follow when using in-school suspensions. That will include limitations on the length of in-school suspensions and requirements for the kind of supervision provided during in-school suspensions, and notice to families.

Short term Suspensions (10 Days or Less)

What are my child’s basic rights with a short-term suspension?

Generally, schools must try other ways to correct problem behavior before giving a student a short-term suspension.
A student serving a short-term suspension must have an opportunity to receive educational services during the suspension. They must also be allowed to make up assignments or tests when they get back if the assignment or test would have a substantial effect on their grade or prevent them from getting credit for the class.

Depending on the grade level, there are limits to the total days a student can be removed on a short-term suspension during a school year:

- Kindergarten to 4th-grade: no more than 10 days per semester or trimester;
- 5th grade and above: no more than 15 days in a semester or 10 days in a trimester.

**Is there a right to notice and a chance to be heard before a short-term suspension is imposed?**

Yes, for students.

Before a short-term suspension starts, students should get notice and a chance to be heard.

The notice to the student before the short-term suspension can be given verbally. The student’s chance to be heard before the suspension is through an informal conference between the student and the principal (or the principal’s designee).

At that informal conference, the student should get:

- Notice of what they are supposed to have done wrong (the alleged misconduct), and what rule they violated;
- An explanation of the evidence supporting the allegation (what information the school has that the student did violate a rule);
- An explanation of the consequences they will face; and
- A chance to explain what happened from their perspective.

Starting in the 2019-20 school year, schools will be required to take additional steps to involve parents in the earliest steps of the discipline process. They will be required to give students the chance to contact their parents during these informal conferences.
**What kind of notice should I (the parent) get for a short-term suspension?**

If a short-term suspension is going to last more than one calendar day, then parents must be notified.

The notice can be in writing, or just verbal (in person or on the phone). The school should explain why the student is being suspended, and how long the suspension will last.

The school must also give parents information about the right to have an informal conference with the principal.

Schools can decide to shorten a suspension based on conversations with you and your child at the informal conference, so making time to meet with the school can be valuable. A three, five or ten day suspension could be reduced to one or two days.

If you want to receive a written notice and explanation of the reason for the short-term suspension, you should be able to get one by asking the school. Each school is required to report all short-term suspensions and the reasons for them, in writing, to the district’s superintendent within 24 hours of the suspension.

**Is there a right to appeal after a short-term suspension has been imposed?**

Yes. Students and parents have the right to request an informal conference to “grieve” a short-term suspension if they do not agree with it.

The appeal process for short-term suspensions is less formal than for long-term suspensions or expulsions. It is called a “Grievance Procedure,” in the state discipline rules.

It starts with an informal conference with the principal or their designee (sometimes an assistant principal), and the teacher or other staff person who was involved in referring the student for discipline.

If you or your child disagrees with the suspension, whether because you believe things did not happen the way the school says, or because you think the consequences are not fair or appropriate, you can ask for the informal conference with the principal.
Even if you agree that discipline was appropriate but want to understand more about what happened and work on ways to avoid it happening again, you can ask for the informal conference with the principal.

At the conference, the school staff will ask you questions, and you can ask them questions. You can try to reach understanding and agreement about:

- What happened;
- Why it happened;
- What the harm or impact was on the classroom, other students, and your child;
- What could be done to address any harm caused and/or clarify misunderstandings;
- What, if anything, should be changed to help prevent problems from happening again; and
- A plan for how your child will keep up while they are out of class, and catch up when they get back.

After meeting with the principal, if your concerns are not resolved, you can ask for a meeting with the Superintendent or someone designated by the Superintendent to hear discipline grievances. You can also send them a written explanation of your concerns.

If your concerns are not resolved at the Superintendent level, you can ask for the chance to share your concerns in writing or in person at the next meeting of the district’s School Board, or to the district’s disciplinary appeal council if the board designated responsibility You can also send them a written explanation of your concerns.

**What educational services should my child get while they are out of school for a short-term suspension?**

Whenever a student is suspended or expelled, even for short-term suspensions, the school will need to work with the student and family to help them keep up.

If a student is suspended for 5 days or less, then the school must, at a minimum, give them:

- Their classwork, including any assigned homework, from all of their regular subjects or classes;
- Access to someone at school who can support them in keeping current with assignments for all of their classes (this might be one person, or several); and
- A chance to make up assignments or tests they missed once they get back.

If a student is suspended for 6-10 days, the school must, at a minimum, give them:

- Their classwork, including any assigned homework, from all of their regular subjects or classes;
- Access to someone at school who can support them in keeping current with assignments for all of their classes. Someone from the school has to reach out, and try to connect with the student or parents within 3 business days of the suspension, and then periodically after that until the suspension ends. Their job is to:
  o Coordinate and make sure the course work and assignments get to the student, and the completed work gets back to the teachers for grading; and
  o Check in with the student, parents and teachers about how the student is doing academically;
- A chance to make up assignments or tests they missed once they get back.

As soon as reasonably possible after a suspension starts, the school has to give you notice about the educational services it will provide, and the name and contact information for the person who can help your child keep up with assignments and classes.
Emergency Expulsions

How long can an emergency expulsion last?

No more than 10 consecutive school days.

If the district decides that the student should be given another kind of discipline at any time during or at the end of an emergency expulsion, then the district has to give notice and due process rights again.

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

The district must have a good reason to believe that the student poses an immediate and continuing danger to other students or staff, or a threat of substantial disruption to the school.

Regardless of whether a student or parent requests a hearing, the emergency expulsion can only last up to 10 school days. At that point, the school either has to “convert” the emergency expulsion to another form of discipline, or have the student return to school.

Is there a right to notice and appeal before an emergency expulsion?

No. For emergency expulsions, schools can send students home first, and give notice and the opportunity for a hearing after that.

What kind of notice and appeal process is there for an emergency expulsion?

Schools have to give students and their parents notice in writing.

The notice must be hand-delivered to you within 24 hours of the expulsion. The district has to document delivery of the notice by getting the parent’s signature, or by a written certification of the person who delivers the notice. A district could also send the notice by certified mail. If they do use certified mail, the district also has to try to notify the student and parent by telephone or in person as soon as reasonably possible.

The notice should be in your primary language if you have limited English proficiency.
In the notice, the school has to explain:

- The reasons why the student’s presence poses an immediate and continuing danger to students, school staff, or a threat of substantial disruption to the school;
- The date the emergency expulsion began and will end;
- The right of the student and parents to request a hearing;
- The 3 day deadline for you to request a hearing after you get the notice (3 school business days, which doesn’t count weekends or holidays); and
- An explanation that if you do not request a hearing within that 3 day timeline, that the district can consider that a waiver of your right to the hearing.

For information on what the appeal process is like for an emergency expulsion, see the section on Discipline Hearings (starting at p.42).

**Should my child be getting educational supports during an emergency expulsion?**

Yes. Similar to short-term suspensions, if the removal is expected to last for 5 days or less, your child should at least get their classwork, and access to someone who can help make sure they are getting assignments and the work they need.

If they will be out for a full 10 days, then someone from the school should reach out to you to help make sure your child is getting the work and assignments they need in order to keep up. That person should also help make sure the work your child completes gets back to the teacher for grading.

Check with the school for the name and contact information of the person who can help your child keep up with assignments and classes.
Long-term Suspensions and Expulsions

How long can a long-term suspension last?

A long-term suspension is a suspension that is more than 10 days, with an end date of not more than the length of an academic term.

It can’t make the student lose more than one semester’s or trimester’s grades or credit during a school year, and it can’t continue past the school year when the alleged misbehavior happened.

The length of an academic term is set by the district. So, first, check to see if your district does semesters or trimesters, and how many days are in each semester or trimester.

- If your district does two semesters of 90 days each, then the maximum length of a long-term suspension would be 90 days.
- If your district does three trimesters of 60 days each, then the maximum length of a long-term suspension would be 60 days.

How long can an expulsion last?

Just like a long-term suspension, an expulsion has to have an end-date and it cannot be for more days than there are in one academic term.

There are some differences between an expulsion and a long-term suspension. While a long-term suspension cannot carry over into the next school year, an expulsion might. Also, with an expulsion a district has the option to petition to extend it in limited circumstances.

One situation where an expulsion might be longer is if there is a violation of the rule against bringing or having a firearm at school, on the bus or at a school activity. In those cases, federal law requires an expulsion of not less than one year, although it does allow a superintendent to modify the expulsion on a case-by-case basis.

Can an expulsion be extended beyond the length of one academic term?

Yes, but only in limited circumstances. An expulsion can only be extended if:

- The school petitions the school district superintendent to extend the expulsion, and
• There is evidence that, if the student were to return at the end of the expulsion, that they would pose a risk to public health or safety.

The petition to extend an expulsion must include:

• A detailed description of the student’s misconduct, the school rules that were violated and the public health and/or safety concerns of the district;
• A detailed description of the student’s academic, attendance and discipline history;
• A description of other, less severe consequences that were considered and why those were rejected;
• A description of all alternative learning programs, vocational programs or other educational services that may be available to the student;
• The proposed length of the extended expulsion;
• Information about special education services or accommodations the student receives under Section 504, if applicable; and
• A proposed date for a reengagement meeting.

A school can submit the petition to extend an expulsion any time after the expulsion starts, but before it ends.

The school district must give a copy of the petition to the student and parent in person or by certified mail.

The petition must be provided in your language if you do not read English.

**Do I have a right to challenge a petition to extend an expulsion?**

Yes, you have up 10 school days to give the district a written or verbal response after the petition is delivered to you.

After you have a chance to respond, the Superintendent must make a decision. The Superintendent’s decision must be made sometime between the 11th and 20th day after the petition is delivered to you.

The Superintendent’s decision must be put in writing, and it must include an explanation of your rights and the process for appeal.

If the Superintendent grants the extension, then you have up to 10 school business days after you receive the decision to appeal to the School Board.
Remember, your child should still be receiving educational services, even if the expulsion from their regular school is extended.

What are my child’s basic rights with long-term suspensions and expulsions?

Students in grades kindergarten through 4th grade cannot be given a long-term suspension.

All students who are given long-term suspensions or expulsions have the right to receive educational services during the time they are out of school.

School districts can only use long-term suspensions or expulsions in cases involving certain serious behaviors.

What are the categories of behavior that can lead to long-term suspension or expulsion?

Under state law, there are four categories of behavior that can be a basis for long-term suspension or expulsion. They are:

- A violation of [RCW 28A.600.420](https://www.an骊ta.gov/acts/2023/chapter-28a-600-420) (which says a student who brings or has a firearm at school, on school transportation or at facilities while they are being used by the school, shall be expelled)

- An offense in [RCW 13.04.155](https://www.an骊ta.gov/acts/2023/chapter-13-04-155) (which includes certain violent offenses, sex offenses, inhaling toxic fumes, controlled substances offenses, liquor offenses, or certain crimes related to firearms, assault, kidnapping, harassment, and arson; this could include drugs or alcohol offenses, assault or harassment);

- Two or more violations of certain laws within a three-year period, including: 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

- Behavior that adversely impacts the health or safety of other students or educational staff.

For any other kinds of behavior, school districts may not use long-term suspension or expulsion.
Is there a right to notice and an appeal before a long-term suspension or an expulsion?

Yes. You and your child should get a written notice, and have an opportunity to request a hearing, before the long-term suspension starts.

That means, after the school has learned of the student’s alleged misconduct, and decided they believe a long-term suspension is appropriate, but before the student would be sent home, the school should give you and your child written notice and a chance for a hearing with a hearing officer. If you ask for a hearing, the hearing would be set within the next 3 days, and the student could stay in school during that time. The student would only be sent home if the hearing officer agreed that the suspension was appropriate.

In practice, schools often act quickly once they find out about an incident that is serious enough to be thinking about long-term suspension or expulsion. Sometimes a student is sent home right away on an “emergency expulsion” and then the emergency expulsion is “converted” to a long-term suspension.

What kind of notice should I expect for a long-term suspension or expulsion?

For long-term suspensions and expulsions, schools have to give students and their parents notice in writing.

The notice should be given to you either in person, or sent by certified mail. In the notice, the school has to explain:

- What the student did (the alleged misconduct);
- The rules that were violated;
- The consequence the school is proposing (the length of the suspension);
- The right of the student and parents to request a hearing;
- The 3 day deadline for you to request a hearing after you get the notice (3 school business days, which doesn’t count weekends or holidays); and
- An explanation that if you do not request a hearing within that 3 day timeline, that the district can consider that a waiver of your right to the hearing and they can go forward with the long-term suspension.
What is the appeal process like for a long-term suspension or an expulsion?

For long-term suspensions, expulsions and emergency expulsions, students and parents have the right to request a discipline hearing with a neutral hearing officer, and the right to appeal to the school board.

Read about what to expect before, during and after a discipline hearing in section on Discipline Hearings (starting at p.42).

What kind of educational services and supports should my child get during a long-term suspension or expulsion?

Educational services during any suspension, including a long-term suspension need to be sufficient for a student to keep up with their classes, and keep earning credits, if they are in high school.

The district must consider whether your child will need transportation, or technology (such as a computer or access to the internet) that supports the educational services they are offering. If your child receives special education services, English language learner instruction, accommodations or other specialized supports, the educational services during a suspension or expulsion should incorporate those things.
For students who will be out for more than 10 school days (on a long-term suspension or expulsion), the educational services must be in accordance with state rules for a “Course of Study.”

Under state rules, a “Course of Study” can include various types of schooling or activities, each of which has specific requirements for making sure students have access to appropriate curriculum and instruction. They also generally require some kind of regular checking-in with students to make sure they are engaged and on track.

A Course of Study includes:
- Regular instruction by a teacher or other staff, or by someone on contract with the district;
- An “Alternative Learning Experience” (ALE), which can include online programs, or parent-partnerships;
- A National Guard high school career training program;
- Additional or ‘ancillary’ services, like counseling, speech therapy, health care services, etc.;
- Work-based learning;
- Running Start;
- Transition School at University of Washington or technical college; or
- A Reengagement Program (like an Open Doors program).

For each student who faces a long-term suspension, there should be a contact person who works with the school and can help make sure the student is actually getting access to supports, and troubleshoot problems that might come up.

**When should I hear about the educational services my child will get during a long-term suspension or expulsion?**

As soon as reasonably possible after the suspension or expulsion starts, the district must give you and your child written notice explaining the educational services it will provide and the name and contact information of someone who can help keep the student current with assignments and course work.

To make sure the educational services will be appropriate, you and your child should have the chance to weigh in on the plan for educational services.

Check to be sure both you and your child have the name and contact information for the staff person who will be responsible for helping coordinate educational services. Also, be sure that person has your contact information.
Is a Reengagement Meeting required when there is a long-term suspension or expulsion?

Yes. For information on the reengagement process, check the section on Getting Back to School after Suspensions and Expulsion (starting at p. 36).

After the end date of a suspension or expulsion, can a district keep my child from returning to their regular school setting?

No. However, there are some limited situations where a school district might require a student to change classes after a suspension or expulsion has ended.

A Washington state law, RCW 28A.600.460, includes a list of certain offenses, which, if a student commits one of them against a teacher, then the student cannot return to that teacher’s class, either at the original school, or in any school where the teacher is assigned. That law also says that if a student commits one of those offenses against another student, then the student who committed the offense may be removed from the classroom of the victim for the duration of the student’s attendance, either at that school, or at any other school where the victim is enrolled.

The offenses listed in RCW 28A.600.460 include an offense under the following state criminal laws:

- 9A.36 (includes, among others: assault, and malicious harassment);
- 9A.40 (includes, among others: kidnapping, trafficking and luring a person with a developmental disability);
- 9A.46 (includes, among others: harassment and criminal gang intimidation); or
- 9A.48 (includes, among others: arson and malicious mischief).

Generally, though, after the suspension or expulsion ends, your child should be able to return to their regular educational setting.

Sometimes both a school and a family will decide that a change of schools would be best. You might agree that it makes sense to finish up a semester, or a school year at a program that the student is in during a long-term suspension or expulsion before transitioning back to their regular educational setting.

When a student is given a long-term suspension or expulsion, school districts are
required to invite you to a meeting to develop a “Reengagement Plan.” The reengagement plan meeting can be a good opportunity to talk about the pros and cons of a possible change in schools or programs.

**Getting Back to School after Suspensions or Expulsions**

Every expulsion or suspension must have an end date. That is, a date when the student can return to school. Check the discipline notice from the school to see when the suspension or expulsion is scheduled to end.

That is the latest date that a student should plan on returning to school (except in the limited circumstances when a school may petition to extend an expulsion see the section on Long-term Suspensions and Expulsions, at p. 29).

Conversations about how your child could get ready to return to school earlier than the end date of the suspension or expulsion can start right away, through an appeal or grievance process, through reengagement planning and/or through a petition for readmission.

Schools are encouraged to work with students and their families to reduce the length of suspensions and expulsions when possible. There are several possible routes for a student to get back to school before the end date of the suspension or expulsion.

- **Discipline Hearings or Grievances (appeals)** – if you appeal a long-term suspension, expulsion or emergency expulsion, and the hearing officer agrees that the student should not be removed from school, the student can return. If you request a meeting with the principal to grieve a short-term suspension, the principal can decide to shorten it.
- **Reengagement Planning** – for every long-term suspension or expulsion, schools are required to engage with students and families in reengagement planning, and are encouraged to consider shortening the length of the suspension or expulsion as part of that planning.
- **Petitions for Readmission**—students and their parents have the right to petition for readmission (to ask to be let back into school) any time after they are suspended or expelled – whether the suspension is short or long term.
- **District Discretion** – in addition, a district could decide to reduce the length of a suspension or expulsion based on a student’s participation in counseling or treatment services, or completion of a drug or threat assessment.
You could also request to transfer to another school within the same district, or submit a non-resident student transfer application to another district. Districts can consider a student’s discipline history in deciding whether to grant a transfer request, but that does not necessarily mean a transfer request would be denied.

**What are Reengagement Plans?**

The goals of reengagement plans are to support a student in returning to school as soon as possible, with the supports the student will need to be successful when they return. Reengagement plans must be culturally sensitive and culturally responsive, which means that they should take into account a student’s cultural background, traditions and strengths.

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 Reengagement 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.

**Should every student who is suspended or expelled have a Reengagement Plan?**

Every student who is given a long-term suspension or expulsion should have a reengagement plan. That includes students who have a 504 plan and students with an IEP.

Remember, the rules regarding discipline for students with disabilities give *additional protections* to make sure students are not punished for behavior caused by a disability. Students with disabilities have all the same rights and protections as other students under the general discipline rules, and extra protections under special education rules.

Reengagement plans are not required if a student is given a short-term suspension or an emergency expulsion. However, many schools do ask families
to meet with them after any suspension to talk about what happened, and how to avoid any further problems.

If you do not get an invitation from the school, you can ask the school to meet with you before your child returns from a short-term suspension or an emergency expulsion. Even a few days out of the classroom can set a student back with their academics. Suspensions and expulsions also affect students’ relationships with their teachers and other students. Taking time to meet and talk through what happened, consider whether an apology would be appropriate, and make sure your child, and their teacher, are ready for the first day back can help avoid further problems.

**Who develops the Reengagement Plan?**

School districts are required to collaborate with you and your child in the development of the Reengagement Plan. Families must have an opportunity to give meaningful input to the plan.

**When will a Reengagement Plan meeting be scheduled?**

Schools should invite you to a reengagement meeting either:

- Within 20 days of the start of the suspension or expulsion; but
- No later than 5 days before the student will return to school.

You don’t have to wait for the school to call you. If you call to ask for an early reengagement meeting, then the school should work with you to plan one as soon as possible.

**Should I get a copy of the Reengagement Plan?**

Yes. Reengagement plans should be written, and you should get a copy. It can be a helpful reference and reminder as your child is working toward meeting expectations or goals for getting back to school.

You can ask for a translation of the plan into your primary language if you do not read English.
What is a Petition for Readmission?

Students who have been suspended or expelled can ask to be readmitted at any time. Every school district is required to have a policy and procedure for how students can petition for readmission. There is usually some information in the district’s discipline policy. You should be able to get more details by calling the school or district office. You can ask for guidance on:

- 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?

It is up to the school district to decide whether to grant a petition for readmission. In order to increase the chances that the petition will be granted, think about how to address concerns the school or district might have based on what led to the suspension or expulsion.

How can I make a petition for readmission strong?

Think about why the school decided to suspend or expel your child in the first place. Some schools use suspensions or expulsions only when they think there is a chance a student will hurt someone else, or cause a disruption to the school if they were still there. Schools hope that students understand that what they did was wrong (when they violate a rule) and why the rule is important. Some schools believe that not suspending or expelling a student who has broken a rule would send a message to students that the misbehavior is okay.

Think about how to acknowledge any harm caused, offer an apology and a plan to try to repair the harm where possible. Keep in mind:

- If your child might also be facing criminal charges, be sure to talk with an attorney before asking your child to make an admission or write an apology for the incident. Criminal consequences can be very severe and long-lasting. Without the advice of an attorney it is hard to know how a statement might be used against your child in a possible criminal case.

- In cases of bullying or harassment, it is generally not recommended to ask the students to meet to talk about it. If your child has been accused
of bullying or harassing another student and wants to apologize, talk with the school principal or a school counselor about having your child write a letter that the other student can read if they choose to. Another option might be to have your child write a letter to the teacher or the principal instead of to the other student directly.

Think about how to show efforts your child has made since the incident to learn from it, address any problems and try to move forward. That might include:

- Getting into counseling
- Completing anger management
- Participating in drug/alcohol treatment
- Attending another school program
- Working
- Participating in activities with peers such as sports, arts classes, camp, etc.
- Being involved in organized groups such as church, scouts, team sports
- Volunteering and community service.

You may want to ask other adults, mentors, and supervisors to write letters of support or bring supporters to the meeting where the petition for readmission is reviewed.

Help your child outline their long-term goals, strengths, and interests. Include this information into the petition for readmission.

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. If you agree to a plan with shortened days, be sure that it would not extend past the end date of the original suspension or expulsion.

**Behavior Agreements**

**Can the school require my child to sign a behavior agreement?**

School districts can ask students and families to sign behavior agreements if a student gets in trouble. Agreements related to a suspension or expulsion might allow a student to return to school early if the student agrees to participate in treatment for drugs or alcohol, seek counseling, or go through an assessment process.
A school might also consider a behavior agreement that would hold off on starting the suspension or expulsion, as long as the student meets certain conditions.

A district that uses behavior agreements as part of their discipline policy must adopt written policies and procedures authorizing the agreements.

Behavior agreements can’t last longer than the number of days in a long-term suspension or expulsion. Also, they do not waive a student’s opportunity to have a reengagement meeting or to receive the educational services that are required for any student who is suspended or expelled.
Discipline Hearings: Long Term Suspensions, Expulsions and Emergency Expulsions

If a student or parent wants to challenge a long-term suspension, an expulsion or an emergency expulsion, they have the right to request a discipline hearing.

Discipline hearings are more formal than the “grievance procedures” for short-term suspensions and other discipline, but less formal than going to court. They are a time for a family and a school to present evidence to a hearing officer, who is required to decide if the long-term suspension or expulsion was appropriate, based on information presented at the hearing.

They are scheduled quickly after a student or parent requests one, though a family can ask a district for more time if they need it to prepare or look for an attorney.

Will my child or I have a right to a discipline hearing if we don’t request one?

Not likely. The state discipline rules say that districts can consider the right to a hearing waived if neither the student nor parent requests one within the 3 school business day deadline after getting notice of a long-term suspension, expulsion or emergency expulsion.

How much time do I have to request a hearing?

Not very much time; just 3 school business days.

If you want a hearing, the school district must receive your request on or before the end of the 3rd school business day after you got the notice.

So, for example, if you get notice on a Monday, and it is a regular school week, you would only have until that Thursday afternoon to give the district your request for a hearing.

Because it is such a short time period, some families decide to request the hearing, even if they are not sure yet whether they want to challenge the discipline. By requesting the hearing, they preserve their right to have it.
What happens if we don’t request a discipline hearing?

If you decide not to request a discipline hearing, or if you miss the deadline for requesting one, there are still options to work on getting your child back into school as soon as possible. You can ask the school to meet with you as soon as possible to start developing a Reengagement Plan, and you can also submit a Petition for Readmission (see the section on Getting Back to School, starting at p. 36).

If your child was first given an emergency expulsion, and you did not appeal that, you will have the right to request a hearing to appeal any further discipline if the school converts an emergency expulsion to a long-term suspension or an expulsion. Students and families also have a right to appeal if a school district superintendent grants a petition to extend an expulsion. (see the section on Long-term Suspensions and Expulsions, at p. 29 for more information.)

When will the discipline hearing be scheduled?

Once a hearing is requested, the school district must schedule the hearing to take place within the next 3 school business days.

If you need more time to prepare, or to try to find an attorney, you can ask the school district for more time.

Who will make decisions at the discipline hearing?

The school district is responsible for determining who will serve as the hearing officer.

The person can be an employee of the school district. However, they cannot be someone who is a witness in the case; that means it can’t be the person who made the decision to suspend or expel the student.

The hearing officer is required to make a decision based only on the evidence presented at the hearing.

What can I expect at the hearing?

The hearing can be formal or informal depending on how the hearing officer wants to handle it.
Hearings must either be tape-recorded or have someone making a verbatim record (like a court reporter).

Usually, the district will go first and present documents, witnesses, and reasons why your child should be suspended long-term or expelled. You and your child will also get an opportunity to present documents, witnesses, and reasons why the long-term suspension or expulsion proposed by the school is not appropriate.

The hearing officer might give you a decision at the end of the hearing, or send it later in writing. If the hearing officer tells you their decision at the end of the hearing, they also have to send you a written decision.

If the hearing was for an emergency expulsion, you should get the written decision within 1 school business day after the hearing.

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

Think about what you are challenging:
- Do you believe the school got the facts wrong about what happened, or what your child did or didn’t do?
- Do you believe that the proposed punishment is unfair or inappropriate?
- Are you concerned that the educational services the school is offering are not sufficient?

As you think about these questions, make some notes for yourself about the reasons you are challenging the discipline. Next, you can think about what evidence there might be that would help the hearing officer understand why you are challenging the facts, or the punishment.

Think about the Evidence: Remember, the hearing officer is required to base their decision on the evidence presented at the hearing. So, think about what evidence you might want to bring, and make sure you have time to review the evidence the district will use.

Evidence can include paper records, electronic records (like emails or screen shots), physical evidence and witness testimony. Be sure to request copies of any evidence the district plans to use at the hearing, and a list of any witnesses the district will have present at the hearing.

Students and parents have the right to inspect the district’s evidence *before* the hearing.
You can request copies of the district’s evidence at the same time you request the hearing. Be sure to follow up if you do not get a response.

As you look at the district’s evidence, you can think about whether there might be additional information that would help the hearing officer understand the background or context of the situation.

Think about what evidence you might want to present to the hearing officer. That can include documents and witness testimony.

If you disagree about what happened, think about what information you have that makes you believe the school did not get the facts right about what happened.

If you disagree with the punishment the school is proposing, think about what makes you believe it is unfair or inappropriate. If you think some consequence is appropriate, what would that be? How would it account for the school’s concerns about safety and respect for the school’s rules?

If you are concerned that the school is not offering appropriate educational services, what do you think is missing?

Be sure to bring extra copies of any evidence you want to present at the hearing to give to the district and the hearing officer (at least 3 copies total so you can keep a copy for yourself).

You can also review general information and tips on how to prepare for a hearing in OEO’s guide on How to be an Education Advocate. You can find that guide on our website, www.oeo.wa.gov, on our publications page, here: http://oeo.wa.gov/publications-reports/publications/.

**Do I need to have a lawyer for a discipline hearing?**

Students and their families have a right to be represented by an attorney at a discipline hearing, (though there is not a right to have a lawyer appointed if you can’t afford one). Because the stakes are high with student discipline, if you can get legal advice and representation, it is a good idea.

While having an attorney for a discipline hearing can be helpful, it is not required. Many families go through discipline hearings on their own. As someone who knows your child, and cares about their education, you can be a strong advocate.
Taking time to prepare, writing out your main points and your main questions, can help keep you calm and focused during the hearing.

What if the hearing officer decides against us? Is there another step of appeal?

After the discipline hearing, you should receive a written decision that explains the hearing officer’s decision.

It should include findings of fact, conclusions and a decision on the nature and length of the discipline, if any, that will be imposed.

If you had an attorney at the hearing, the written decision will be sent to your attorney. If you went on your own, you will get the written decision directly. If you disagree with the decision, unless the initial hearing was heard and decided by the school board or school district disciplinary appeal council, you have the option to appeal it to the school board or disciplinary appeal council.

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.

When a student or parent appeals the decision of the initial hearing, the district can go forward with the suspension or expulsion for up to 10 school days or until the appeal is decided.

Appeals are heard by the School Board, or a disciplinary appeal 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).

What if we disagree with the School Board’s decision? Is there another level of appeal?

The next step after the school board would be to the Superior Court.
Arrests and Criminal Charges

Can the school call the police if my child gets in trouble?

Yes. Schools can report crimes committed by students.

These days, many schools have security officers that are on campus every day. Some districts have School Resource Officers who are commissioned police officers assigned to work on school campuses.

Help your Child Know their Rights in order to Protect their Rights

Students’ rights in relation to police and juvenile courts help protect students from unfair or unreasonable punishments. In order to stand up for their rights, students need to know what they are.

For information about the rights of youth in contacts with police and in the juvenile justice system, check out Teamchild’s graphic guides and short videos:


A School Resource Officer might be involved from the beginning, or might be called in if a principal or other school administrator believes a crime has been committed.

In some cases, a referral to police or the prosecutor’s office may be made later, sometime after the incident occurred.

If a student is accused of assaulting or harassing someone at school (another student, a teacher or other staff person), then that person might contact the police directly to make a complaint.

If you hear that an incident has been referred to the police, it is important to seek legal advice to understand what the consequences might be for your child.

What happens if my child is charged with a crime based on something they did at school?

If your child is charged with a crime, they will have the right to have a public defender or other criminal defense attorney to represent them.

Be sure to encourage your child to talk to their defense attorney to understand the possible consequences of the charge, and to understand how a school discipline case might affect the criminal case. If a student makes statements to someone at school, including a school principal or a discipline hearing officer, those statements could be used in a criminal case.

That does not mean a student has to give up the right to challenge school discipline, but it is very important to talk with an attorney if there might be criminal charges involved before going to a discipline hearing.
Make sure the defense attorney has information about any special services your child receives at school. For example, if your child has a plan for accommodations, special education services, or behavior interventions, that may provide important context and could influence whether your child is charged or not.

**If my child is convicted or found guilty of committing a crime, do they still have the right to an education?**

Yes. Even if a student commits a crime, they still have the right to an education. A youth in juvenile detention has the right to receive an education while they are there. If they are not in detention, then it is up to the school district to make sure they have access to educational services.

**If my child is facing charges in court, can the school say my child is expelled until the court process is over?**

No. The school cannot say your child is suspended or expelled until the court process is over because there is no guarantee when a court process will be finished. The school has to set a specific end date for any suspension or expulsion, and it cannot be longer than the number of days in a semester or trimester. If the school believes your child would still pose a threat at the end of the expulsion, they can petition to extend the expulsion (see the section on Long-term Suspensions and Expulsions at p. 29 for more information).

Regardless of what happens with the court process, your child still has the right to an education. If they are at home (not in detention) while the court process is moving forward, the district must make sure they have access to appropriate educational services. If they are in juvenile detention, they should be getting educational services there.
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, remember, they are still learning, and they have the right to keep learning.

As their advocate, you can help them understand what the rules are and how to follow them. You can help make sure any consequences they receive are fair, and guide them in making amends if they hurt someone. You can help them keep their education on track and turn mistakes into opportunities to learn.

You can contact the Office of the Education Ombuds with any questions or concerns relating to student discipline in Washington’s k-12 public schools. You can find us online at [www.oeo.wa.gov](http://www.oeo.wa.gov), or by email at [oeoinfo@gov.wa.gov](mailto:oeoinfo@gov.wa.gov), or by phone at 1-866-297-2597.
Advocacy Tips – Preventing and Responding to Student Discipline

Here are some quick tips for trying to prevent problems, and for responding if your child does get in trouble.

- Review and talk about the school rules with your child;
- Ask for a meeting with the teacher and principal if your child starts to get in trouble frequently;
- Read all discipline notices carefully, look for information about your right to have an informal conference, or a discipline hearing;
- If you want to challenge a long-term suspension or expulsion, remember to request the hearing right away;
- Watch for information about the educational services the school will provide during a suspension or expulsion;
- Get in touch with the contact person for the educational services and share information about your child’s particular needs and situation;
- If your child might face criminal charges in addition to school discipline, talk with a lawyer as soon as possible;
- If your child is suspended long-term or expelled, watch for an invitation to a Reengagement Meeting, or contact the school to get one scheduled as soon as possible;
- Talk with the school about a plan to get your child back to a school setting as soon as possible;
- Work with your child and the school on a Reengagement plan;
- Put together a Petition for Readmission to get your child back to a school setting as soon as possible;
- If your child has an IEP or a Section 504 plan, check for information about the additional protections they have when they face school discipline (in addition to all of the rights and protections explained in this general guide on student discipline).
APPENDIX – REENGAGEMENT MEETING TIPS

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 and no later than five days before the end of the suspension or expulsion. 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 (see next 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.

While this publication provides basic information on education law in Washington State, it is not legal advice, and is not in any way intended to be a substitute for legal advice or representation. This document was developed collaboratively with TeamChild, the Office of the Education Ombuds, and Sound Discipline and is intended to provide support to educators, families and students as they implement strategies to reengage student who have been excluded from school.
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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Sample 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)
Sample 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)
Sample Request for Discipline Hearing

Date: ______
To: __________________________________________
___________________________________________
___________________________________________

Regarding 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)
Sample Appeal of Discipline Hearing Decision

Date: __________
To: ____________________________________________
__________________________________________

Regarding 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)