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Notice of Emergency Expulsion

Student Name School

day(s) suspension Effective date(s)

Section 504 IEP

This is to notify you that your child has been placed on an emergency expulsion effective immediately. This emergency expulsion will remain in effect for the date(s) specified or until it has been modified through the hearing process set forth below, or modified by the school principal or designee.

Your student has been emergency expelled for violating the Arlington School District Board Policy 3241 on Student Discipline as they posed an immediate and continuing threat of material and substantial disruption to the educational process.

- You are entitled to request an informal conference with the Principal or designee for the purpose of resolving any grievances you may have concerning this action. The Emergency Expulsion will continue until you access the grievance procedure.
- Pursuant to WAC 392-400-510 (copy enclosed), Arlington Public Schools has good and sufficient reason to believe that his/her presence poses an immediate and continuing danger to other students or school personnel; or an immediate and continuing threat of material and substantial disruption to the educational process.
- You are entitled to request a hearing pursuant to Arlington Public Schools Board Procedure 3241P and WAC 392-400-455 through 392-400-480 (copy enclosed) for the purpose of contesting the allegations.
- A written or verbal request for a hearing must be received within five (5) school business days of receipt of this notice. *(Please refer to the Arlington District Calendar to determine school business days during the month.)*

Educational Services Provided:

- To schedule a hearing, contact Margaret Welch in the District Administration Office at 360-618-6207.
- Address written requests for a hearing to:

Will Nelson, Director of Equity and Student Success
 Arlington Public Schools
 315 N French Ave
 Arlington, WA 98223

- If a request for a hearing is not received within three (3) school business days, you shall be deemed to have waived your right to a hearing and the long-term suspension may be imposed without any further opportunity for you to contest the matter.
- A student who has been emergency expelled is not allowed to be on school district property, or participate in or attend any school activities for the duration of the expulsion. Failure to comply will result in further discipline.

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

	Date: <input style="width: 100%;" type="text"/>
Name: <input style="width: 90%;" type="text"/>	Email: <input style="width: 90%;" type="text"/>
Title: <input style="width: 90%;" type="text"/>	Phone: <input style="width: 90%;" type="text"/>

Choose from drop down menu or type in box.

FOR OFFICE USE ONLY:
 cc: Dr. Chrys Sweeting, Superintendent; Will Nelson, Director of Equity and Student Success; Kari Henderson-Burke, Executive Director of Teaching & Learning; Eric DeJong, Executive Director of Human Resources; Dave McKellar, Director of Special Education; Cheryl Power, Transportation Supervisor

WAC 392-400-510

Emergency expulsions --Conditions and limitations.

- A school district may immediately remove a student from the student's current school placement, subject to the following requirements:
- (1) **Sufficient cause.** The school district must have sufficient cause to believe that the student's presence poses:
 - (a) An immediate and continuing danger to other students or school personnel; or
 - (b) An immediate and continuing threat of material and substantial disruption of the educational process.
 - (2) **Determination of immediate and continuing threat of disruption.** For purposes of this section, an immediate and continuing threat of material and substantial disruption of the educational process means:
 - (a) The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
 - (b) School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.
 - (3) **Time limit.** An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.
 - (4) **Conversion.** If a school district converts an emergency expulsion to a suspension or expulsion, the district must:
 - (a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
 - (b) Provide the student and parents notice and due process under WAC [392-400-430](#) through [392-400-480](#).
 - (5) **Reporting.** All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

[Statutory Authority: RCW [28A.600.015](#) and [28A.600.020](#). WSR 19-12-050, § 392-400-510, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW [28A.600.015](#), [28A.600.020](#) and [28A.600.010](#) through [28A.600.022](#), [28A.320.211](#). WSR 18-16-081, § 392-400-510, filed 7/30/18, effective 7/1/19.]

WAC 392-400-455

Suspensions and expulsions --Notice to student and parents.

- (1) **Initial notice.** Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.
- (2) **Written notice.** No later than one school business day following the initial hearing with the student in WAC [392-400-450](#), a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:
 - (a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC [392-400-110](#);
 - (b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
 - (c) The other forms of discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;
 - (d) The opportunity to receive educational services during the suspension or expulsion under WAC [392-400-610](#);
 - (e) The student's and parents' right to an informal conference with the principal or designee under WAC [392-400-460](#);
 - (f) The student's and parents' right to appeal the suspension or expulsion under WAC [392-400-465](#), including where and to whom the appeal must be requested; and
 - (g) For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting under WAC [392-400-710](#).
- (3) **Language assistance.** The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW [28A.600.015](#), [28A.600.020](#) and [28A.600.010](#) through [28A.600.022](#), [28A.320.211](#). WSR 18-16-081, § 392-400-455, filed 7/30/18, effective 7/1/19.]

WAC 392-400-460

Suspensions and expulsions --Optional conference with principal.

- (1) **Requesting a conference.** If the student or parents disagree with the school district's decision to suspend or expel the student, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- (2) **Time limit.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
- (3) **Conference.** During the informal conference, the principal or designee must provide the student and parents the opportunity to:
 - (a) Share the student's perspective and explanation regarding the behavioral violation;
 - (b) Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
 - (c) Discuss other forms of discipline that may be administered.
- (4) **Language assistance.** The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (5) **Right to appeal.** An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion under WAC [392-400-465](#), participate in a reengagement meeting under WAC [392-400-710](#), or petition for readmission.

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

WAC 392-400-465

Suspensions and expulsions --Appeal.

- (1) **Requesting an appeal.** A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.
- (2) **Time limit.** A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC [392-400-455](#).
- (3) **Short-term and in-school suspensions.**
 - (a) **Appeal.** The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.
 - (b) **Appeal decision.** The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:
 - (i) The decision to affirm, reverse, or modify the suspension;
 - (ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
 - (iii) The educational services the school district will offer to the student during the suspension under WAC [392-400-610](#); and
 - (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC [392-400-470](#), including where and to whom to make the request.

(4) **Long-term suspensions and expulsions.**

- (a) **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
- (i) The time, date, and location of the appeal hearing;
 - (ii) The name(s) of the official(s) presiding over the appeal;
 - (iii) The student's and parents' rights to inspect the student's education records under (e) of this subsection;
 - (iv) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under (e) of this subsection;
 - (v) The student's and parents' rights under (f) of this subsection; and
 - (vi) Whether the school district will offer to hold a reengagement meeting under WAC [392-400-710](#) before the appeal hearing.
- (b) **Reengagement.** Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC [392-400-710](#). The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.
- (c) **Appeal hearing.** The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.
- (d) **Presiding officials.** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC [392-400-475](#), to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.
- (e) **Evidence and witnesses.**
- (i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - (ii) Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.
 - (iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:
 - (A) The district made a reasonable effort to produce the witness; and
 - (B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.
- (f) **Student and parent rights.** During the appeal hearing, the student and parents have the right to:
- (i) Be represented by legal counsel;
 - (ii) Question witnesses;
 - (iii) Share the student's perspective and provide explanation regarding the behavioral violation; and
 - (iv) Introduce relevant documentary, physical, or testimonial evidence.
- (g) **Recording of hearing.** The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.
- (h) **Appeal decision.** The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:
- (i) The findings of fact;
 - (ii) A determination whether:
 - (A) The student's behavior violated the school district's discipline policy adopted under WAC [392-400-110](#);
 - (B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and
 - (C) The suspension or expulsion is affirmed, reversed, or modified;
 - (iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
 - (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC [392-400-470](#), including where and to whom to make the request; and
 - (v) Notice of the opportunity to participate in a reengagement meeting under WAC [392-400-710](#) and the contact information for the person who will coordinate scheduling of the reengagement meeting.
- (5) **Language assistance.** The school district must ensure that the notice, appeal proceedings, and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (6) **Pending appeal.** If the student or parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:
- (a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC [392-400-450](#) or until the appeal is decided, whichever is earlier;
 - (b) Any days that the student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;

- (c) If the student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

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

WAC 392-400-470

Suspensions and expulsions --Review and reconsideration.

- (1) **Requesting review.** The student or parents may request that the school board or discipline appeal council, if established under WAC [392-400-475](#), review and reconsider the school district's appeal decision under WAC [392-400-465](#). The student or parents may request the review orally or in writing.
- (2) **Time limit.** A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than ten school business days from the date the school district provides the written appeal decision to the student and parents under WAC [392-400-465](#).
- (3) **Review procedure.**
- (a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal under WAC [392-400-465](#), relevant state law, and the school district's discipline policy adopted under WAC [392-400-110](#).
 - (b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.
 - (c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision under WAC [392-400-465](#). If the discipline appeal council presided over the appeal under WAC [392-400-465](#), the decision must be made by the school board.
- (4) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:
- (a) Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;
 - (b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and
 - (c) For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting under WAC [392-400-710](#).
- (5) **Language assistance.** The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW [28A.600.015](#), [28A.600.020](#) and [28A.600.010](#) through [28A.600.022](#), [28A.320.211](#). WSR 18-16-081, § 392-400-470, filed 7/30/18, effective 7/1/19.]

WAC 392-400-475

Discipline appeal council.

A school board may designate a discipline appeal council to hear and decide appeals under WAC [392-400-465](#) or to review and reconsider the district's appeal decisions under WAC [392-400-470](#). A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of the discipline appeal council must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

[Statutory Authority: RCW [28A.600.015](#), [28A.600.020](#) and [28A.600.010](#) through [28A.600.022](#), [28A.320.211](#). WSR 18-16-081, § 392-400-475, filed 7/30/18, effective 7/1/19.]

WAC 392-400-480

Petition to extend expulsion.

- (1) **Petition.** When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the school district superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the superintendent or designee of:
- (a) The behavioral violation that resulted in the expulsion and the public health or safety concerns;
 - (b) The student's academic, attendance, and discipline history;
 - (c) Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
 - (d) The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
 - (e) The proposed extended length of the expulsion; and
 - (f) The student's reengagement plan.

- (2) **Time limit.** The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC [392-400-710](#) and before the end of the expulsion. For violations of WAC [392-400-820](#), the principal or designee may petition to extend an expulsion at any time.
- (3) **Notice.** The school district must provide written notice of the petition to the student and parents in person, by mail, or by email within one school business day from the date the superintendent or designee received the petition. The written notice must include:
- (a) A copy of the petition;
 - (b) The student's and parents' right to an informal conference with the school district superintendent or designee to be held within five school business days from the date the district provided written notice to the student and parents; and
 - (c) The student's and parents' right to respond to the petition orally or in writing to the school district superintendent or designee within five school business days from the date the district provided written notice.
- (4) **Written decision.** The school district superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The school district superintendent or designee must deliver a written decision to the principal, the student, and the student's parents in person, by mail, or by email within ten school business days after receiving the petition.
- (a) If the petition is granted, the written decision must include:
 - (i) The date on which the extended expulsion will end;
 - (ii) The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
 - (iii) Notice of the student's or parents' right to request review and reconsideration of the appeal decision under subsection (5) of this section, including where and to whom to make the request.
 - (b) If the petition is not granted, the written decision must identify the date on which the expulsion will end.
- (5) **Review and reconsideration.**
- (a) **Requesting review.** The students or parents may request that the school board or discipline appeal council, if established under WAC [392-400-475](#), review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing.
 - (b) **Time limit.** A school district may establish a time limit for parents and students to request a review under this subsection. The time limit must be no less than ten school business days from the date the school district superintendent or designee provides the written decision under subsection (4) of this section.
 - (c) **Review procedure.**
 - (i) The school board or discipline appeal council may request to meet with the student or parents or the principal to hear further arguments and gather additional information.
 - (ii) The decision of the school board or discipline appeal council may be made only by board or council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision under WAC [392-400-465](#).
 - (d) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:
 - (i) Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
 - (ii) The date on which the extended expulsion will end.
- (6) **Duration.** Any extension of an expulsion may not exceed the length of an academic term.
- (7) **Language assistance.** The school district must ensure that any petition proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (8) **Annual reporting.** The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

[Statutory Authority: RCW [28A.600.015](#), [28A.600.020](#) and [28A.600.010](#) through [28A.600.022](#), [28A.320.211](#). WSR 18-16-081, § 392-400-480, filed 7/30/18, effective 7/1/19.]