

## **Student Rules, Regulations and Conduct: Discipline**

The mission of the Yakima School District is to challenge each learner by equitably providing the tools, resources and conditions necessary to master the knowledge, skills and behaviors essential for life-long learning and success through a partnership with parents and our diverse community. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of study, to comply with written rules of the Yakima School District which are adopted pursuant to and including, but not limited to operational procedures, (OP) 3200, 3201, 3202, 3203, 3230 and other district procedures and applicable legal statutes, and to submit to reasonable correction or punishment imposed by the school district and its agents for violations of such rules ([RCW 28A.600.040](#) and [WAC 392-400-210](#)).

Each individual district school building shall also have its own written rules and regulations, which are consistent with Yakima district operational procedures and building rules, and which are appropriate for operation of that particular school. Schools and the district must collect data on disciplinary actions, making the data available to the public on request.

The primary purpose of discipline is to protect the health, safety, and welfare of all students, staff, and visitors, maintain the security of the schools, and ensure a safe, non-disruptive optimum learning environment. The superintendent shall have the authority to implement this policy and to discipline, suspend, or expel students. He/she shall also designate which staff members have the authority to initiate or take disciplinary action.

The superintendent authorizes operational procedure 3200 as it conforms with laws and regulations affecting student discipline making more clear the discipline process.

### **1. Introduction**

The Yakima School District will uniformly enforce and implement discipline operational procedures in such manner as to guarantee all students their procedural due process rights while preserving the health and safety of students and employees and the preservation of an educational process which is conducive to learning ([WAC 392-400-225](#)). To comply with state law, discipline, suspensions and expulsions will be implemented in a progressive manner except where student conduct warrants a school response commensurate with the seriousness of the offense. Expectations for student conduct are established to maximize each student's individual potential and to provide a positive learning environment.

To implement State Board of Education ([SBE](#)) requirements, consistent with the Yakima School District board of directors' policies, written operational procedures regarding student rights and responsibilities are adopted. The board reserves the right to authorize the adoption of disciplinary rules and procedures and the imposition of disciplinary sanctions as allowed by state law and regulation. Operational procedures' content shall be made available to each student and parent(s)/guardian(s) in the district on an annual basis and in a manner reasonably calculated to come to their attention ([RCW 28A.600.010-020](#) and [WAC 392-400-225](#)) through a fall mailing to each student's household of the Student, Parent, Staff Handbook and through publication of all board policies and operational procedures on the district website, [http://www.yakimaschools.org/ysd\\_policies.asp](http://www.yakimaschools.org/ysd_policies.asp).

Established operational procedures will be followed in correcting misbehavior. Hearing and appeal procedures have been established in order to provide due process for every corrective action.

The building administrator shall communicate the disciplinary action taken to the school personnel who referred the student for disciplinary action.

Because of its unique effects on health and learning, substance abuse is also dealt with under operational procedure [3203](#), which offers an alternative disciplinary process.

## 2. Purpose/Application

- 2.1 A major purpose of this operational procedure is to describe the substantive and procedural due process rights of students served by any program or activity conducted by or on behalf of the Yakima School District and to establish the procedures and standards which govern the imposition of disciplinary action upon any student by the district ([RCW 28A.305.160](#) and [WAC 392-400-200](#)).
- 2.2 Another purpose of this operational procedure is to define with reasonable clarity the types of misconduct which will result in disciplinary action, to assure a healthy and safe school environment for students, staff, and visitors and to enhance the educational environment.
- 2.3 By formal agreement with the Yakima Police Department of the City of Yakima and with the Union Gap Police Department of the City of Union Gap, cases of student misconduct involving unlawful acts as defined by state and/or federal law, such as disruption of the learning environment, threats to other students or staff, substance abuse violations, assault, theft, extortion, weapons and other acts, shall be referred to the appropriate law enforcement agencies. Law enforcement will be called if there is an indication of a criminal act or perceived danger of the student's harming himself/herself or others, or if a student might put himself/herself at risk by running from the school. Physical evidence which may be obtained, such as illegal substances or paraphernalia, a knife or gun, will be photocopied against a ruler for school purposes, and the physical evidence will be given to the law enforcement officer.
- 2.4 These guidelines shall apply fully and completely to school instructional time and to all student academic activities, to extracurricular activities and athletic programs, and to cases of imposition of discipline for off-campus student misconduct as follows:
  - 2.4.1 misconduct occurs on the way to and from school;
  - 2.4.2 the conduct has a direct impact or effect on the school;
  - 2.4.3 there is proximity of the misconduct in relationship to the school day;
  - 2.4.4 there is proximity of the misconduct in relationship to school premises;
  - 2.4.5 the misconduct is an extension of a problem that began at school;
  - 2.4.6 the seriousness of the misconduct, its impact on the general welfare of staff and students, and fear of retaliation create reasonable suspicion or expectation of further school disruption; or
  - 2.4.7 the victim is a student or a staff member.

The superintendent delegates building administrators to be responsible for the safety and security of schools, including students, staff, visitors, and community members. Administrators empower their staff to use reasonable means to protect the school environment that enables the accomplishment of the mission of the schools. District policy allows, when necessary, for designated staff who pursue a student who could be placing self or others in danger. Designated staff who provide for safety and security includes certificated and non-certificated staff, but particularly includes building administrators, school security staff, and contracted law enforcement officers. District staff will communicate and

cooperate with law enforcement agencies; violations of law and criminal acts will be reported to law enforcement officers.

### 3. Forms of Discipline and Discipline Defined

Discipline shall mean all forms of interventions or corrective actions, other than suspension and expulsion, and shall include the exclusion of a student from a class by a teacher or administrator for a period of time with the student in the custody of a school district employee for such period. Discipline also means the exclusion of the student by a designated district employee from any other type of activity conducted by or in behalf of a school district ([WAC 392-400-205](#) and [235](#)). Disciplinary action is administered when a student violates the rights of others or disrupts the educational environment.

Immediately upon taking disciplinary action, the district employee will make an oral report to the office [[WAC 392-400-230- \(1\) \(4\)](#)]. By the end of that school day, the district employee will make a written referral [see 3200.1XE or computer [Notification of Disciplinary Incident\(s\)](#)] to the building administrator who will assign discipline; parent(s)/guardian(s) notification and/or involvement will take place. At all times during disciplinary action, the student will be under the direct supervision of a staff member.

- 3.1 **Conferences.** Formal and informal meetings may be used to resolve a student's behavior problem. Positive conflict resolution techniques for staff and students are encouraged.
- 3.2 **Detention.** Students may be detained before or after school for up to forty (40) minutes under the direct supervision of a staff member. The time which a student spends during corrective action shall be used constructively. Parent(s)/guardian(s) shall be notified in advance so that he/she can make suitable transportation arrangements for the student. A telephone contact or written notice should precede detaining the student.
- 3.3 **Study or Work Program.** A student may be assigned to a specific period of study or work before or after school or on a Saturday.
- 3.4 **Probation, Entry and Re-entry Process, and Modified School Standards.** A student may be placed on district or in-school probation or in a modified program situation for a specific period of time, not to exceed the current school year, by the building administrator or designee and may be required to meet conditions established by the school and agreed upon by the student and parent(s)/guardian(s). A student's failure to comply with district probation conditions may result in stronger disciplinary action.
- 3.5 **Fees and Fines Resulting from Disciplinary Action.** The parent(s)/guardian(s) is liable for damages caused by the student; see section 6.1.9. The school may withhold grades, diploma, and transcript until restitution for the damage is made; see operational procedures [3520](#). If the parent(s)/guardian(s) and student are financially unable to pay, the school must provide a voluntary work program in lieu of payment ([RCW 28A.635.060](#)).

If a student is suspended for damaging property belonging to a school, contractor, school employee, or another student, the student may not be readmitted until payment in full has been made for the damage, or until directed by the superintendent of schools. If the property damaged is a school bus, the student may not ride on a school bus until full payment is made or

the superintendent of schools readmits the student. The school may provide a work program in lieu of payment of money.

- 3.6 **Exclusion.** Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his/her individual classroom and instructional or activity area for all or any portion of the balance of the school day, up to the following two (2) school business days, or until the building administrator and teacher have conferred, whichever occurs first; see section 8.5.

Except in emergency circumstances, the teacher first must attempt one (1) or more alternative forms of corrective action. A student may be excluded from a classroom for longer periods of time by the building administrator if the student has repeatedly disrupted the classroom ([RCW 28A.600.020](#) and 1997 c 266 s 10).

- 3.7 **Emergency Class Removal.** A teacher or building administrator may remove from his/her class or activity period any student who creates an immediate and continuing danger to the student, other students, or school staff, or who presents an immediate and continuing threat of substantial disruption of the class, activity, or the educational process at the student's school. Such removal shall be accomplished in accordance with section 8.6 and shall be in effect until such time as:
- 3.7.1 the danger or threat ceases; and/or
  - 3.7.2 the building administrator acts to impose discipline, suspension or expulsion ([WAC 392-400-230](#)).

#### 4. Forms of Suspension and Expulsion and Suspension and Expulsion Defined

Suspension and/or expulsion of a student may be the denial of attendance for unlawful acts, district offenses, violation of school building rules, or exceptional misconduct. The superintendent designates school or program administrators, assistant administrators and designated substitute administrators to impose suspensions and expulsions [[WAC 392-400-230 \(2\)](#)].

- 4.1 **Suspension.** Suspension shall mean a denial of attendance (other than for an exclusion under section 3.6) for any single subject or class, or for any full schedule of subjects or classes for a stated period of time. Suspended students are considered absent from school; they are also denied admission to or entry onto school premises, which is defined as real and personal property that is owned, leased, rented or controlled by the school district. Suspensions may be in-school, short-term or long-term and are dealt with differently in the discipline process.
- 4.1.1 **Short-term Suspension.** As per [WAC 392-400-245](#), a short-term suspension shall mean a denial of attendance for any portion of one (1) school calendar day up to and not exceeding ten (10) consecutive school days, subject to section 8.
- 4.1.1.1 **In-school Suspension.** As an alternative to short-term suspension, a student may be placed under staff supervision, not exceeding ten (10) consecutive school days; see section 8.7.

The in-school suspension is designed to help a student learn a more acceptable mode of behavior without impairing his/her educational progress.

It incorporates clear rules and procedures, involves a student and his/her parent(s)/guardian(s), permits the student to progress on her/his academic work, encourages involvement with the school counseling staff, provides a student with opportunity to develop a behavior plan or agreement, and encourages monitoring and follow-up to assure that the student benefits from the corrective action.

- (a) In-School Suspension, Adult-Supervised Detention. Some district schools have created an alternative learning experience under the supervision of a certificated employee. In this model, the student is counted present but is excluded from activities and contact with the general student body and is required to work on school assignments, so that the student is counted as present or as an excused absence.

Students who are assigned to in-school suspension, adult-supervised detention, are granted this opportunity as a privilege and are expected to comply with the expectations of staff. *Note: Staff need to be aware that monitoring of in-school suspension for students who are special education/Section 504 may constitute a pattern of exclusion.*

- (b) Schools may be without the above program, but with solely a detention area that provides staff supervision, but not certificated supervision of instruction, and where only a few of the above ingredients are in place, or the student's attendance and commitment to his/her academic tasks demonstrates that he/she is unappreciative and unworthy of the above program. In that case, the in-school suspension under this section will simply provide a safe learning place to do school work. *Note: Staff need to be aware that monitoring of in-school suspension for students who are special education/Section 504 may constitute a pattern of exclusion.*

**4.1.2 Long-term Suspension.** Long-term suspension shall mean a suspension of eleven (11) school business days or more, up to thirty (30) days or one (1) grading period, which exceeds a short-term suspension as defined above, subject to section 8.9 ([WAC 392-400-260](#)).

**4.2 Expulsion.** Expulsion shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time. An expulsion also includes a denial of admission to or entry onto school premises, as defined in section 4.1. A student who is expelled must apply for admittance to school for the next school year; see operational procedure [3202](#) ([WAC 392-400-275](#)).

**4.3 Emergency Expulsion.** A student may be expelled immediately and without a hearing pursuant to section 8.13 by the building administrator in emergency situations. An emergency exists when the administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, school visitors or staff at the student's school or another school, or substantial disruption of the class, activity, or the educational process, and in situations where the danger or disruption requires further fact finding time. This expulsion also includes a denial of admission to or entry onto school or district premises, as defined in section 4.1. An emergency expulsion shall continue

until rescinded or modified. Generally, however, if separation of the student from the school has removed the emergency, another disciplinary action may be made the permanent action, ordinarily within ten (10) days of the occurrence. A student who is expelled must reapply for admittance to school from the superintendent's designee; see operational procedure [3202 \(WAC 392-400-295\)](#).

## 5. Student Rights

5.1 In addition to other rights established by law, each student served by or on behalf of the Yakima School District shall possess the following substantive rights, and the school district shall not limit these rights except for good and sufficient cause. This enumeration of rights shall be construed in a manner which is consistent with a student's constitutional and other legal rights under the constitutions and laws of the United States and the State of Washington. Student rights are conditioned upon the student's age and maturity in a school setting ([WAC 392-400-215](#)).

5.1.1 No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of national origin, race, religion, economic status, gender, sexual orientation, pregnancy, marital status, previous arrest, previous incarceration, or physical, mental, or sensory handicap.

5.1.2 All students possess the constitutional right to freedom of speech and press, to peaceably assemble, and to petition the government and its representatives for a redress of grievances, subject to reasonable limitations upon the time, place, and manner of exercising such rights.

In case of imposition of discipline, the student shall be provided the opportunity to present his/her explanation [[WAC 392-400-250 \(d\)](#)].

5.1.3 All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. Search procedures are found in operational procedure 3230; search may be documented with exhibit 3200.1.1XE.

5.1.4 All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of the school district.

5.1.5 No student shall be deprived of the right to equal educational opportunity in whole or in part by the school district without due process of law.

5.1.6 *Special education students, prior to the imposition of a corrective action which would result in a significant change of placement, will have the right to have a manifestation determination meeting set up by the IEP teacher made through the Individual Education Plan (IEP) team which has knowledge of the student's disability and/or placement, to ascertain if there is a causal relationship between the disability and/or placement and the misconduct giving rise to the corrective action. The assigned IEP teacher/coordinator and building administrator will have communicated about the discipline. If the potential discipline is long term or expulsion, the IEP teacher will make sure that special education district administrators are represented. Significant change of placement of a special education student means any suspension, in-school or*

*out-of-school, or expulsion for disciplinary reasons, which excludes a special education student from school for more than ten (10) consecutive school days in a school year or any series of suspensions that are each of ten (10) school days or fewer in duration which create a pattern of exclusion, or a series of removals that constitute a pattern of exclusion because they accumulate to more than ten (10) days in a school year. Special education services must be offered on the eleventh (11<sup>th</sup>) day. Disciplinary exclusion procedures will be implemented by the district consistent with state and federal law, including [WAC 392-172A-01000](#) through [WAC 392-172A-07070](#).*

*If the student is protected by Section 504 of the Rehabilitation Act, a manifestation must take place. In most school buildings, it is the counselor who is the 504 chair and the person to set up the manifestation, making sure that the team can attend.*

- 5.2 *Students shall enjoy fully all rights enumerated above, with the following qualifications which are deemed reasonable and necessary for the health and safety of students, teachers, principals and other school district personnel and for the maintenance of an orderly educational process. Students are required to respect the rights of others ([WAC 392-400-210](#)).*
- 5.2.1 The freedom to speak shall not include the right to use obscenities; to libel, slander, or defame another individual; to incite a riot; to disrupt the educational process; or to interfere with the rights of others.
- 5.2.2 The freedom to assemble shall not include the right to conduct meetings or demonstrations that disrupt the educational process or cause damage to district or school property or that violate district policy.
- 5.2.3 The freedom to publish shall not include the right to publish or distribute on school district premises written materials which have libelous, slanderous, defamatory, or obscene content or which violate district policy.
- 5.2.4 The right to security of personal possessions may be limited by the responsibility of school officials to conduct searches of student lockers, desks, and other school property assigned to individual students on a random, periodic basis or specifically if the officials have reasonable suspicion to believe that the student has in her/his possession, or in a container or vehicle on district property, any items or materials which he/she is forbidden to possess by city, county, state, or federal laws or district policy, or any items or materials which may have been or may be used to cause disruption to the educational process or which may endanger students or school district personnel.

## 6. Student Misconduct

Students will be subject to discipline, suspension or expulsion for misconduct as defined in this section, occurring on or in the vicinity of school premises, as defined in section 2.4, or at school-sponsored events and activities, in school vehicles, or in any other place while under the authority of school personnel.

Misconduct includes the following:

- **unlawful acts** as defined by state and/or federal law and referenced in section 6.1;
- **district offenses** as set forth in section 6.2; and

- **violation of school building rules** as adopted annually by each school building and classroom teachers and described in section 6.3.
- 6.1 **Unlawful Acts.** The following acts by a student are prohibited and shall result in discipline, suspension or expulsion by the school district. Violation of state or federal criminal law is considered to be student misconduct; definitions set forth herein may differ from those in state or federal statutes.
- 6.1.1 **Abusing or Insulting Teacher; Physically Threatening a Teacher.** A student is prohibited from threatening or abusing a teacher or school district employee in a manner which causes them to fear for their physical safety and which causes disruption to the normal activities of the school ([RCW 28A.600.020](#)).
- 6.1.2 **Arson.** A student shall not intentionally, knowingly, maliciously, or recklessly attempt to or cause a fire or explosion on or in the vicinity of school premises or at a school-sponsored event ([RCW 9A.48.010](#) - [RCW 9A.48.060](#)).
- 6.1.3 **Assault; Grievous.** A student shall not initiate an action with the intent to cause great bodily harm to another, or by design knowingly inflict bodily harm which causes pain or agony, or with criminal negligence cause bodily harm with a weapon or other instrument on or in the vicinity of school premises, at a school-sponsored event or planned or aimed at school staff or personnel, or on the way to or from such school activities ([RCW 9A.36.011](#) - [9A.36.041](#)); see section 2.4.
- 6.1.4 **Attendance; Truancy; Skipping; Leaving Campus.**
- 6.1.4.1 Attendance requirements are established to enhance continuity of instruction and learning in order to improve attainment of academic standards. A student shall attend all assigned or scheduled classes or activities during the school day and shall submit a written excuse signed by his/her parent(s)/guardian(s) or by a staff member within two (2) school business days [forty-eight (48) hours] upon return from any absence. The failure to do so constitutes an unexcused absence or truancy (OP [3122](#), [RCW 28A.225.010](#)).
- 6.1.4.2 Under state law, parent(s)/guardian(s) who contribute to a student's repeated unexcused absences or truanancies may be referred to the court and fined up to twenty-five dollars (\$25) per day, or, with other evidence, may be charged with neglect. Students with repeated or extended non-attendance or unexcused absence shall be petitioned to juvenile court (policy [3122](#), [RCW 28A.225.010](#), [RCW 28A.225.060](#)).
- 6.1.5 **Bomb Threat.** A student shall not threaten, bomb, or attempt to bomb or otherwise injure persons or school property, or communicate or repeat any information concerning such a threat of bombing or injury, knowing such information to be false ([RCW 9.61.160](#)).
- 6.1.6 **Burglary.** A student shall not enter onto school premises or into any school district rooms or buildings without authorization and with the intent to steal property, damage property, or commit any other crime against person or property while in the building ([RCW 9A.52.010](#)-[RCW 9A.52.060](#)).

- 6.1.7 **Defacing or Destruction of Property; Vandalism.** A student shall not deface or otherwise damage the property of the school district, another student, an employee, volunteer, visitor, or contractor of the district while on or in the vicinity of school premises or at a school-sponsored event ([RCW 28A.635.060](#) and OP [3520](#); [city of Yakima ordinance 2003-48](#)).
- 6.1.8 **Disclosure of Exam Questions and/or Cheating.** A student shall not disclose examination questions prior to their scheduled use, disrupt, talk or signal during an exam session or cheat or attempt to cheat on tests or on assignments ([RCW 28A.635.040](#)).
- 6.1.9 **Disturbances of Education or Activity.** A student shall not willfully create a disturbance on or in the vicinity of school premises during school hours or at school activities or meetings. This shall include any conduct which interferes with the educational process including, but not limited to, fumes, odor pellets or poppers ([RCW 28A.635.030](#)).
- 6.1.10 **Explosives, Fireworks, Incendiary Devices, etc.** A student shall not possess or ignite explosives, firecrackers, or any other incendiary devices on school property or at school-sponsored events ([RCW 9.40.100 - 9.40.120](#)); see section 6.1.2.
- 6.1.11 **Extortion, Intimidation, Blackmail or Coercion.** A student shall not obtain money, property, or favors by violence or threat of violence or coerce someone to do something by force or threat of force on or in the vicinity of school premises or at a school-sponsored event ([RCW 9A.36.070](#), [RCW 9A.46](#), [RCW 9A.56.110](#), [RCW 9A.56.130](#)); see section 2.4.
- 6.1.12 **Fire Apparatus Tampering or False Alarm.** A student shall not set off false fire alarms; discharge without cause, tamper with, or steal a fire extinguisher; or damage a fire alarm system on or in the vicinity of school premises or at school-sponsored events ([RCW 9.40.100](#)).
- 6.1.13 **Forgery and Fraudulent Information.** A student shall not fraudulently use in writing the name of another person or falsify times, dates, grades, addresses or other data on school forms or other written items necessary for the conduct of school transactions ([RCW 9A.60.020](#)).
- 6.1.14 **Gambling.** A student shall not engage in any form of gambling, such as cards, dice, pitching coins, or other risk games or wagers of chance where money, gain, or personal property exchange comes at the expense or loss of another while on or in the vicinity of school premises or at a school-sponsored event ([RCW 9.46.010 - 0253](#)).
- 6.1.15 **Gang or Secret Society Activity.** Students are prohibited from any secret societies or gang activity, or activity by a group with the purpose of violating the law, district policy or school rules, or having a criminal intent or nature.

The legislature defines gang-related activities as criminal behavior, disruptive not only to the learning environment but to society as a whole, and provides educators with the authority to restore order and safety to the student learning environment and eliminate

the influence of gang activities by empowering educators in the control of school environments, thus providing students with optimum educational opportunities (RCW 28A.600.455).

- 6.1.15.1 GNA Gang Related Affiliated Activities or Secret Societies**
- 6.1.15.2 GNC Gang Related Clothing, Apparel or Accessories**
- 6.1.15.3 GNF Gang Related Fighting and 6.2.13 Fighting**
- 6.1.15.4 GNI Gang Related Intimidation or Threats** (*including throwing signs, and stare-downs between groups*)
- 6.1.15.5 GNT Gang Related Tagging or Graffiti on Campus**
- 6.1.15.6 GNW Gang Related Writing on Person or Property**

Indicators of gang or secret society activities may include:

- declaration of membership and membership recruitment;
- colors or distinctive clothing of any type;
- a claim of turf or a particular territory in community or school;
- graffiti with special meaning to the secret society or gang;
- hand signs with unique meaning;
- a group name;
- group organization and structure;
- nicknames or secret names;
- identifiable leadership;
- tattoos, haircuts, shaved eyebrows, or other body markings or piercings with distinctive meanings; and
- conspiring and acting in concert, mainly for purposes which may violate operational procedures, school rules, which are not approved by the school, and which are not beneficial solely to the school.

Participation in any of the above indicated activities may be sufficient to identify a student for increased scrutiny in order to preserve the health, safety and welfare of the general student body and staff.

In order to be a school-approved group, the group must be authorized by the school, primarily for the benefit of the school, and must have non-selective membership; see OP [3511](#).

Criminal intimidation is threatening bodily injury to a person not affiliated with a secret society, one who refuses to join, or one who has attempted to withdraw from a secret society or gang [RCW 28A.600](#).

The district will not tolerate any secret society or gang-type behaviors in the vicinity of school premises or at a school-sponsored event. Failure to adhere to this procedure has been identified by the district as exceptional misconduct; see section 7; the student will be suspended or expelled. Parent(s)/guardian(s) and students will be regularly updated on behaviors which the school considers to be secret society or gang-related; see OP [3224](#).

- 6.1.16 **Harassment.** A student shall not harass persons because of their race, color, national origin, ancestry, gender, sexual orientation, age, ethnicity, language barrier, religious beliefs, politics, physical and mental handicap or disability, economic and social conditions, or actual or potential marital or parental status in violation of operational procedures [3210](#), [3215](#), and [3216](#) ([RCW 9A.36.078](#); [9A.46](#)). Harassment, including bullying, is prohibited whether it be student-to-student, student-to-adult, adult-to-student, or adult-to-adult. Students are prohibited from harming a student or damaging his or her property or from demeaning any particular student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. This prohibition extends to property adjacent to school premises, school activities, school transportation, and bus stops; see section 2.4 and section 7.
- 6.1.17 **Harassment—Sexual.** A student shall not indulge in sexually-based behavior, which is unwelcome, repeated, or causes harm, that creates an intimidating, hostile, or offensive work or learning environment ([RCW 9A.46.020](#) and [RCW 9A.36.080](#)); see section 7, and OP 3216 and 5013.
- 6.1.18 **Hate Crimes.** A student shall not engage in violent or destructive acts motivated by and directed against persons because of race, gender, age, religion, politics or sexual orientation ([RCW 9A.36.078-080](#)).
- 6.1.19 **Intimidating a Public Servant.** A student shall not intimidate a school district employee, school volunteer, or another student by foul or abusive language, by willfully disobeying a teacher, by harassment, or by threats which are communicated directly or indirectly and which disrupt the normal operations of the school ([RCW 28A.600.020](#)). This includes an act which may
- a) cause bodily injury in the future; or
  - b) cause physical damage to property; or
  - c) subject the person to physical confinement or restraint; or
  - d) accuse him/her of a crime; or
  - e) expose a secret or publicize an asserted fact, whether true or false tending to subject any person to hatred, contempt, or ridicule; or
  - f) reveals private information; or
  - g) withhold or give wrongful testimony; or
  - h) take wrongful action; or
  - i) bring about collective action to obtain property; or
  - j) any other act which intends to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships ([RCW 9A.04.110](#); [RCW 9A.76.180](#); and [RCW 28A.600.455](#)).
- 6.1.20 **Robbery.** A student shall not steal or take property from an individual by stealth, by force, or by threat of force on or in the vicinity of school premises or at a school-sponsored event ([RCW 9A.56.190](#) - [RCW 9A.56.210](#)).
- 6.1.21 **Spray Devices for Personal Protection.** Except as provided herein, a student who legally carries a personal protective spray device, one who is eighteen (18) years or older or who is fourteen to seventeen (14-17) while carrying written parental

permission to do so, is prohibited from displaying or using a personal protective spray device on or in the vicinity of school premises or at a school sponsored event. Such devices may be discharged only in reasonable self-defense and never as an offensive device or weapon ([RCW 9.41.160](#)).

6.1.22 **Theft.** A student shall not obtain or exert unauthorized control over the property or services of another with the intent to deprive said person of such property or services on or in the vicinity of school premises or at a school-sponsored event ([RCW 9A.56.020 - 100](#)).

6.1.23 **Threats to Self or Others; Unlawful Interference with School Personnel.** The district will respond to all threats, whether threats to the safety of self or others. A student shall not interfere with school personnel by force or violence or threat of violence ([RCW 28A.635.100](#)).

6.1.24 **Trespass.** A student shall not enter onto school premises or into any school district building without authorization and shall leave school district premises when ordered to do so by district or school staff or by a law enforcement officer. School staff may follow students onto private property when students leave school or public property. A student shall leave public property adjacent to or in the vicinity of school premises when ordered to do so by a law enforcement officer ([RCW 9A.52.070 - RCW 9A.52.090](#), [RCW 9A.84.020](#); 1997 c 266 s 9).

6.1.25 **Use, Sale or Possession of Illegal Drugs or Substances.** The sale, use, being under the influence of or in possession of alcoholic beverages, illegal drugs, drug paraphernalia, or tobacco products on or in the vicinity of school premises or at a school-sponsored event is prohibited. ([RCW 66.44.100](#), [RCW 69.40.010 - 150](#), [RCW 69.50.102](#); see also section 6.2.20 and OP [3203](#)). A violation of this prohibition or OP [3203](#) has been identified by the district as exceptional misconduct; see section 7.

6.1.25.1 **ZD Use, Sale or Possession of Illegal Drugs or Substances**

6.1.25.2 **ZDA Use, Sale or Possession of Alcohol**

6.1.25.3 **ZDP Use, Sale or Possession of Substance Abuse Paraphernalia**

6.1.25.4 **ZDT Use, Sale or Possession of Tobacco**

6.1.26 **Weapons.**

**All items used as dangerous weapons.** For purposes of student safety and to prevent disruption of the instructional environment, any object may be regarded as potentially harmful and may be classified as a weapon, depending on the circumstances of its use or the intent, threat, or intimidation associated with its presence. **Dangerous weapons** may include antique, commercially manufactured, or hand made items.

**Firearms** are weapons or devices, whether loaded or unloaded or in parts and pieces, including ammunition, from which a projectile may be fired by an explosive or other propulsive agent. A student shall not possess a firearm or other dangerous weapon on or in the vicinity of school premises or at a school-sponsored event. Possession of firearms on school premises will result in a mandatory one (1) year expulsion, subject to appeal, with notification to parents and law enforcement.

Possession of other dangerous weapons may result in a one (1) calendar year expulsion. The school district may expel a student for up to one (1) calendar year if the student acts with malice and displays an instrument that appears to be a firearm on or in the vicinity of school premises, on a school bus or other school-provided transportation, or at a school-sponsored event; see section 2.4. Referral will be made to a law enforcement agency.

- 6.1.26.1 **Weapons of all types** and categories may include, but are not limited to, sling shots; pipes, clubs or wand-type clubs; sharpened tools; metal knuckles; sharp instruments to be thrown, such as throwing stars, choking or hitting devices, nun-chu-kas; BB guns, air soft or air cartridge guns; or toy weapons, or weapon facsimilies (look-alikes) [RCW 9.41.250](#) and [RCW 9.41.280](#).
- 6.1.26.2 **Handguns** are firearms which may be pistols or automatics and may be fired by use of a single hand [RCW 9.41.010 \(1\) and \(2\)](#); [RCW 9.41.280 \(1\)](#).
- 6.1.26.3 **Rifles and shotguns** are firearms, which include bow guns, whether long or short barreled, and whether capable of single shot or rapid repeat fire as in the case of automatic or machine-gun type of delivery [RCW 9.41.010 \(3\)](#); [RCW 9.41.260](#); [RCW 9.41.280 \(1\)](#).
- 6.1.26.4 **Knives, daggers, swords, and sharpened cutting or stabbing instruments** include any single or double-edged sharpened knife, whether fixed or with a spring or folding mechanism or which opens by gravity or centrifugal thrust, or tools with sharpened edges or points which are intended to be used for slashing or stabbing, including pocket knives and box cutters [RCW 9.41.250 \(1\)](#) and [RCW 9.41.270](#).

6.2 **District Offenses.** The following acts by a student are prohibited and shall result in discipline, suspension or expulsion by the school district. Violation of state or federal criminal law is considered to be student misconduct; definitions set forth herein may differ from those in state or federal statutes.

- 6.2.1 **Activities; Disobeying Laws and Rules at Events.** Specific rules and expectations for student behavior are annually produced and are contained in associated student body (ASB) constitutions, [Student, Parent and Staff Handbooks](#), school building rules, and/or in the student [Athletic Handbook](#). Violation of the rules set forth in these publications is deemed to be student misconduct.
- 6.2.2 **Attendance.** Daily attendance is required in accordance with state law and district policy as set forth in section 6.1.4 above, unless officially excused as provided therein.
  - (a) High school and middle school students and their parent(s)/ guardian(s) are cautioned that excessive absenteeism, regardless of reason, may result in suspension or loss of credit or grade reduction, even though a student does average or above average work on days while in attendance.
  - (b) Elementary school excessive absenteeism, regardless of reason, may result in loss of learning and the attainment of established grade level expectations and benchmarks, ultimately leading to retention pursuant to promotion and retention OP [2421](#).

- (c) Written excuses signed by parent(s)/guardian(s) or staff member are required within two (2) school business days [forty-eight (48) hours] upon return from absences.
  - (d) Home health instruction is available for medically prescribed confinement of four (4) weeks duration or longer that is verified by a doctor ([WAC 392-172A-02100](#)).
- 6.2.3 **Bus Conduct Issues.** Strict discipline on school district buses will be enforced according to published bus rules (transportation operational procedures and operational procedure [6600](#)). School building staff shall enter these disciplinary actions into the student's progressive discipline history.
- 6.2.4 **Campus Closure During Instructional Hours.** Students are required to remain on school grounds during instructional hours unless officially excused.
  - 6.2.4.1 Some high school students may be permitted to leave the school campus at lunch time; this may be dependent on class standing.
  - 6.2.4.2 Students involved in approved off-campus activities during school hours must be officially excused or have a valid off-campus pass in their possession.
  - 6.2.4.3 Visitations to other schools must be approved in advance by both principals.
  - 6.2.4.4 Students are prohibited from entering the premises of a school other than their assigned school during instructional hours, which includes the half-hour period immediately before and after the instructional day or until the campus is cleared of that school's students; see section 6.1.25.
- 6.2.5 **Communications Devices (Cell Phones, Pagers).** Students shall not use or display portable cellular telephones, pagers, or communications, or entertainment devices between the times when actual daily classroom instruction begins and after actual daily classroom instruction ends. This includes devices which emit audible signals, vibrate, display a message, or otherwise summon or deliver a communication to the student during the instructional day at any Yakima School District schools. Telephones are available in building offices for student needs and for messages to students. Principals will announce specific building rules on this topic; see section 6.3. A building administrator may waive this prohibition for good cause on a case-by-case basis ([RCW 28A.320.135](#)).
- 6.2.6 **Computer and Electronics Misuse.** Students are prohibited from specific misuse of all electronics that violate operational procedure [2311](#), section 3.4.6 and the required, signed agreement specified prior to approval to use district computers, operational procedure exhibit [2311.5X](#).
- 6.2.7 **Cooperation with School Personnel.** Students must obey the lawful instructions of school district personnel.
- 6.2.8 **Dangerous Behavior.** Students are prohibited from any act that could cause injury to themselves or others.
- 6.2.9 **Dangerous Pushing and Shoving or Other Physical Contact.** Students are prohibited from pushing, shoving, pinching, and other physically aggressive actions

which could cause physical harm to another or which, if not stopped, could result in further escalation to harassment, fighting, and other prohibited behaviors.

- 6.2.10 **Disrespectful Behavior.** Students will not treat school staff, students, or volunteers with rudeness or lack of consideration or esteem.
- 6.2.11 **Intimidation and Bullying.** Students are prohibited from placing a student in reasonable fear of harm to person or damage to property, whether threat or intimidation occurs by electronic media, written, verbal, or physical act. This prohibition extends to property adjacent to school grounds, school activities, school transportation, and bus stops; see section 2.4.
- 6.2.12 **Dress and Appearance.** Student dress and appearance must not be disrupting or cause undue distraction or present health or safety problems, or be inappropriately immodest or portray illegal, harassing, or legally controlled acts, or cause disruption to the educational process. Students will refrain from wearing gang clothing or clothing which advertises contraband such as drugs, substance abuse, tobacco, alcohol or other products or behaviors which are illegal as defined by law or are prohibited on or in the vicinity of school premises by district policy; see OP [3224](#). Students will conform to a school's special standard of dress as identified and approved by the board; see OP [3224](#).
- 6.2.13 **Disruptive Conduct.** Students are prohibited from conduct which disrupts or interferes with the educational process.
- 6.2.14 **Failure to Disperse; Presence at Dangerous Activity.** Students are to immediately leave the scene of an impending dangerous situation, such as a fight, and will be considered a contributor to the escalation of the dangerous situation by their initial presence at the scene and their continued presence to observe a potentially dangerous, unlawful, or district-offense act(s).
- 6.2.15 **Fighting.** Students shall not strike, push, or commit any other unconsented touching of another individual. Students are prohibited from the act of quarreling involving bodily striking (fighting) or other physical actions towards each other and others; see assault section 6.1.3.
- 6.2.16 **Hazing.** Students are prohibited from the hazing or initiation of students or the forcing of other students to do or submit to humiliating, painful, or dangerous acts.
- 6.2.17 **Insubordination.** Students shall not be insubordinate and/or disobedient to school authority. This includes the refusal to obey or respond to a reasonable request or order which the school person is entitled to give and have obeyed.
- 6.2.18 **Littering.** A student shall not throw, drop, deposit or discard litter or refuse on school district premises or at school-sponsored events ([RCW 70.93.060](#)).
- 6.2.19 **Loitering.** Students are prohibited from loitering in lavatories, parking lots, and designated off-limit areas.

- 6.2.20 **Motor Vehicles.** High school students who drive motor vehicles to school must observe all rules of safe driving in the immediate vicinity of the school and in parking lots, must park in designated areas, and must comply with state vehicle registration procedures and insurance regulations. Failure to do so may result in the denial or loss of parking privileges on or in the vicinity of school premises and/or other discipline or corrective action.

Schools assert a compelling need to maintain student safety. Therefore, vehicle searches may be necessary due to potential dangers of firearms and other contraband materials being stored in vehicles; see OP [3230](#).

- 6.2.21 **Need to Identify Self.** Students and all persons on or in the vicinity of school premises or at a school-sponsored event, on buses and at bus stops must, upon request, identify themselves to school personnel. On a daily basis, students will appropriately wear and display identification on their person or in their backpack when this is the established rule of the building site, program, or transportation department.
- 6.2.22 **Off-campus Events.** Students at school-sponsored, off-campus events shall be governed by school district rules and regulations. Failure to comply may result in loss of eligibility to attend school-sponsored, off-campus events and may result in other discipline, suspension or expulsion.
- 6.2.23 **Overt Affection; Lewd or Sexual Behavior.** Students are prohibited from inappropriate touching and public displays of intimate affection or lewd or sexual behavior on or in the vicinity of school premises or at school-sponsored events.
- 6.2.24 **Pornography.** Students are forbidden from possessing, displaying, selling, or creating any medium, such as writing, pictures, films or other electronic communications with pornographic content, which may be defined as materials intended to create sexual arousal and which are usually considered by the community to be obscene. This may include any medium where sexuality is combined with sadomasochistic portrayals.
- 6.2.25 **Pranks and Senior Pranks.**
- 6.2.25.1 Students are prohibited from staging pranks, which are tricks and mischief at the expense of others.
- 6.2.25.2 A **senior prank** is student misconduct which occurs near the graduation of senior students. Misconduct by a senior during this time period shall be subject to discipline, suspension or expulsion, which may include denial of attendance at commencement ceremonies or other graduation activities.
- 6.2.26 **Profanity.** Students are forbidden from using vulgar, obscene or profane language, whether spoken, in writing, or by gesture.
- 6.2.27 **Selling Items at School.** Students may not sell items on or in the vicinity of school premises or at school-sponsored events unless they represent a district authorized non-profit organization and secure the prior written approval of the principal.

6.2.28 **Tardiness; Truancy.** Students are expected to be punctual in arriving at school and to each of their classes; they are to remain in their classes until the conclusion of class or the end of the instructional day (not leaving early). In addition to disciplinary action, persistent tardiness will be dealt with as an unexcused absence for purposes of calculation of truancy violations; see OP [3120](#).

6.3 **Building Rules and Classroom Rules.** Violation of building rules, student handbook rules, athletic rules or classroom rules as adopted by each school building, program, or classroom teacher is deemed student misconduct.

Written rules will be developed for administering discipline at each school within the district with the participation of parents and the community and shall provide that the teacher, building administrator and other staff authorized by the superintendent make every reasonable attempt to involve the parent(s)/guardian(s) and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time as provided in section 3.6 of this procedure if such students have repeatedly disrupted the learning of other students. Procedures must be consistent with the rules of the State Board of Education ([SBE](#)) and must provide for early involvement of parents in attempts to improve the student's behavior.

In order to develop a school building environment conducive to learning, the building administrator shall review or confer with certificated staff at least once each year regarding the rules of conduct to be employed in the school and the corrective actions and punishment that may be employed in the event of rule infractions; see sections 5 and 8 of OP [3201](#).

The procedures shall assure that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom ([RCW 28A.600.020](#) and 1990 c33 s497).

## 7. Exceptional Misconduct

As per [WAC 392-400-245 \(2\)](#), identification of exceptional misconduct shall be made by the district after consulting with an ad hoc committee which is representative of the district and community. Exceptional misconduct means student misconduct, other than absenteeism, which is of such frequent occurrence, notwithstanding past corrective attempts, or which is so serious in nature as to warrant an immediate resort to short-term or long-term suspension or expulsion. Misconduct shall be deemed to be exceptional if it presents an immediate threat of substantial disruption of the operation of one (1) or more schools.

In cases of expulsion, when the building administrator has reasonable suspicion that a student may pose a danger to himself or others, the student may be required to:

- schedule and cooperate in a professional substance abuse and/or mental health assessment at the student's/parent's expense;
- sign a release for the school district to receive the assessment information and the recommendations for treatment; and
- agree to comply with the substance abuse and/or mental health recommendations at the student's/parent's own expense as a condition of re-entry into Yakima School District.

7.1 The effect of section 7 is to set aside the district's progressive discipline policy and establish instead pre-determined consequences. However, nothing herein shall be construed as requiring the immediate resort to a suspension or expulsion in cases involving exceptional misconduct when there are extenuating circumstances.

The following applies:

### Exceptional Misconduct and Predetermined Consequences

POLICY & TITLE	GRADES K-4	GRADES 5-12
<b>6.1.15 GANG ACTIVITY</b> 6.1.15.1 GNA Gang Related Affiliated Activities or Secret Societies 6.1.15.2 GNC Gang Related Clothing, Apparel or Accessories 6.1.15.3 GNF Gang Related Fighting and 6.2.13 Fighting 6.1.15.4 GNI Gang Related Intimidation or Threats <i>(including throwing signs, and stare-downs between groups)</i> 6.1.15.5 GNT Gang Related Tagging or Graffiti on Campus 6.1.15.6 GNW Gang Related Writing on Person or Property	Short-term Suspension or Expulsion	Long-term Suspension or Expulsion
<b>6.1.16 HARASSMENT</b>	Discipline; Short-term Suspension; Expulsion	Discipline; Short-term; Long-term; Expulsion
<b>6.1.17 HARASSMENT-SEXUAL</b>	Discipline; Short-term Suspension; Expulsion	Discipline; Short-term; Long-term; Expulsion
<b>6.1.25.1 SUBSTANCE ABUSE</b> First (1 <sup>st</sup> ) Offense Second (2 <sup>nd</sup> ) Offense Third (3 <sup>rd</sup> ) Offense	1 <sup>st</sup> - Short-term, ten (10)-day Suspension or Emergency Expulsion 2 <sup>nd</sup> - Short-term, ten (10)-day Suspension or Emergency Expulsion 3 <sup>rd</sup> - Expulsion	1 <sup>st</sup> - Short-term, ten (10)-day Suspension 2 <sup>nd</sup> - Long-term, thirty (30)-day Suspension 3 <sup>rd</sup> - Expulsion
<b>6.1.26.1 DANGEROUS WEAPONS: OTHER: CHOKE, CHAIN, CLUB, THROW, ETC.</b>  Weapons of all types and categories may include, but are not limited to, sling shots, pipes, clubs or wand-type clubs, sharpened tools, metal knuckles, sharp instruments to be thrown, such as throwing stars, choking or hitting devices, nun-chu-kas, BB guns, air soft or air cartridge guns, toy weapons, or weapon facsimiles (look-alikes). <a href="#">RCW 9.41.250</a> and <a href="#">RCW 9.41.280</a> .	Short-term Suspension or Expulsion	Discipline; Short-term; Long-term; Expulsion
<b>6.1.26.2 FIREARMS, HANDGUNS</b>  Handguns are firearms which may be pistols or automatic and fired by use of a single hand. <a href="#">RCW 9.41.010 (1) and (2)</a> ; <a href="#">RCW 9.41.280 (1)</a> .	Expulsion for one (1) calendar year	Expulsion for one (1) calendar year
<b>6.1.26.3 FIREARMS, RIFLES, SHOTGUNS</b>  Rifles and shotguns are firearms which include bow guns, whether long or short barreled, and whether capable of single shot, or rapid repeat fire as in the case of automatic or machine-gun type of delivery. <a href="#">RCW 9.41.010 (3)</a> ; <a href="#">RCW 9.41.260</a> ; <a href="#">RCW 9.41.280 (1)</a> .	Expulsion for one (1) calendar year	Expulsion for one (1) calendar year
<b>6.1.26.4 KNIVES, DAGGERS, SWORDS, ETC.</b>  Knives, daggers, swords, and sharpened cutting or stabbing instruments include any single or double-edged sharpened knife, whether fixed or with a spring or folding mechanism or which opens by gravity or centrifugal thrust, or tools with sharpened edges or points which are intended to be used for slashing or stabbing, including pocket knives and box cutters. <a href="#">RCW 9.41.250 (1)</a> and <a href="#">RCW 9.41.270</a> .	Short-term Suspension or Expulsion	Discipline; Short-term; Long-term; Expulsion

7.2 Gang behaviors, harassment and sexual harassment, weapons, and substance abuse violations have been identified as exceptional misconduct. The district's identification of these does not limit further identification of exceptional misconduct from student misconduct listed in section 6.1.

7.3 If a short-term or long-term suspension or expulsion is imposed under this section 7, the district shall follow the notification procedure set forth in sections 8.8 or 8.10 or 8.11 as the case may be, and, if necessary, the appeal procedure set forth in section 9 and the board appeal hearing procedure set forth in section 10.

7.4 *Guidelines for exceptional misconduct with pre-determined sentences cannot be used to discipline special education students if the consequences constitute a significant change of*

*placement as defined in section 5.1.6. In the event a special education student is engaged in exceptional misconduct, section 8.15 shall govern.*

## **8. Procedures for Administering Discipline, Suspension and Expulsion**

A building administrator who has gathered sufficient facts to form a reasonable basis for imposition of discipline, suspension or expulsion upon a student for misconduct shall, prior to such imposition or as promptly as is reasonably possible, communicate with the parent. A written letter notice which includes the written narrative or referral of the misconduct is hand delivered or mailed according to law to the student and/or the student's parent(s)/guardians(s). Due process rights contained in the notice give the opportunity to request an informal principal conference or hearing. Suspensions and expulsions and the reasons thereof shall be reported in writing to the superintendent or designee within twenty-four (24) hours after imposition of the suspension ([WAC 392-400-235](#) to [240](#)).

- 8.1 **Due Process.** The [United States \(US\) Constitution](#) guarantees to individuals the right of protection of the due process of law. Therefore, the following statements and procedures, which are constitutionally and legally sound, shall form the bases of all disciplinary action administered by the school district. Additionally, due process requirements have been set forth by the SBE as contained in [WAC 392-400](#). These due process requirements are set forth according to [SBE WAC](#) regulations and are incorporated by this reference. A copy of these rules may be obtained from the school district website or with notice upon request.
- 8.2 **Fairness.** The hallmark of the exercise of disciplinary authority shall be fairness.
- 8.3 **Resolution of Problems.** Reasonable efforts shall be made by administrators and teachers to resolve problems through effective utilization of the Yakima School District's resources in cooperation with the student and her/his parent(s)/guardian(s).
- 8.4 **Discipline.** Discipline may be imposed, pursuant to this section 8, upon any student for violation of the rules of the Yakima School District as set forth in sections 6 and 7. However, no form of discipline, except for long-term suspension or expulsion, shall be imposed in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.
- 8.4.1 A student's academic grade or credit in a particular subject or course may nevertheless be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:
- (1) the student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and
  - (2) the student's attendance and/or participation has been identified by the teacher, pursuant to district policy, as a basis for grading, in whole or in part, in the particular subject or course.
- 8.4.2 The parent(s)/guardian(s) may request an informal conference with the building administrator or designee within two (2) school business days, pursuant to section 9.1.
- 8.5 **Exclusion.** A student who has been excluded from a class or activity by a district staff person will meet with the building administrator prior to return to class; see section 3.6. The staff

person making the referral shall be included in that meeting. A conference with parent(s)/guardian(s) shall be held at their request or at the request of the building administrator or designee.

**8.6 Emergency Class Removal.** The emergency removal of a student from a class, subject, or activity pursuant to section 3.7 shall be accomplished according to the following guidelines [WAC 392-400-220, 230, 235, 290](#):

8.6.1 A student may be removed immediately from a class, subject or activity by a teacher or an administrator and sent to a building administrator for the balance of the school day and/or until such time as the building administrator has imposed appropriate discipline. This is provided that the teacher or staff person has attempted one (1) or more alternative forms of correction and has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school district personnel or an immediate and continuing threat of substantial disruption of the class or activity or the educational process at the student's school. The removal of a student from a class or activity shall continue only until:

- (1) the danger or threat ceases; and/or
- (2) the building administrator acts to impose appropriate discipline.

8.6.2 The building administrator as soon as is reasonably possible and by the beginning of the next day shall meet with the student following the student's removal and prescribe appropriate disciplinary corrective action or punishment. The teacher may recommend action.

Prior to, or at the time a student is returned to the class or activity, the building administrator may confer with and/or shall notify the staff person who removed the student of the disciplinary action which has been taken or initiated.

**8.7 Short-term Suspension Conditions/Limitations.** As per [WAC 392-400-245](#), except as provided in section 8.7.4, short-term suspension of up to ten (10) consecutive school days may be imposed upon a student by the building administrator for student misconduct as set forth in sections 6 and 7, subject to the following limitations or conditions and the principal's informal conference procedure set forth in section 8.8. Short-term suspensions are attendance coded as absences, since the student's choice of behaviors has caused the discipline to occur.

8.7.1 The nature and circumstances of the violation must reasonably warrant short-term suspension and the length of the suspension imposed.

8.7.2 As a general rule, no student shall be suspended unless other forms of intervention or corrective or disciplinary action reasonably calculated to modify her/his conduct have previously been imposed upon the student as a consequence of misconduct.

8.7.3 In addition to the alternative corrective action requirement of section 8.7.2, no student subject to compulsory attendance pursuant to [RCW 28A.225.005 - 151](#), as now or hereafter amended, shall be suspended by reason, in whole or part, of one (1) or more unexcused absences unless the school district has first imposed an alternative corrective or disciplinary action reasonably calculated to modify his/her conduct and, in addition, has:

- (1) provided notice to the student's parent(s)/guardian(s) or custodial parent(s) in writing in English or, if different, copies in the primary language of the parent(s)/guardian(s), that the student has failed to attend school without valid justification;
- (2) scheduled a conference or conferences with the parent(s)/guardian(s) and the student, at a time and place reasonably convenient to all persons included, in order to analyze the causes for the student's absence and determine by appropriate means whether the student should be considered for placement in a special program designed for his/her educational success; and
- (3) taken steps to reduce the student's absence, including adjustments of the student's school program or school or course assignment, and assisted the student or parent(s)/guardian(s) in obtaining supplementary services that might ameliorate the cause(s) for the student's absence from school.

8.7.4 No student in kindergarten through grade four (4) shall be subject to short-term suspensions for more than a total of ten (10) school days during a single semester or trimester, and no loss of academic grades or credit shall be imposed by reason of the suspension of such student.

8.7.5 No student in grade five (5) and above shall be subject to short-term suspensions for more than a total of fifteen (15) school days during any single semester or ten (10) school days during any single quarter or trimester.

8.7.6 *If the student is special education designated or covered under Section 504 of the Rehabilitation Act, section 8.15 shall govern.*

8.7.7 Any student subject to a short-term suspension shall be provided the opportunity upon her/his return to make up assignments and tests missed by reason of the short-term suspension if:

- (1) such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or
- (2) failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

8.8 **Short-term Suspension Notice/Principal Conference Process.** As per [WAC 392-400-245](#), [250](#), and [255](#), prior to the short-term suspension of any student, a student conference shall be conducted as follows:

- (1) An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student;
- (2) A written explanation of the evidence in support of the allegation(s) shall be provided to the student;
- (3) The student shall be provided the opportunity to present his/her explanation.

8.8.1 In the event it is determined to impose a short-term suspension in excess of one (1) school day, the parent(s)/guardian(s) of the student shall promptly be notified of the reason for the student's suspension and the duration of the suspension by telephone or in person and by letter notification deposited in the US mail as soon as reasonably possible; see exhibit [3200.2XE](#) or [3200.3XE](#).

8.8.2 The notice shall also inform the parent(s)/guardian(s) of the right to request within two (2) school business days and pursuant to section 9.1 an informal principal's conference that may have the effect on the suspension of possible reduction or mitigation as a result of such conference.

8.9 **Long-term Suspension Conditions/Limitations.** As per [WAC 392-400-260](#), a long-term suspension may be imposed upon a student by the building administrator for student misconduct as set forth in sections 6 and 7, subject to the following limitations or conditions, and the notice and hearing requirements set forth in section 8.10. Long-term suspensions are attendance coded as absences, since the student's choice of behaviors has caused the discipline to occur.

A building administrator shall consider imposing long-term suspension or expulsion under section 8.11 as a sanction when deciding the appropriate disciplinary action for a student who:

- 8.9.1 engages in two (2) or more violations of teacher abuse within a three (3) year period (section 6.1.1); communications devices (section 6.25); gang activity (section 6.1.15); special programs with dress requirements (section 6.2.11 and operational procedure [3224](#); [RCW 28A.320.140](#)); disruption (sections 6.1.9 and 6.2.12; [RCW 28A.600.020](#)); willfully disobeying administrative personnel or refusing to leave public property (section 6.1.1 and 6.1.24; [RCW 28A.635.060](#)); and possessing dangerous weapons on school facilities (section 6.1.26; [RCW 9.41.280](#)); and/or
- 8.9.2 engages in one (1) or more of the following offenses: liquor violation, assault, physical harm, kidnapping, unlawful imprisonment, custodial interference, harassment, arson, reckless burning, and malicious mischief ([RCW 9A.36-011-161](#)).
- 8.9.3 The nature and circumstances of the violation must reasonably warrant a long-term suspension and the length of the suspension imposed.
- 8.9.4 No student shall be suspended unless other forms of corrective or disciplinary action, reasonably calculated to modify her/his conduct, have previously been imposed upon the student as a consequence of misconduct.
- 8.9.5 In addition to the alternative corrective action requirement of section 8.9.4 above, no student subject to compulsory attendance pursuant to [RCW 28A.225](#), as now or hereafter amended, shall be suspended by reason, in whole or part, of one (1) or more unexcused absences unless the school district has first complied with section 8.7.3 above.
- 8.9.6 No student in grades kindergarten through four (K-4) shall be subject to long-term suspensions, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.
- 8.9.7 No single long-term suspension shall be imposed upon a student in the grade five (5) and above program in a manner which causes the student to lose academic grades or credit in excess of one (1) semester or trimester during the same school year. The school district bears no obligation to provide alternative education, tutoring, homework or make-up work for a long-term suspended student.

8.9.8 *If the student is special education designated or covered under Section 504 of the [Rehabilitation Act](#), section 8.15 shall govern.*

**8.10 Long-term Suspension Notice/Waiver of Hearing Process.**

As per [WAC 392-400-265](#) and [270](#), parents will be notified of the discipline as promptly as is reasonably possible, and a written notification (see 3200.4XE) letter explaining the offense and its discipline will be delivered to the parents in person or by certified mail; these notifications will also inform parents of the opportunity for a conference with the building principal. The written letter shall also include notice of opportunity for a hearing with the district's hearing officer. The conference with the building administrator does not preclude the opportunity for the hearing.

8.10.1 The notice shall:

- (1) be provided in the predominant language of the student and/or the parent(s)/guardian(s) if they predominantly speak a language other than English, to the extent feasible;
- (2) set forth the facts and specify the alleged misconduct and the school district rule(s) alleged to have been violated;
- (3) set forth the suspension proposed;
- (4) set forth the right of the student and/or his/her parent(s)/guardian(s) to orally request a principal conference if made within two (2) days of notice, as well as the right to request a hearing for the purpose of contesting the allegation(s); and
- (5) specify that a request for a hearing must be received by the school district employee designated as the hearing officer or by her/ his office, to be scheduled on or before the expiration of three (3) school business days after receipt of the notice or after the principal conference, during which time the student has the right to attend pending hearing during those three (3) days.

8.10.2 The student and/or his/her parent(s)/guardian(s) may make an oral or written request for a hearing within three (3) school business days after the date of receipt of notice or after the date of the principal conference.

8.10.3 If a request for a hearing is received, it shall be scheduled and held within three (3) school business days thereafter as provided in section 9.2.

8.10.4 If a request for a hearing is not received within the required three (3) school business day period, the school district may deem the student and his/her parent(s)/guardian(s) to have waived the right to a hearing, and the proposed long-term suspension may be imposed ([WAC 392-400-265](#)).

8.10.5 If the disciplinary action was initiated by a teacher or other school staff member, he/she shall be notified of the hearing and afforded the opportunity to attend and participate in the conference.

**8.11 Expulsion Conditions/Limitations.** As per [WAC 392-400-275](#), a student may be expelled by the building administrator for student misconduct as set forth in sections 6 and 7, subject to the

following limitations or conditions and the notice and hearing requirements set forth in section 8.12. Expulsion is attendance coded as an absence, since the student's choice of behaviors has caused the discipline to occur.

8.11.1 *If the student is special education designated or covered under Section 504 of the Rehabilitation Act, section 8.15 shall govern.*

8.11.2 The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

8.11.3 Except as provided in section 8.13, no student shall be expelled unless other forms of corrective or disciplinary action reasonably calculated to modify his/her conduct have failed or unless there is good reason to believe that other forms of such action would fail if employed. In those cases where the violation of school district rules results in serious personal injury or property damage or has a substantially disruptive effect on the educational process, the student involved may be subject to expulsion, even though lesser forms of discipline or suspension have been previously employed.

In cases of expulsion, when the building administrator has reasonable suspicion that a student may pose a danger to himself or others, the student may be required to:

- schedule and cooperate in a professional substance abuse and/or behavioral or mental health assessment at the student's/parent's expense;
- sign a release for the school district to receive the assessment information and the recommendations for treatment; and
- agree to comply with the substance abuse and/or behavioral or mental health recommendations at the student's/parent's own expense as a condition of re-entry into Yakima School District.

8.11.4 In addition to the alternative corrective action requirement of section 8.11.3, no student subject to compulsory attendance pursuant to [RCW 28A.225](#), as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has first complied with section 8.7.3 above.

8.11.5 Once a student has been expelled, the expulsion may be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities pursuant to [RCW 13.04](#) in order that such authorities may address the student's educational needs; exhibit 3200.5.1X; [WAC 392-400-275 \(4\)](#).

8.11.6 Any student who has been expelled may apply for readmission at any time by making written application to the superintendent or his/her designee pursuant to operational procedure [3202](#); see exhibit [3202.1X](#). Any such application must state the reasons for the expulsion and should include such assurances as may be appropriate concerning the non-reoccurrence of the misconduct which led to such expulsion. The superintendent or designee shall, in writing, advise the student and the student's parent(s)/guardian(s) of the decision relating to readmission within ten (10) days of the receipt of such application.

## 8.12 **Expulsion Notice/Waiver of Hearing Process.**

A building administrator who has gathered sufficient facts to form a reasonable basis for imposition of discipline, suspension or expulsion upon a student for misconduct shall, prior to such imposition or as promptly as is reasonably possible, provide notification to parents followed by written letter notice (see 3200.5XE) of the misconduct to the student and/or the student's parent(s)/guardians(s) and give them the opportunity to request an informal conference or hearing ([WAC 392-400-235](#) to [240](#)).

8.12.1 The student and/or her/his parent(s)/guardian(s) may request a principal conference pursuant to section 9.1 orally, or request orally or in writing a hearing within three (3) school business days after the date of receipt of notice or three (3) school business days after the principal conference.

8.12.2 If a request for a hearing is received, it shall be scheduled and held within three (3) days as provided in section 9.2.

8.12.3 If a request for a hearing is not received within the required three (3) school business day period after receipt of notice or after the principal conference, the school district may deem the student and his/her parent(s)/guardian(s) to have waived the right to a hearing and the proposed expulsion may be imposed ([WAC 392-400-265](#)).

#### 8.13 **Emergency Expulsion Conditions/Limitations.**

As per [WAC 392-400-290](#) and [295](#), notwithstanding any other provision herein, a student may be expelled immediately by the building administrator in emergency situations as defined in section 4.3. Emergency expulsion attendance is coded as an absence, since the student's choice of behaviors has caused the discipline to occur.

An emergency expulsion shall continue until rescinded by the building principal, or until modified or reversed by the school's administration (see exhibit 3200.6.1X) or pursuant to the hearing provisions set forth in section 9.2. The removal from classes, subjects, or activities shall continue only until the danger or threat ceases or until the building administrator has completed fact finding and withdraws the emergency expulsion or imposes discipline: short term suspension, long term suspension, or expulsion. An emergency expulsion shall continue until rescinded or modified; generally, however, if separation of the student from the school removes the emergency, another disciplinary action may be made the permanent action, ordinarily within ten (10) days of the occurrence.

In cases of emergency expulsion, when the building administrator has reasonable suspicion that a student may pose a danger to himself or others, the student may be required to:

- schedule and cooperate in a professional substance abuse and/or mental health assessment at the student's/parent's expense;
- sign a release for the school district to receive the assessment information and the recommendations for treatment; and
- agree to comply with the substance abuse and/or behavioral or mental health recommendations at the student's/parent's own expense as a condition of re-entry into Yakima School District.

8.14 **Emergency Expulsion Notice/Waiver of Hearing.** As per [WAC 392-400-300](#), the emergency expulsion shall continue notwithstanding the implementation of the hearing procedure set forth

in this section unless the building administrator or designee elects to postpone such action. Parent(s)/guardian(s) shall be notified of the discipline as promptly as is reasonably possible and a written notice letter explaining the offense and its discipline will be delivered to the parent in person or by certified mail; see exhibit 3200.6XE. This notification will also inform parents of their opportunity to orally request a conference with the building administrator pursuant to section 9.1 and to make a written request for a hearing, pursuant to section 9.2.

- 8.14.1 Written or oral request for a hearing may be made by the student and/or his/her parent(s)/guardian(s) within ten (10) school business days after the date of receipt of notice or after the date of the principal conference.
- 8.14.2 If a request for a hearing is received, it shall be scheduled and held within three (3) school business days thereafter as provided in section 9.2.
- 8.14.3 If a request for a hearing is not received within the required ten (10) school business day period following receipt of notice or of the principal conference, the school district may deem the student and her/his parent(s)/guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

8.15 ***Long-term Suspension or Expulsion of Students with Disabilities.*** *If an identified student with disabilities is to be subjected to disciplinary action pursuant to [WAC 392-400](#) for violation of student conduct rules which would constitute a significant change of placement, which would otherwise result in suspension or expulsion, the superintendent or designee will act immediately to determine whether or not such student behavior is related to the student's disability and/or placement. School personnel may order a change in placement of a special education student to an appropriate interim educational setting for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days if the student possesses a weapon or carries a weapon to school or a school function; or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or school function. A hearing officer may order a change in placement of a special education student to an appropriate interim alternative setting for not more than forty-five (45) days if the hearing officer, in an expedited due process hearing, determines that the district has demonstrated substantial evidence that the current placement is likely to result in injury to the student or others and that the district has made reasonable efforts to minimize the risk of harm in the current placement ([WAC 392-172A-01175](#)).*

- 8.15.1 *The IEP team will meet to conduct a manifestation determination review if the disciplinary action involves a change in placement for more than ten (10) days. During the manifestation determination review, the team shall conduct a functional behavioral assessment and a behavioral intervention plan if the district did not conduct them before the behavior that resulted in the removal occurred. The team may determine that the behavior is not a manifestation of the disability, only if the team:*
  - (1) *first considers all relevant information, including*
    - (a) *evaluation/diagnostic results;*
    - (b) *observations of the child; and*
    - (c) *child's IEP and placement; and*
  - (2) *then determines that*
    - (a) *in relationship to behavior, IEP/placement was appropriate;*

- (b) disability did not impair child's ability to understand impact/ consequences of behavior; and*
- (c) disability did not impair child's ability to control behavior.*

8.15.2 The IEP team shall determine and fully document in writing one (1) of the following conclusions:

- (1) That the alleged violation is not related to the student's disability and that disciplinary action pursuant to [WAC 392-400](#) and district rules and regulations may be taken, but in no case can special education services be denied the student [special education services are provided beginning on the eleventh (11<sup>th</sup>) day]; or*
- (2) That the violation is related to the student's handicapping condition or an inappropriate placement and that there is a need for further evaluation, or a need to make changes in placement or program including special education or related services, or there is a need for a temporary (not to exceed ten (10) consecutive school business days) change of placement to allow program alterations. If the behavior is a direct result of or related to the student's disability, or is a result of an inappropriate program placement, a different placement or revised program must be considered, services must be provided on the eleventh (11<sup>th</sup>) day.*

Following the IEP team meeting, written notice will be provided to the parent(s)/guardian(s) which include:

- (1) date, time, and place of the group meeting;*
- (2) members of the group meeting;*
- (3) sources of information used in reaching the decision(s);*
- (4) the decision(s) or conclusion(s) regarding the relationship of the student's disability to the behavior, the appropriateness of the placement and the proposed action or sanction;*
- (5) notice of the right to a hearing to challenge a change of placement pursuant to IDEA ([20 USC sec.1400 et seq.](#)) and [WAC 392-172A](#) and*
- (6) notice of the right to a hearing as described in the [Procedural Safeguards Due Process Procedures for Parents and Children](#) in cases where the placement has been determined not to relate to the student's behavior.*

## 9. Appeal Procedure

9.1 **Discipline, Suspension and Expulsion Informal Principal Conference Procedures.** As per [WAC 392-400](#), any student or parent(s)/guardian(s) who is aggrieved by the imposition of discipline or a short-term suspension shall have the right to request an informal conference with the building administrator within two (2) school business days pursuant to section 8.8. Any student or parent(s)/guardian(s) who is aggrieved by the imposition of long-term suspension, expulsion, or emergency expulsion shall have the right to request an informal conference with the building administrator within three (3) school business days pursuant to section 8.10.2. The conference may be requested by telephone, in person, or in writing.

9.1.1 If a request for an informal principal's conference is received, it shall be held within three (3) school business days after the request is received. The building administrator or designee may elect to set aside the suspension pending the conference.

- 9.1.2 If the discipline, or if a suspension exceeding one (1) school day or, if the expulsion is upheld following the informal conference, the student or her/his parent(s)/ guardian(s), within two (2) school business days thereafter, may submit an oral or written appeal to the superintendent's designee to determine the merits of the appeal. In such event, the superintendent's designee shall determine the merits of the appeal within three (3) school business days thereafter.
- 9.1.3 If the disciplinary action was initiated by a teacher or other school staff member, he/she shall be notified of that meeting and afforded the opportunity to attend and participate in the conference.
- 9.1.4 If the discipline or the suspension is affirmed by the superintendent's designee, the student or parent(s)/guardian(s) shall have the right to present a written appeal within three (3) school business days after the date of receipt of notice to the Board of Directors for consideration, pursuant to section 9.4.
- 9.1.5 If a timely appeal is not filed pursuant to 9.1.4, the disciplinary action may be imposed.

The discipline, in-school or short-term suspension or expulsion shall continue notwithstanding the implementation of the appeal for a hearing procedure as set forth in 9.1 unless the building administrator or designee elects to postpone such action.

- 9.2 **Long-term Suspension and/or Expulsion Hearing Procedure.** If a student or parent(s)/guardian(s) is aggrieved by the imposition of a long-term suspension and/or expulsion, he/she, within three (3) school business days following receipt of notice, or following the principal conference procedure in section 9.1 if orally requested, shall have the right to present within three (3) school business days an oral or written request for a hearing to the superintendent's designee.
- 9.2.1 In such event, the district shall schedule a hearing to commence within three (3) school business days after receipt of the request for hearing. The long-term suspension or non-emergency expulsion may be imposed during the appeal period for no more than ten (10) consecutive school days or until the appeal is decided, whichever is the shortest period [[WAC 392-400-310 \(4\)](#)].
- 9.2.2 The student and her/his parent(s)/guardian(s) shall have the right, in advance of the hearing before the hearing officer, to inspect any document and other physical evidence which the school district intends to introduce at the hearing. At the hearing, the student and parent(s)/guardian(s) may:
- (1) be represented by legal counsel;
  - (2) question and confront witnesses;
  - (3) present his/her explanation of the alleged misconduct; and
  - (4) make such relevant showings by way of witnesses and the review of documentary and other physical evidence as she/he desires.
- 9.2.3 If the disciplinary action was initiated by a teacher or other school staff member, he/she shall be notified of the hearing and afforded the opportunity to attend and participate in the hearing.

- 9.2.4 The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his/her parent(s)/guardian(s) intend to introduce at the hearing.
- 9.2.5 The hearing officer shall not be a witness, and the appropriateness of the disciplinary action being appealed shall be determined solely on the basis of the evidence presented at the hearing [\[WAC 392-400\(4\)\]](#).
- 9.2.6 Either a tape-recorded or verbatim record of the hearing shall be made.
- 9.2.7 A written decision setting forth the findings of fact and conclusions, and the nature, conditions and duration of the long-term suspension and/or expulsion or lesser form of discipline or suspension action to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and her/his parent(s)/guardian(s) ([WAC 392-400-270](#)).
- 9.2.8 If the suspension or expulsion is affirmed by the hearing officer, the student or parent(s)/guardian(s), within three (3) school business days following receipt of the decision, shall have the right to appeal the same in writing to the superintendent's designee, pursuant to section 9.4.
- 9.2.9 If the suspension or expulsion is appealed pursuant to section 9.4, the suspension or expulsion shall continue pending the appeal.
- 9.2.10 If a timely appeal is not filed pursuant to section 9.2.8, the long-term suspension or expulsion may be imposed.
- 9.3 **Emergency Expulsion Hearing Procedure.** If a student or parent(s)/ guardian(s) is aggrieved by the imposition of an emergency expulsion, all processes for hearing listed in section 9.2 shall apply, except that the student or parent(s)/ guardian(s) have ten (10) school business days to request a hearing, and the hearing officer's decision will be rendered within one (1) school business day and will be delivered by certified mail ([WAC 392-400-300, 305](#)).
- 9.3.1 An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school ([WAC 392-400](#)).
- 9.4 **Superintendent Appeal Procedures for Discipline, Suspension or Expulsion:** As per [WAC 392-400-200](#) and [315](#), if a student or parent(s)/guardian(s) is aggrieved following the informal principal conference for discipline pursuant to section 9.1, or following the hearing for suspension or expulsion pursuant to section 9.2, he/she, within three (3) school business days thereafter shall have the right to present an oral or written appeal to the superintendent or designee, the executive director of student services.

- 9.4.1 The superintendent's designee upon receipt of the appeal shall schedule and give notice of a meeting to hear the appeal, to commence as soon as reasonably possible and in no case later than the three (3) school business days after receipt of the appeal. The discipline, suspension or expulsion shall continue pending the meeting to hear the appeal.
- 9.4.2 Within three (3) school business days after the meeting to hear the appeal concludes, a decision as to whether or not the discipline, suspension, or expulsion shall be rendered, and the student's legal counsel or, if none, the student and his/her parent(s)/guardian(s) shall be notified thereof by certified mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or a lesser form of discipline, suspension, or expulsion is to be imposed.
- 9.4.3 If the discipline, suspension or expulsion is affirmed following the appeal, the student or parent(s)/guardian(s), within three (3) school business days following receipt of the decision, shall have the right to appeal the same in writing to the Board of Directors, pursuant to section 10.
- 9.4.4 If the discipline, suspension or expulsion is appealed pursuant to section 10, the discipline, suspension or expulsion shall continue pending that appeal.

## **10. Appeal Hearing Before Board of Directors.**

If a notice of appeal to the Board of Directors is timely received, within three (3) school business days pursuant to sections 9.1 or 9.4, the board shall schedule and hold an informal conference of the board within ten (10) school business days. At the board's informal conference, the Board of Directors will confer with the parties to decide upon the most appropriate means of disposing of the appeal. At the board's informal conference, the student and parent(s)/guardian(s) and/or their legal counsel shall be given the right to be heard and to present witnesses and testimony as the board deems reasonable.

- 10.1 **Post Informal Conference Procedure.** Following the board's informal conference, the board shall:
- 10.1.1 study the hearing record or other materials submitted and render its decision within ten (10) school business days; or
  - 10.1.2 reconvene the board's informal conference to hear further arguments based on the record and thereafter render its decision within ten (10) school business days; or
  - 10.1.3 schedule within ten (10) school business days a *de novo* hearing pursuant to section 10.3.
- 10.2 **District Discipline Appeal Council.** In lieu of the board hearing an appeal, the Board of Directors may appoint for a fixed term, a district disciplinary appeal council of not less than three (3) persons.
- 10.3 **De Novo Hearing.** A *de novo* hearing consists of a new hearing on the merits and without regard to the decision made pursuant to section 9:

- 10.3.1 The student and her/his parent(s)/guardian(s) shall have the right in advance of the hearing to inspect any documentary and other physical evidence which the school district intends to introduce at the hearing. At the hearing, the student and parent(s)/guardian(s) may:
- (1) be represented by legal counsel;
  - (2) question and confront witnesses;
  - (3) present his/her explanation of the alleged misconduct;
  - (4) make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he/she desires.
- 10.3.2 The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and her/his parent(s)/guardian(s) intend to introduce at the hearing.
- 10.3.3 Either a tape-recorded or verbatim record of the hearing shall be made.
- 10.3.4 The board shall render its decision following the *de novo* hearing within ten (10) school business days which shall be made:
- (1) only by those board members who were present at the hearing;
  - (2) only by those board members who have not acted as a witness in the matter; and
  - (3) only by majority vote at a meeting at which a quorum of the board is present ([WAC 392-400-320](#)).
- 10.4 **Appeal from Decision of Board of Directors.** If the Board of Directors affirms the discipline, suspension or expulsion, the student or his/her parent(s)/guardian(s) may appeal the same to a court in accordance with applicable statutes and court rules. Whether the disciplinary action is stayed pending such appeal shall be discretionary with the board, except as the court may otherwise determine by court order.

Cross References:

- (cf.: 2160 – Special Instructional Programs)  
(cf.: 2161 – Education of Students with Disabilities and Special Education Students)  
(cf.: 2311 – Selection and Adoption of Instructional Materials Policy and Procedures)  
(cf.: 2421 – Promotion)  
(cf.: 3120 – Compulsory Attendance)  
(cf.: 3122 – Excused and Unexcused Absences)  
(cf.: 3199 – No Corporal Punishment)  
(cf.: 3201 – Student Rules, Regulations and Conduct: Teacher and Staff Rights) Responsibilities)  
(cf.: 3202 – Admission Appeals to the Superintendent)  
(cf.: 3203 – Student Substance Abuse)  
(cf.: 3215 – Prohibition of Harassment, Intimidation, and Bullying)  
(cf.: 3216 – Sexual Harassment)  
(cf.: 3224 – Student Dress)  
(cf.: 3230 – Searches of Students and Student Privacy)

(cf.: 3416 – Medication at School)  
 (cf.: 3511 – Secondary Student Group Meetings)  
 (cf.: 4314 – Disruption of School Operations)  
 (cf.: 4411 – Relations with Law Enforcement Agencies)  
 (cf.: 5011 – Affirmative Action/Equal Opportunity)  
 (cf.: 5013 – Sexual Harassment)  
 (cf.: 6605 – Student Safety and Rules of Conduct on Buses and Walking)  
 (cf.: 6606 – Student Progressive Corrective Action)

#### Legal References:

RCW 4.24.190 Action against parent for willful injury to property by minor  
 RCW 9A. Washington Criminal Code  
 RCW 28A.225.020 School's duties upon juvenile's failure to attend school  
 RCW 28A.225.030 Petition to juvenile court for violations by a parent or child  
 RCW 28A.400.110 Principal to assure appropriate student discipline  
 RCW 28A.600.010 Government of schools, pupils, employees, rules and regulations for–Due process guarantees–Enforcement  
 RCW 28A.600.020 Government of schools, pupils, employees, rules and regulations for–Written procedures developed for administering discipline, scope.  
 RCW 28A.600.040 Pupils to comply with rules and regulations.  
 RCW 28A.600.410 Alternatives to suspension — Encouraged.  
 RCW 28A.600.415 Alternatives to suspension — Community service encouraged — Information provided to school districts.  
 RCW 28A.600.455 Gang activity — Suspension or expulsion.  
 RCW 28A.600.460 Classroom discipline — Policies — Classroom placement of student offenders — Data on disciplinary actions.  
 RCW 28A.600.475 Exchange of information with law enforcement and juvenile court officials — Notification of parents and students.  
 RCW 28A.635.480 Reporting of harassment, intimidation, or bullying — Retaliation prohibited — Immunity.  
 RCW 28A.635.060 Defacing or injuring school property--Liability of parent/guardian

#### WAC Sections

[392-400-200](#) Purpose and application.  
[392-400-205](#) Definitions.  
[392-400-210](#) Student responsibilities and duties.  
[392-400-215](#) Student rights.  
[392-400-220](#) Student disciplinary boards -- Establishment at option of school district -- Functions.  
[392-400-225](#) School district rules defining misconduct -- Distribution of rules.  
[392-400-227](#) School district rules defining students religious rights.  
[392-400-230](#) Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students.

#### DISCIPLINE

[392-400-235](#) Discipline -- Conditions and limitations.

392-400-240 Discipline -- Grievance procedure.

SHORT-TERM SUSPENSION

392-400-245 Short-term suspension -- Conditions and limitations.

392-400-250 Short-term suspension -- Prior conference required -- Notice to parent.

392-400-255 Short-term suspension -- Grievance procedure.

LONG-TERM SUSPENSION

392-400-260 Long-term suspension -- Conditions and limitations.

392-400-265 Long-term suspension -- Notice of hearing -- Waiver of hearing.

392-400-270 Long-term suspension -- Prehearing and hearing process.

EXPULSION

392-400-275 Expulsion -- Conditions and limitations.

392-400-280 Expulsion -- Notice of hearing -- Waiver of hearing.

392-400-285 Expulsion -- Prehearing and hearing process.

EMERGENCY ACTIONS

392-400-290 Emergency removal from a class, subject, or activity.

392-400-295 Emergency expulsion -- Limitations.

392-400-300 Emergency expulsion -- Notice of hearing -- Waiver of hearing right.

392-400-305 Emergency expulsion -- Prehearing and hearing process.

APPEALS

392-400-310 Appeals -- Long-term suspension and expulsion.

392-400-315 Appeals -- Hearing before school board or disciplinary appeal council -- Procedures.

392-400-317 Appeals -- Discipline and short-term suspension grievances.

392-400-320 School board or disciplinary appeal council decisions.

Ordinance 2003-48 Graffiti of City of Yakima Municipal Code

IDEA (20 USC sec. 1400 et seq.) Individuals with Disabilities Education Act  
P.L. 101-226 Drug-free Schools and Communities Act

Originally Developed in 1981 by  
Yakima Citizen's Committee  
Yakima Education Association  
Yakima Principals' Association

Adoption Date:  
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