

# STUDENT DISCIPLINE IN WASHINGTON STATE K-12 PUBLIC SCHOOLS

A HANDBOOK FOR FAMILIES



REVISED January 2020

OFFICE OF THE EDUCATION OMBUDS

## Office of the Education Ombuds

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

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

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

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

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

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### 3 Key Things to Know about Student Discipline in Washington State

- ✓ Students and their families have a **right to due process** when a student faces discipline – that means **a right to notice and an opportunity to be heard**;
- ✓ Schools are encouraged to **limit out of school suspensions and expulsions**, and can only use long-term suspensions and expulsions for certain serious behaviors.
- ✓ All students have the **right to continue receiving educational services during any suspension or expulsion**.

## Introduction

Every student living in Washington State has a right to access a free public education. The right to an education continues even if a student makes a mistake, breaks a rule, or is suspended or expelled. Students can learn from mistakes, and they can do their best learning when they are supported by trusted adults.

Ideally, school discipline will:

- **respond** to the needs and strengths of students;
- **support** students in meeting the school’s behavior expectations; and
- **keep** students in classrooms as much as possible.

Schools must keep families informed and involved when discipline issues arise. Schools must also make sure that discipline rules are applied fairly, and address disparities in discipline.

This guide gives information and ideas about how to support individual students facing discipline. It also shares ideas for working with your school community to reduce disparities and improve discipline practices overall.

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

Our office is one place to contact for information and support on student discipline. You can also reach out to your school district, and to the Washington

State Office of Superintendent of Public Instruction, or “OSPI.” OSPI is our state’s education agency that is responsible for developing the state rules on student discipline. OSPI has created resources for families and educators to help understand recent changes to student discipline rules. You can find those resources, and contact information for OSPI’s student discipline program staff on OSPI’s website at: <https://www.k12.wa.us/student-success/support-programs/student-discipline>.

## School Discipline Rules

### Who makes the rules and where can we find them?

#### ***State laws and rules:***

The Washington State legislature has passed various laws addressing student discipline in public schools, and the State Office of Superintendent of Public Instruction (OSPI) has developed state discipline rules.

Links to state laws and rules relating to student discipline are posted on OSPI’s webpage on Student Discipline, here: <https://www.k12.wa.us/student-success/support-programs/student-discipline>. Various sections of the state law, in the Revised Code of Washington (RCW) are listed under the “Revised Code of Washington” tab on that page. The state rules on school discipline are in [Chapter 392-400](#) of the Washington Administrative Code (WAC). You can find both state laws (RCWs) and rules (WACs) at [www.leg.wa.gov](http://www.leg.wa.gov).

The state rules give each school district some freedom to decide what kinds of behavior might lead to discipline, what kind of consequences or strategies a school might use to respond to minor misbehavior, and what process the district will use to hear concerns about discipline on the school bus, at recess, or during extra-curricular activities.

#### ***District policies and procedures:***

Under Washington State law, each school district is responsible for adopting policies and procedures that describe the rights and expectations for students in their district. School districts must develop those policies and procedures with input from the whole school community, including teachers, staff, and families.

You can generally find district policies and procedures on district websites, or by calling the district office. You can also ask at your school district office about opportunities to participate in future reviews and updates of your district’s discipline policy.

#### ***School and Classroom Expectations:***

Many schools develop school-wide expectations for behavior.

Student and parent handbooks generally include information about school rules and the kinds of consequences students might face if they violate school rules.

Individual teachers may also develop behavior expectations for their particular classrooms. They may have handouts that explain their expectations, or share this information through class newsletters or emails to families. Some teachers take time at the beginning of the school year to develop a set of agreed upon rules or behavior expectations with their students.

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

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

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

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

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

Here are some additional rules all schools have:

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

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

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

**Weapons:** Students are not allowed to bring guns or other weapons to



school or have them in their possession when they are there.

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

### **What if a school district does not seem to be following its own policies, or the state rules on student discipline?**

Keep in mind that the rules on student discipline have changed significantly over the last several years. School staff have been learning along with the rest of us about what the new rules allow, and what they require. It will take some time for school and district staff to become familiar with the new policies and practices.

Here are some steps you can take if you believe a **school** is not following its own district’s policy and procedure, or the state rules on student discipline:

- Make sure you have a copy of the current district policy and procedure (call the superintendent’s office to confirm that what you have is current, or request a copy of the current policy and procedure). You can also check to see if the district’s policy matches the current state rules, which are all online in WAC Chapter 392-400, here: <https://apps.leg.wa.gov/wac/default.aspx?cite=392-400&full=true>.
- Ask the principal for time to review the district’s student discipline policy and procedure with you (consider sharing a copy of what you are looking at, either by email or in paper copy);
- After reviewing the policy and procedure with the principal, ask that they consider revisiting their decision in light of the policy, and that they confirm their decision to you in writing.

If a school principal continues with a decision that you believe is inconsistent with the district policy or procedure, or with state rules, you can follow the process for appeal. If the concern is about the appeal process, you can ask the superintendent to review the issue, and if that does not resolve it, ask for review by the school board.

If your concern involves discipline of a student who is eligible for special education services, you can reach out to your child’s IEP team, or district special education staff, or consider options for formal dispute resolution, including a special education citizen’s complaint to our state education agency, OSPI (Office

of Superintendent of Public Instruction).

If your concern involves discrimination in student discipline, you can reach out to your district's civil rights compliance coordinator, or you can pursue a complaint through a district's nondiscrimination policy and procedure, with the option to appeal to OSPI if it is not resolved at the district level. You can also consider options for a discrimination complaint to the U.S. Department of Education's Office for Civil Rights (OCR).

There is not a similar state-level or federal-level administrative complaint process for student discipline complaints.

OSPI does have a Student Discipline Program that has been providing training, guidance and support to help schools meet the new requirements in the state discipline rules. You can try contacting them to see if they can help in your district. You can contact them at 360-725-6101 and find information on their webpage, here: <https://www.k12.wa.us/student-success/support-programs/student-discipline>.

#### **Getting Help for an Individual Student:**

If you raise an issue about failure to follow district policy or state rules, but are not able to resolve your concern, and the decision is continuing to affect your child, consider reaching out for help (if you haven't already).

You can call OEO at 1-866-297-2597, send an email to [oeoinfo@gov.wa.gov](mailto:oeoinfo@gov.wa.gov) or connect with us through our online intake: <https://services.oeo.wa.gov/oeo>.

We can help brainstorm ideas for resolving concerns. We can try to help:

- Find ways to make sure you get notice for any classroom exclusion
- Troubleshoot issues with alternative education services
- Explore possible routes for a student to return to class early.

With a parent's written permission, we can also reach out to schools and districts to try to understand and help resolve concerns. We are not an enforcement agency, so we do not have authority to tell schools or districts what to do, but we can join you and the school in a dialogue to try to resolve concerns.

You may also choose to seek out legal advice. An attorney can help you assess your different options, both formal and informal.

The Northwest Justice Project provides legal assistance to eligible low-income families and individuals needing help with civil (non-criminal) legal problems in Washington State. If you live outside of King County, you can call their CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am and 12:15 pm. In King County call 2-1-1, weekdays 8:00 am - 6:00 pm and they will identify and refer

you to the appropriate legal aid provider. You can also visit their website to learn about submitting an online intake: <https://nwjustice.org/get-legal-help>.

TeamChild provides legal services for youth in Yakima, King, Spokane and Pierce Counties who are at high risk for juvenile court involvement. You can find contact information for TeamChild offices and more information about their services at [www.teamchild.org](http://www.teamchild.org).

## **School Discipline and Language Access for Parents**

Information about student discipline is important. School districts must provide interpretation and translation when necessary in order to make sure all families can understand discipline notices and school rules.

Find more information about accessing interpretation and translation on our Language Access page, here: <https://oeo.wa.gov/en/education-issues/language-access>.

## **Discipline at School – Classroom Exclusions & In-School Suspensions**

### **Classroom Exclusions**

Under the state’s new student discipline rules, when teachers send a student out of class for misbehaving, that is called a “Classroom Exclusion.”

The new rules require that teachers tell principals, and that the school tells parents about **every** classroom exclusion.

With these new requirements, there will be more opportunities for parents, teachers and principals to collaborate in identifying and solving problems early.

### **When can teachers remove students from the classroom?**

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

Specifically, teachers have the authority to exclude or remove a student if there

is:

- **Continuing Disruptive Behavior:** If the student's behavior is disrupting the class, and the teacher has tried ways to support the student in meeting behavior expectations, but the disruptive behavior continues, the teacher can send the student out of the class.
- **An Immediate Threat of Substantial Disruption or Danger to Others:** If the student's presence is threatening to substantially disrupt the class or put other students or staff in danger, the teacher can send the student out of class. In those situations, the principal has to be notified immediately.

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

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

### **How long can a classroom exclusion last?**

A student can be sent out of the classroom for up to the rest of the class period, or the rest of the school day.

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

### **What can I do if I have questions or concerns about a classroom exclusion?**

When the school calls to tell you about a classroom exclusion, you can ask questions about what happened, and what the plan is if problems continue. If there is not enough time at that moment to talk about the details, ask for a time to talk again by phone, or meet in person.

Take advantage of the opportunity to talk with your child's teacher and principal. Ask questions and share your insights about what is happening with your child.

Check your school district's policy and procedures on student discipline. It should

explain what the process is if you disagree with a classroom exclusion. Generally, it will start with a meeting with the principal and teacher, then allow an appeal to the superintendent and ultimately to the school board.

## **In-School Suspensions**

An in-school suspension is when a student is removed from their regular class, because of a behavior violation, but kept at school.

An in-school suspension can last up to 10 school days.

It is generally a school principal, or an assistant principal, who decides whether a student will get an in-school suspension.

Schools have to make sure there is a staff person with students during in-school suspensions, to provide supervision and help with work if they need it.

Before deciding to give any suspension, including an in-school suspension, the principal, or the person they designate (often an assistant principal), needs to talk with the student. The school should also try to talk with the student's parent about the incident before deciding on a suspension.

When talking with the student, the principal (or designee), should:

- Explain what the school knows about the student's behavior (what evidence they have that the student violated a rule);
- Explain what kind of consequences the school is considering; and
- Give the student a chance to share their perspective.

### **Opportunity to call home:**

During this conversation with the student, the school has to give the student a chance to call their parents. This is a new requirement under the state rules, and you can find a reference to it in [WAC 392-400-450](#), which explains the requirements for initial hearings with students before a suspension.

If the school decides to go ahead with a suspension after talking with the student, then the school has to give the student and parents a written notice of the discipline.

**Written Notice of Suspensions (including in-school suspensions):** The written notice from the school should explain:

- what the student did, and

- why it was wrong (what rule it broke);
- when the suspension starts, and when it will end;
- what other strategies the school tried or considered before going to a suspension; and
- what the options are if you disagree with the discipline.

Students and parents can ask for an informal conference with the principal to talk about the suspension and resolve concerns or disagreements.

If you ask for a conference with the principal to talk about an in-school suspension, the school should work with you to get it scheduled within just a few days. If you do not hear back, do not be afraid to follow up and let them know you want to meet to address concerns about the suspension.

### **What can I do if my child is removed from class often?**

If a student is getting in trouble often, it is important to try to understand why.

It could be a sign that the student is struggling, and needs help. On the other hand, it could be a sign that a teacher or a school is struggling with maintaining positive behavior generally, and needs help.

#### **Gather information.**

Start by asking yourself, your child, and your child's teacher and principal questions about what has been happening, like:

- Is my child having a difficult time *in general* with following rules? Is my child having problems both in school and at home or with friends?
- Are the challenges occurring just in one classroom? Are they happening only at a particular time of day, or area of the school, like at recess or in the cafeteria?
- Is it just my child, or are several students getting in trouble frequently in the same classroom, or area of the school?

If it looks like your child is struggling and may need some additional help or support, talk with the teacher, a school counselor or principal about options for some extra help.

#### **Ask for an evaluation if you suspect a disability.**

If you suspect your child may be struggling because of a disability, you can ask for an evaluation. Certainly not every child with a disability has challenges with

behavior, and not every child who misbehaves has a disability. However, frequent school discipline can be a sign that a child might have a disability that is getting in the way of their learning.

If you suspect your child might have a disability (whether it is a learning disability, a developmental disability, an emotional or behavior-related disability or something else), you can ask the school district to do a comprehensive special education evaluation. You can find information about [Supports for Students with Disabilities](https://www.oeo.wa.gov/en/education-issues/supports-students-disabilities) in the Education Issues section of our website, [www.oeo.wa.gov](http://www.oeo.wa.gov), or by clicking here: <https://www.oeo.wa.gov/en/education-issues/supports-students-disabilities>

**Ask about supports for the classroom or school.**

If you learn that the class or the school overall is struggling with behavior and frequent discipline, consider talking with the principal and reaching out to the district office for help. Many schools are working on building positive school climates and strong relationships between students and teachers that can help reduce overall discipline. There might be resources available in your district to support this work.

**How can I be sure I am getting notice any time my child is sent out of class for behavior?**

The requirement that schools notify parents each time a student is removed from the classroom for a behavior violation is a new one. Schools might still be trying to work out an effective process to make sure families get notice of each classroom exclusion and in-school suspension.

You might be wondering if you are getting the required notice if:

- Your child has been disciplined in the past, and you believe there are still some issues with behavior, but you are not hearing about any classroom exclusions or in-school suspensions;
- Your child tells you that they were sent to the office, or had to go to a different room for part of the day, but you have not gotten a call or note about a classroom exclusion; or
- Your child is non-verbal and you have to rely on the school staff to inform you if anything happens.

If any of these is true for you, or if you are otherwise worried that you might not be getting notice of classroom exclusions, we encourage you to check in with the school.

Tell the principal and teacher that you want to hear anytime there is an issue so

that you can work with them to address problems before they get bigger.

Ask for a meeting with the principal to review the school district's current policy and procedure on classroom exclusions. Ask the principal to explain what process the school uses to provide notice to families for classroom exclusions. For example, is it the teacher's responsibility to call directly? Is someone from the office expected to call parents about classroom exclusions? Do they, or could they, send emails (if that is an easier way for you to connect)?

You can also reach out to the district office and ask to talk with the person responsible for overseeing discipline in your district.

You can also reach out to our office to see if we can help.

## **Out of School Suspensions and Expulsions**

### **What limits does state law put on the use of suspensions and expulsions?**

School districts cannot discipline students by denying them access to educational services. That means, *even if a student is suspended or expelled, their school district still has to provide access to services so the student can keep moving forward with their education.*

#### **No suspensions for truancy.**

Students may face other consequences, but they cannot be suspended from school as a punishment for not going to school. Unexcused absences and tardies cannot be the basis for a suspension or expulsion.

#### **No denials of meals.**

Schools also cannot impose discipline in a way that would deny or delay a student's access to a nutritionally adequate meal.

#### **Limits on suspensions for students in kindergarten through 4<sup>th</sup> grade:**

In general, schools must limit suspensions for students in kindergarten through 4<sup>th</sup> grade to less than 10 school days.

More specifically, the state rules say no long-term suspensions or expulsions for k-4<sup>th</sup> grade, unless the student brings a gun, or has a gun at school, on the bus or



at a school activity.

Also, the rules say that no student in k-4<sup>th</sup> grade should be given multiple short term suspensions or in-school suspensions that add up to more than a total of 10 school days in a single academic term (a semester or trimester).

Schools can use emergency expulsions for students in kindergarten through 4<sup>th</sup> grade, but all emergency expulsions must end within 10 school days.

**Limits on suspensions for students in 5<sup>th</sup> – 12<sup>th</sup> grade:**

For students in 5<sup>th</sup> through 12<sup>th</sup> grade, short term and in-school suspensions should be limited to a total of 15 school days in a semester, or 10 school days in a trimester.

**Long-term suspensions only for certain kinds of serious misbehavior.**

Under state law, there are four categories of behavior that can be a basis for long-term suspension or expulsion (removals of more than 10 school days). They are:

- A violation of [RCW 28A.600.420](#) (which says a student who brings or has a firearm at school, on school transportation or at facilities while they are being used by the school, shall be expelled)
- An offense in [RCW 13.04.155](#) (which includes certain violent offenses, sex offenses, inhaling toxic fumes, controlled substances offenses, liquor offenses, or certain crimes related to firearms, assault, kidnapping, harassment, and arson; this could include drugs or alcohol offenses, assault or harassment);
- Two or more violations of certain laws within a three-year period, including: criminal gang intimidation or other gang activity on school grounds, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property; or
- Behavior that adversely impacts the health or safety of other students or educational staff.

For any other kinds of behavior, school districts may use other consequences, but not a long-term suspension or expulsion.

**Limits on Emergency Expulsions**

An emergency expulsion is allowed only if a district has a good reason to believe that a student poses an **immediate and continuing danger** to other students or staff, or of material and substantial disruption to the school.

**Emergency expulsions can last no more than 10 school days.**

If the school decides the student should stay out of school longer than the 10 school days, it can convert the discipline to a long-term suspension or expulsion. In that case, the district has to be sure it follows the requirements for a long-term suspension or expulsion, and has to give notice to the family and the opportunity for a hearing on the new discipline.

**Time limits on long-term suspensions and expulsions**

Every long-term suspension and expulsion must have a specific end date.

The maximum number of days for a long-term suspension or expulsion depends on how long the “academic terms” are in your district. If your district uses semesters, and a semester is 90 days, then the maximum number of days for a long-term suspension is 90 days. If your district uses trimesters, and a trimester is 60 days, then the maximum number of days for a long-term suspension is 60 days.

A long-term suspension given in the spring cannot continue into the next school year. An expulsion might continue from one school year into the next, but must have a specific end-date.

The state rules allow schools to petition to extend a student’s expulsion if there would be a risk to public health or safety if the student were to return to school at the initial end date of the expulsion.

One situation where an expulsion might be longer than the length of a semester or trimester is if a student brings or has a gun at school, on the bus or at a school activity. In those cases, federal law requires an expulsion of not less than one year, although it does allow a superintendent to modify the expulsion on a case-by-case basis.

**How will schools involve parents in decisions about suspensions or expulsions?**

**Short-term Suspensions: Students have the Chance to Call Parents.**

If a school is considering a short-term suspension (less than 10 days), first, the school has to give the student notice and a chance to be heard.

This generally happens through an informal conversation between the principal or their designee (often an assistant principal) and the student.

**State rules now require schools to give the student a chance to call their parents during these conversations about short-term suspensions.**

At that informal conference, the principal should explain to the student:

- What the student did and why that violates the schools rules;
- What evidence the school has that the student violated a rule; and
- An explanation of what consequences they are facing.

The principal must give the student a chance to explain their perspective.

If, after that conference, the principal decides to go ahead with the suspension, then the school must give written notice to the student and parent.

Students and parents then have the right to request an informal conference with the principal, with an opportunity to appeal to the superintendent's office and then the school board.

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

**Long-term Suspensions and Expulsions: Schools Must Try to Call Parents.**

If a school is considering a long-term suspension or expulsion, first, the school has to give the student notice and a chance to be heard. This generally happens through an informal conversation between the principal or their designee (often an assistant principal) and the student.

Under the new state rules, schools must also now make a reasonable attempt to contact the student's parents to provide an opportunity for the parents to participate in the initial hearing in person or by telephone. You can find a reference to this requirement in the state rules at [WAC 392-400-450](#), in the section explaining requirements for initial hearings with students.

If, after that conference, the principal decides to go ahead with the suspension, then the school must give written notice to the student and parent.

**What kind of information should be in written notices of**

## **suspension or expulsion?**

Whenever a school decides to suspend or expel a student, the school must give written notice to the student and parent. This includes in-school suspensions, short-term suspensions, long-term suspensions, expulsions and emergency expulsions.

Written notices of suspensions or expulsions should explain:

- What the student did, and how that violated a school rule;
- How long the suspension or expulsion will last, including specific start and end dates;
- Other kinds of discipline the school considered, and tried, and why they decided to give a suspension or expulsion; and
- Information about how the student can continue to keep up with school during the removal;

For short-term and in-school suspensions, the notices should explain the right to ask for an informal conference with the principal.

For long-term suspensions and expulsions, the notices should explain the right to both an informal conference with the principal and the right to have an appeal hearing. The notice should explain where to request the hearing.

For any suspension or expulsion over 10 school days, the notice should include information about the right to have a re-engagement meeting to develop a plan for the student's return to school.

## **What educational services should my child get while they are out of school on a suspension or expulsion?**

Whenever a student is suspended or expelled, even for short-term suspensions, or emergency expulsions of no more than 10 school days, they need to have a chance to keep up with school work.

If suspended or expelled for **1- 5 School Days**, a student should:

- Get class assignments and homework from teachers;
- Have someone at the school that they can call if they have questions or problems with getting assignments and homework; and
- Have a chance to make up tests and assignments when they return.

If suspended or expelled for **6-10 School Days**, a student should:

- get class assignments and homework
- Have someone at the school they can contact if they have questions or problems with keeping up; and
- Have a chance to make up assignments or tests when they get back.

**Also, someone from the school must reach out to the family** to coordinate assignments, and check in to see how the student is keeping up.

**Long-term Suspensions or Expulsions - More than 10 School Days:**

For students who will be out for **more than 10 school days**, the educational services must be sufficient for a student to keep up with their classes, and keep earning credits, if they are in high school. This might include some tutoring, some access to an alternative education program, or some online courses (for students who are able to access them).

The district must consider whether your child will need transportation, English language learner supports or accommodations to access the alternative educational services.

For students with an IEP, the IEP team should be involved in deciding the alternative educational services.

**Find and connect with your contact person.**

Check to be sure you have the name and contact information for a staff person who will be responsible for helping coordinate educational services. Also, be sure that person has your contact information.

Plan to check in periodically to make sure your child is accessing the educational services and keeping up.

## Getting Back to School after Suspensions or Expulsions

Every expulsion or suspension must have an end date. That is the latest date the student should be going back to school.

Our state discipline rules now require schools to consider, for each individual student, whether it is possible and appropriate to reduce the number of days a student is out, and have them return to school earlier than initially planned.

In each case, school and district decision-makers should be ready to consider what their goals are with the suspension or expulsion. For example:

- What do they hope your child will learn from the discipline?
- What safety concerns do they have if your child were to return to school?

If a district can ensure safety and help a student learn and be ready to show appropriate behavior with less time out of school, then they should consider having students return early.

### What are the different options for challenging a suspension or expulsion, or returning to school early?

There are several possible routes for a student to get back to school before the original end date of a suspension or expulsion. These include:

- **Informal Conferences with the Principal after a Short-term Suspension** – the principal can decide to shorten a short-term suspension;
- **Optional Conferences with the Principal after a Long-term Suspension or Expulsion** – a principal could decide to shorten a long-term suspension or recommend shortening an expulsion;
- **Discipline Appeal Hearing** – a hearing officer could decide that a suspension or expulsion should be overturned or shortened;
- **Manifestation Determination Meeting for Student with a Disability** – if a student's behavior that led to the discipline was caused by, or directly related to a disability, then they generally cannot be kept out of school for more than 10 school days for that behavior. Check out our page on [Supports for Students with Disabilities](https://www.k12.wa.us/student-success/special-education/guidance-families-special-education-washington-state/behavior-and-discipline), or OSPI's Special Education page for more information about manifestation determinations and discipline for students eligible for special education services:  
<https://www.k12.wa.us/student-success/special-education/guidance-families-special-education-washington-state/behavior-and-discipline>.

- **Reengagement Planning after a Long-term Suspension or Expulsion** – the school, district and family could agree to a plan that would allow a student to return early;
- **Petition for Readmission**—a district could grant a student’s petition to be readmitted early after any suspension or expulsion; or
- **Behavior Agreement**—a district could decide to reduce the length of a suspension or expulsion based on a student’s participation in counseling or treatment services, or completion of a drug or threat assessment.

A family can also request to transfer to another school within the same district, or submit a non-resident student transfer application to another district. Districts can consider a student’s discipline history in deciding whether to grant a transfer request, but that does not necessarily mean a transfer request would be denied.

### **What are possible benefits of requesting an Informal Conference to discuss a suspension or expulsion?**

For short-term and in-school suspensions, the first step in the appeal process is the informal conference with the principal.

For long-term suspensions or expulsions, families can request an optional Informal Conference with the principal.

These optional conferences provide an opportunity for the student to share their perspective, for the student and family to hear from the principal and the school staff involved in the incident, and for everyone to talk through other possible responses or consequences that might be appropriate and effective to deal with the situation.

These optional conferences also allow educators an opportunity to review their decisions – often made quickly, with limited information – and consider whether the proposed suspension or expulsion is truly necessary. This can be a time for educators to hear from families, and to reflect on whether bias might have influenced the decisions leading up to the suspension.

At an informal conference, you can try to reach understanding about:

- What happened;
- Why it happened;
- What the harm or impact was on the classroom, other students, staff and your child;
- What could be done to address any harm caused and/or clarify misunderstandings;

- What, if anything, should be changed to help prevent problems from happening again; and
- A plan for how your child will keep up while they are out of class, and catch up when they get back.

For long-term suspensions or expulsions, students and families can still go through the formal appeal process, whether or not they ask for the optional conference with the principal.

### **What is a disciplinary appeal hearing like for long-term suspensions and expulsions?**

When a student is given a long-term suspension, an expulsion or an emergency expulsion, the student and parent have the right to request a formal hearing.

The hearings are held in front of hearing officers. The school and family each get an opportunity to present evidence, including documents and witnesses. The hearing officer makes a decision based on the evidence at the hearing.

Check your school district's policy and procedure, review the discipline notice, and look up the state rule on appeals for suspensions and expulsions to find more details about student and parents' rights in discipline appeal hearings. You can find the state rules online at:

<https://apps.leg.wa.gov/wac/default.aspx?cite=392-400&full=true>.

### **Preparing for a Disciplinary Appeal Hearing**

If you decide to request a disciplinary appeal hearing, be sure to also request copies of the evidence the school will use at the hearing, including a list of witnesses.

Students and parents have the right to inspect the district's evidence *before* the hearing, and should receive a copy no later than the end of the school day before the hearing.

You can seek out legal advice or representation if you want to have an attorney help you prepare and represent you at the hearing.

While having an attorney for a discipline hearing can be helpful, it is not required. Many families go through discipline hearings on their own. As someone who knows your child, and cares about their education, you can be a strong advocate.



If you are going to be on your own at the discipline hearing, here are some steps to help you prepare:

- Think about your reason for challenging the discipline:
  - Do you believe the school got the facts wrong about what happened, or what your child did or didn't do?
  - Do you believe that the proposed punishment is unfair or inappropriate?
- Make notes for yourself about the points you want to communicate to the hearing officer.
- Think about what evidence you can present to support your points.
  - Evidence can include documents (like school records, emails, screen shots of social media), and testimony from witnesses.
- Review the district's evidence and think about whether there are questions you want to ask about it, or ask of the witnesses.

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

You can also review general information and tips on how to prepare for a hearing in OEO's guide on [How to be an Education Advocate](#). You can find that guide on our website, [www.oeo.wa.gov](http://www.oeo.wa.gov), on our publications page, here: <https://www.oeo.wa.gov/en/about-us/publications-and-resources-families>.

Taking time to prepare, writing out your main points and your main questions, can help keep you calm and focused during the hearing.

If you disagree with the hearing officer's decision, you can appeal to the school board or disciplinary appeals council. The hearing officer's decision should give you instructions about when and how to appeal.

The next step of appeal after a school board would be to superior court.

### **Are disciplinary appeal hearings different from Manifestation Determinations?**

Yes. If a student with an IEP or Section 504 plan is removed from school for more than 10 school days for behavior, the school will have to schedule a "Manifestation Determination Meeting." This meeting is to decide whether the behavior that led to the discipline was caused by, or directly related to, the student's disability.

Students with an IEP or 504 plan, and their parents, **also** have the right to request a disciplinary appeal hearing to challenge whether the discipline was appropriate (regardless of whether it was a manifestation of a disability or not).

Check out our page on [Supports for Students with Disabilities](#), or OSPI's Special Education page for more information about manifestation determinations and discipline for students eligible for special education services:

<https://www.k12.wa.us/student-success/special-education/guidance-families-special-education-washington-state/behavior-and-discipline>.

### **Reengagement Planning after Long-term Suspension or Expulsion**

Any time a school suspends or expels a student for more than 10 school days, the school will need to work with the student and family on a Reengagement Plan.

The goals of reengagement plans are to support a student in returning to school as soon as possible, with the supports the student will need to be successful when they return.

Reengagement plans must be culturally sensitive and culturally responsive, which means that they should take into account a student's cultural background, traditions and strengths.

In developing the plan, districts should consider shortening the length of the suspension or expulsion. The plan should also include steps to support the student's continued academic progress and keep the student on track to graduate.

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

You can read more about preparing for [Reengagement meetings](#) in OEO's Tips for Families, available at <https://www.oeo.wa.gov/en> and also attached as an appendix in this guide.

### **Can we ask for an early Reengagement meeting?**

Yes. You can ask the school to schedule one right away to start the planning for a

successful reengagement.

**If you call to ask for an early reengagement meeting, the school should work with you to plan one as soon as possible.**

If your student has been **out of school for 20 calendar days**, it is time to have the reengagement meeting.

If the suspension was for less than 20 days, and there are only 5 days left before the end of the suspension or expulsion, it is time to have the re-engagement meeting.

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

If you do not get an invitation from the school, you can ask the school to meet with you before your child returns from a short-term suspension or an emergency expulsion.

Even a few days out of the classroom can set a student back with their academics. Suspensions and expulsions also affect students' relationships with their teachers and other students. Taking time to meet and talk through what happened, consider whether an apology would be appropriate, and make sure your child, and their teachers are ready for the first day back can help avoid further problems.

### **Who should help develop the Reengagement Plan?**

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

For students with an IEP or 504 plan, it might be helpful to have the IEP or 504 team participate in the reengagement planning.

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

Like other notices or documents relating to student discipline, if you are not able to read in English or require others forms of translation, you can ask for a translation. Look at the [Language Access](#) section of our website for tips on asking

for translations.

## **What is a Petition for Readmission?**

Students who have been suspended or expelled can ask to be readmitted at any time.

Every school district is required to have a policy and procedure for how students can petition for readmission. There is usually some information in the district's discipline policy. You should be able to get more details by calling the school or district office. You can ask for guidance on:

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

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

Think about why the school decided to suspend or expel your child in the first place. Schools hope that students understand that what they did was wrong (when they violate a rule) and why the rule is important. Some schools believe that not suspending or expelling a student who has broken a rule would send a message to students that the misbehavior is okay.

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

- If your child might also be facing criminal charges, be sure to talk with an attorney before asking your child to make an admission or write an apology for the incident. Criminal consequences can be very severe and long-lasting. Without the advice of an attorney it is hard to know how a statement might be used against your child in a possible criminal case.
- In cases of bullying or harassment, it is generally *not* recommended to ask the students to meet to talk about it. If your child has been accused of bullying or harassing another student and wants to apologize, talk with

the school principal or a school counselor about having your child write a letter that the other student can read if they choose to. Another option might be to have your child write a letter to the teacher or the principal instead of to the other student directly.

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

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

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

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

Think creatively about ways that your child could return to school. For example, if the district seems reluctant to grant the petition, try proposing that your child return to school for a probationary period, attend half days, abide by a behavior plan, or get extra support. The district may be more willing to let your child back in gradually or with support. **If you agree to a plan with shortened days, be sure that it would not extend past the end date of the original suspension or expulsion.**

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

School districts can ask students and families to sign behavior agreements if a student gets in trouble. Agreements related to a suspension or expulsion might allow a student to return to school early if the student agrees to participate in treatment for drugs or alcohol, seek counseling, or go through an assessment process.

A school might also consider a behavior agreement that would hold off on starting the suspension or expulsion, as long as the student meets certain

conditions.

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

Behavior agreements cannot last longer than the number of days in a long-term suspension or expulsion. Also, they do not waive a student's opportunity to have a reengagement meeting or to receive the educational services that are required for any student who is suspended or expelled.

## **School Discipline and Juvenile Justice**

### **Can the school involve the police if my child gets in trouble at school?**

Yes. Schools may call law enforcement if there is an emergency or an imminent threat. They might also refer serious offenses to law enforcement.

Some schools have law enforcement officers, commonly called "School Resource Officers" or "SROs" who work at schools.

Any school district that decides to have an SRO on a school campus must develop a written agreement by the 2020-21 school year that explains the agreement between the district and the law enforcement agency. The agreement must explain the officer's roles and responsibilities in relation to student discipline. The agreement must make it clear that SROs will not be involved in formal student discipline situations that are the responsibility of school administrators.

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

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

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

<https://teamchild.org/wp-content/uploads/2017/07/Washington-State-Know-Your-Rights-Graphic-Guide-2013.pdf>

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

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

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

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

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

That does not mean a student has to give up the right to challenge school discipline, but it is very important to talk with an attorney if there might be criminal charges involved before going to a discipline hearing.

Make sure the defense attorney has information about any special services your child receives at school. For example, if your child has a plan for accommodations, special education services, or behavior interventions, that may provide important context and could influence whether your child is charged or not.

### **Who is responsible for my student's education if they have to spend time in juvenile detention?**

Students have the right to receive an education when they are in juvenile detention. Education services in juvenile detention centers are generally provided by the school district where the detention center is located. In some areas, the regional "Educational Service District," or ESD, provides the educational services for students in juvenile detention.

If you have questions about educational supports for a student who is in juvenile detention, please do not hesitate to ask for help. You can ask at the facility for

contact information for teachers, for special education questions or for other specialized supports.

Each of the different regional ESDs has someone who works as an Education Advocate for youth in juvenile detention facilities. You can find contact information for them at this link:

<https://www.k12.wa.us/sites/default/files/public/institutionaled/pubdocs/phonelistea.pdf>

You can also contact our office to see if we can help. You can reach us at 1-866-297-2597 or through our online intake system at: <https://services.oeo.wa.gov/oeo>.

## **Disproportionality and Bias in School Discipline**

Over the years, discipline data have shown persistent disparities in how often schools suspend students of different racial, ethnic, disability, gender, and socio-economic groups. Researchers continue to try to pin down what causes these disparities, and how to reduce or eliminate them.

Researchers have considered whether differences in exposure to poverty or income levels might explain the disparities by race, but have found that disparities remain even when controlling for other factors. One recent study found that higher rates of explicit racial bias in a broader community correlated to higher rates of racial disparities in school discipline. Researchers have looked at how disparities increase for students who are disciplined more than once. Researchers have looked at how implicit racial bias might influence teachers' perceptions of students' behavior, and whether negative stereotypes based on race lead to more frequent or more severe discipline. One recent study found that race played a factor in whether teachers perceived two separate instances of misbehavior as a pattern and indication of future problems, or as simply two instances of minor misbehavior.

These issues are complex. Getting to a single, clear answer about what causes the persistent disparities in school discipline may not be possible. However, the harmful effects of exclusionary discipline and their disparate impacts are clear.

Fortunately, each school community has opportunity to take a close look at its own practices, by using data and gathering input and perspectives from multiple sources, to try to identify and address root causes of disparities in their own discipline practices.

In every case of school discipline, someone is making a decision about what a



student did, how serious it was, and what kind of response is appropriate. They are often making these decisions while also fulfilling other responsibilities, and often without complete information.

At each decision point, there is a risk that decisions may be influenced by bias and stereotypes. In each individual case of student discipline, the informal conferences, formal appeals processes, and reengagement planning meetings offer opportunities for raising and considering concerns of bias in the discipline decisions.

### **What can I do if I feel like a discipline decision about my child was discriminatory or biased?**

You can raise concerns of bias in a discipline appeal hearing for a long-term suspension or expulsion, or during an informal conference with the principal.

There are also options for raising formal or informal complaints of discrimination under a district's nondiscrimination policy and procedure. You can find information about dispute resolution options for discrimination complaints, appeals to OSPI, and the U.S. Department of Education's Office for Civil Rights complaint process at OSPI's Equity & Civil Rights Office webpage, here: <http://www.k12.wa.us/Equity/ComplaintOptions.aspx>. You can also find a brief toolkit on [Discrimination](#) on our website, here: <https://www.oeo.wa.gov/en/about-us/publications-and-resources-families>.

If you would like to talk through options or get support in raising concerns about discrimination in student discipline, you can reach out to our office. You can call us at 1-866-297-2597 or submit an online intake at: <https://services.oeo.wa.gov/oeo>.

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

Washington state law requires districts to regularly review their discipline data to check for disparities and consider why they are happening.

#### **Data Equity Teams:**

Districts are encouraged to bring together data equity teams to do the data review and analysis. Data teams try to identify "root causes" of the disparate outcomes. Inviting people with different perspectives, and different roles in discipline processes, to participate in those teams can help open up the root cause inquiry.

Check in with your district to see if there is an active data equity team. If so, does

it include classroom teachers, building principals, district administrators, parents, students, school counselors, community partners, and others who might bring different insights and perspectives to the work? Do you have the time to volunteer to join the data equity team? Or to participate in a data meeting or data review?

### **Looking at Decision-Points and Patterns in Schools and Districts' Discipline Rates**

Looking at multiple data points can help a team identify possible factors contributing to disparate outcomes.

Data teams often look at data showing how often different student groups are disciplined, and for what reasons. For example, they often compare discipline rates for students of color versus white students, or students with disabilities versus students without. These comparisons, and others that look at differences in how often, for what reasons, and for how long, students are suspended, can help a team focus its attention to look for root causes. At the same time, however, looking at discipline data only from this angle carries risks.

A data team looking only at overall data for a school or district on how often students of a certain group are excluded may miss variations in how often different educators or different schools rely on classroom exclusions or suspensions.

Research in other contexts has also cautioned that repeatedly highlighting disparities based on race can actually re-inforce negative stereotypes and biases against the individuals reflected in that data.

Data teams should also look for data that can help illuminate variations at the different decision points in student discipline, including at the classroom, school and district levels.

Other questions a data equity team might ask include:

- ✓ How do different schools in the district compare with regard to their rates of suspension or expulsion? The types of offenses that lead to discipline? How long students are removed from class or school?
- ✓ What types of offenses most frequently lead to discipline?
- ✓ Are there some classes, some activities, times of the day, or times of the year when disciplinary referrals spike up or down?

These are just a few examples of the kinds of questions a data team might consider in the process of trying to identify root causes of disparate outcomes.

If you are interested in participating in your school or district's discipline data review process, reach out to your school or district office to see how you can participate.

If you want to take a look at the data for your school or district, look at the OSPI's Report Card webpages:

<https://washingtonstatereportcard.ospi.k12.wa.us/>, or contact your school or district directly to ask for data.

## Conclusion

All students have the right to a free public education in Washington State, and that right continues even if they make mistakes.

Student discipline should be fair, reasonable, and effective. It should be about learning, and it should help support safe learning environments for all students.

If your child misbehaves or has problems in school, remember, they are still learning, and they have the right to keep learning.

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

If you have the time to engage with your district's regular review of discipline policies and practices, you can also help make sure that discipline is fair and effective for all students.

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

## Some Additional FAQs on Student Discipline

### **Do the general student discipline rules apply to students with IEPs (Individual Education Plans) or Section 504 Plans?**

Yes! Students with disabilities are protected by the general rules that apply to all students. Rules regarding discipline for students with disabilities give *additional protections* to make sure students are not punished for doing something that is caused by a disability, or by a school's failure to implement their individualized plan (their "IEP"). Find more information on discipline of students eligible for special education in the Education Issues section of our website, [www.oeo.wa.gov](http://www.oeo.wa.gov), for [Supports for Students with Disabilities](#), and on the Office of Superintendent of Public Instruction's (OSPI)'s special education

webpages, here: <http://www.k12.wa.us/SpecialEd/Families/Behavior.aspx>.

### **Are discipline rules the same in Charter Schools?**

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

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

Every charter school's plan must include information about its student discipline policies. Start by checking with the school for their discipline rules and procedures. You can also find the contracts for each charter school that has been approved by the Washington State Charter School Commission on the Commission's website, under the Operating tab, here:

<http://charterschool.wa.gov/operating/contract/>. The charter contracts for schools approved by the Spokane Public Schools are on the district's website, here: <https://www.spokaneschools.org/Page/2827>.

### **Are discipline rules the same in Tribal Compact Schools?**

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

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

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

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

## **Are schools required to use a positive behavior approach to student discipline?**

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

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

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

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

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

Maybe, depending on what they say. If a student makes threatening statements, engages in bullying or harassment of others, or causes a substantial disruption, they can face discipline at school. Students might also get in trouble for using vulgar language at school, or talking about drugs or guns.

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

Since *Tinker*, there have been several more decisions about what kind of speech is protected at school, and what is not. New cases continue to raise new questions. You can find information from various sources online about students' free speech rights in school. If you have questions about whether a particular student's expression would be protected speech, that is a good time to seek legal advice.

### ***Talking with Kids about the Impact of Words***

Talking with students about the impact of their words can help them stay out of trouble. Some of us grew up hearing “Sticks and stones may break my bones but words will never hurt me,” suggesting we shouldn’t worry about what others say. The reality is that students today can face significant consequences for saying things that might be considered threatening.

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

### **Can schools discipline students for things they post online, even if they are off-campus?**

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

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

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

That is a question that schools and families are facing more and more frequently with the increase in social media and its ability to spread information so quickly.

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

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

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

Corporal punishment means physical punishment, or intentionally causing physical pain to a student. It is not allowed, and has not been allowed in Washington State since 1994. The ban on corporal punishment does not include situations where a school staff person uses physical restraint to prevent

an imminent likelihood of serious harm. Check out our Education Issues page on [Restraint and Isolation](https://www.oeo.wa.gov/en/education-issues/restraint-and-isolation-students) to learn more about specific limitations on the use of physical restraints in schools in Washington, here:  
<https://www.oeo.wa.gov/en/education-issues/restraint-and-isolation-students>

## Advocacy Tips – Preventing and Responding to Student Discipline

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

- Review and talk about the school rules with your child.
- If you speak and read a different language, ask for translation or interpretation if you need it so that you can review and discuss the school rules with your child.
- Expect to get notice (a call, maybe an email) if your child is ever removed from class for behavior. If you believe you are not getting notice of each classroom removal, ask for a meeting with the teacher and principal.
- Read all discipline notices carefully, look for information about your rights to an informal conference, or a discipline hearing.
- Remember that students have a right to keep up during suspensions and expulsions. Watch for information about the educational services the school will provide during a suspension or expulsion.
- Get in touch with the contact person for the educational services and share information about your child's particular needs and situation.
- If your child might face criminal charges in addition to school discipline, talk with a lawyer as soon as possible.
- Every suspension or expulsion has to have an end date. You do not have to wait until that end date to start talking with the school about a possible early return. Ask for an early Reengagement Meeting to begin planning early.
- If your child has an IEP or a Section 504 plan, check for information about the *additional protections* they have when they face school discipline (in addition to all of the rights and protections explained in this general guide on student discipline).



## APPENDIX – REENGAGEMENT MEETING TIPS

**REENGAGEMENT MEETINGS - TIPS FOR FAMILIES**

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

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

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

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

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

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

**HOW SHOULD I PREPARE FOR THE MEETING?**

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

**AT THE MEETING?**

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

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

## REENGAGEMENT MEETINGS - TIPS FOR FAMILIES

### Sample Meeting Template

SHARE GOALS FOR THE MEETING (choose those that apply)

Safety

Ensure that behavior is not repeated

Access to education for your student

Rebuild the connection between you, your student, and your school, school staff, other students

Additional academic and social support for your student

Other: \_

WHAT IS YOUR STUDENT'S PERSPECTIVE ON WHAT HAPPENED? WHAT IS THE SCHOOL'S PERSPECTIVE ON WHAT HAPPENED?

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

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

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

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

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



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## Sample Request for District Rules and Policies

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

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

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

I am writing to request a copy of the school district policy and procedures relating to student discipline.

Please [email or send a copy by regular mail].

I am most interested in finding the part of the policy and procedure that talks about:

- classroom exclusions,
- in-school suspensions,
- short-term suspensions,
- long-term suspensions and expulsions,
- emergency expulsions
- appeal or grievance processes for classroom exclusions and other types of discipline,
- appeal of long-term suspensions or expulsions
- re-engagement meetings,
- petitions for readmissions,

☐ Other: \_\_\_\_\_

My primary language is \_\_\_\_\_ and I do not read English. Please send me a translated copy of the policy and procedure in my language.

Please call me with any questions.

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

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

Sincerely,

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

## Sample Request for Informal Conference

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Student \_\_\_\_\_

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

I have some concerns regarding the school's recent discipline of my student, and I would like to schedule a conference as soon as possible.

Please call me to schedule the conference.

Please contact me at:

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

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

\_\_\_\_\_

\_\_\_\_\_

Sincerely,

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

## Sample Request for Discipline Hearing

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

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

Regarding Student, \_\_\_\_\_

Dear \_\_\_\_\_

I received the school's notice of LONG TERM SUSPENSION / EXPULSION/EMERGENCY EXPULSION.

I am requesting a hearing to appeal this discipline. In order to prepare for the hearing, I request copies of the following documents as soon as possible:

- A list of all witnesses the school expects to call at the hearing;
- Copies of all documents the school intends to present at the hearing, including witness statements, statements by my child, and statements by building officials;
- Copies of all records in my child's disciplinary file, including referrals, notices of suspension, notices of expulsion, and any behavior intervention or accommodation plans.
- Copies of other education records, including: (for example: IEP, Section 504 plan, other).

Please contact me as soon as possible to confirm that you received this request for a hearing, and to inform me of the date, time and location for the hearing.

Please provide the requested documents as soon as reasonably possible. I hope to review them as soon as possible. I will expect to receive them no later than the end of the school day before the hearing.

Please contact me at:

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

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

Sincerely,

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

## Sample Appeal of Discipline Hearing Decision

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

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

\_\_\_\_\_

Regarding Student: \_\_\_\_\_

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

I am writing to request an appeal to the school board of the hearing officer's decision to issue a LONG TERM SUSPENSION / EXPULSION/EMERGENCY EXPULSION against my son or daughter.

Attached is a copy of the hearing officer's decision. Please contact me as soon as possible with information about when and how my appeal will be handled. Please call me as soon as possible if you have any questions regarding this notice of appeal.

Please contact me at:

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

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

\_\_\_\_\_

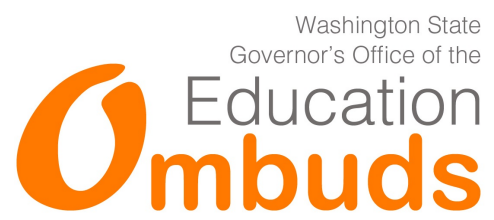
\_\_\_\_\_

Sincerely,

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

## Notes

[illegible]



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