

STUDENTS

Appeal Process for Long-Term Suspension or Expulsion

Hearing Officer Process

In the event a hearing is requested within the three day time limit, the superintendent or designee shall appoint a hearing officer, who may be an independent agent or any member of the district's certificated staff who is not involved in the incident giving rise to the hearing. The hearing officer will do the following:

1. Read the hearing procedures in WAC 392-400-260 through 280.
2. Schedule the hearing to commence within three days of request; specify date, time and place. Postpone the date and time and change the place for good cause or upon the mutual agreement of the parties.
3. Give written notice of the date, time and place of the hearing to the principal, student and parent.
4. Answer any questions that the student and parent or counsel may have about the nature and conduct of the hearing.
5. Conduct the hearing with full authority to control the conduct of all persons present, subject to the general directions of this procedural code, and to limit questioning that is unproductive or irrelevant. The hearing officer may not provide testimony.
6. Make a tape recorded or verbatim record of the hearing.
7. Write findings of fact and disposition of the case.
8. Transmit the written findings and disposition to the superintendent, principal, student and parent within five school days after the hearing.

The student and parent may request an open or closed hearing. A closed hearing may be attended only by the hearing officer, the principal, the student, the parents, and counsel. Witnesses should be present only when they are giving information. At times when the student's psychological or emotional problems are being discussed, he/she may be excluded at the discretion of the hearing officer with the concurrence of the parent or counsel. In an open hearing only those persons designated as witnesses shall have the right to speak.

The principal shall make available in advance of the hearing any exhibits, affidavits, or the signed statements which are the basis for the alleged misconduct and the penalty suggested by the principal. These may be examined and copied by the student, the parent and counsel. If the principal later receives any further information that will be employed at the hearing, he/she shall notify the parties

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involved and make copies available before the hearing. The principal may request a similar opportunity to review exhibits or statements to be used by the student, parent and/or counsel.

Upon the request of the hearing officer, the student or the parent, the principal shall submit to the hearing officer the student's cumulative record folder. If the principal or the hearing officer deems it necessary, the information contained in such records shall be explained and interpreted to the officer by a person trained in their use and interpretation.

When the hearing officer determines that the alleged act of misconduct has been committed, the hearing officer shall reach a disposition of the case. The disposition need not be the action recommended by the principal but shall not exceed the length of an academic term, as defined by the school board (90 days). The disposition should explain the reason(s) for the particular decision. The decision shall be provided to the student and parent or counsel.

If the student is under an emergency expulsion, the hearing officer shall render his/her decision within one school business day of the conclusion of the hearing.

When a student's suspension or expulsion is appealed, the rule (RCW 28A.600.015) shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten (10) consecutive school days, or until the appeal is decided, whichever is earlier. When students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

1. A single hearing will not likely result in confusion, and
2. No student will have his/her interest substantially prejudiced by a group hearing.

If the hearing officer finds that during the hearing a student's interest will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The student and parent have the right to petition for an individual hearing.

RCW [28A.600.015](#) Expulsions and suspensions—Rules incorporating due process—
Short-term and long-term suspensions—Emergency expulsions—
Discretionary discipline

Revised: December 12, 2001
Revised: February 2015
Revised: November 17, 2016