

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 (3) school business days of request; specify the date, time and place. Postpone the date, 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. Base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision must include:
 - (i) The findings of fact;
 - (ii) A determination, whether:
 - (A) The student's behavior violated the school district's discipline policy;
 - (B) The behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and
 - (C) The suspension or expulsion is affirmed, reversed, or modified;
 - (iii) The duration and conditions of the suspension or expulsion, including the dates on

Administrative Regulation No. 3323.1
Appeal Process for Long-Term Suspension or Expulsion - Continued

- which the suspension or expulsion will begin and end;
- (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision, including where and to whom to make the request; and
 - (v) Notice of the opportunity to participate in a reengagement meeting and the contact information for the person who will coordinate scheduling of the re-engagement meeting.

The district 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 district later receives any further information that will be employed at the hearing, the district shall notify the parties involved and make copies available before the hearing. The district may request a similar opportunity to review exhibits or statements to be used by the student, parent and/or 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.

Upon the request of the hearing officer, the student, or the parent, the district shall submit to the hearing officer the student's cumulative record folder. If the district 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 the 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

Administrative Regulation No. 3323.1
Appeal Process for Long-Term Suspension or Expulsion - Continued

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, a separate hearing for that student may be scheduled. 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

WAC [392-400-110](#) Discipline Policies & Procedures-Development, Review & Distribution
[392-400-470](#) Suspensions & Expulsions–Review & Reconsideration
[392-400-710](#) Student Reengagement after Long-Term Suspension or Expulsion

Revised: December 12, 2001
Revised: February 2015
Revised: November 17, 2016
Revised: October 2019