



Notice of Emergency Removal

Student Name:

School:

Emergency Removal begin date:

Section 504

IEP

This is to notify you that your child has been placed on an emergency removal effective immediately. This emergency removal will remain **in effect for up to ten (10) consecutive school days OR until it has been modified** by the school principal or designee or through the hearing process set forth below.

Emergency Removal must end or be converted to another form of discipline by this date:

(10 school days from begin date)

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

Violation described below:

- Pursuant to WAC 392-400-510 (copy enclosed), Arlington Public Schools has good and sufficient reason to believe that his/her presence poses an immediate and continuing danger to other students or school personnel; or an immediate and continuing threat of material and substantial disruption to the educational process.

Educational Services Provided:

- You are entitled to request an informal conference with the Principal or designee for the purpose of resolving any grievances you may have concerning this action. The Emergency Removal will continue until you access the grievance procedure.
- You are entitled to request a hearing pursuant to Arlington Public Schools Board Procedure 3241P and WAC 392-400-515 through 392-400-530 (copy enclosed) for the purpose of contesting the allegations.
- A written or verbal request for a hearing must be received within three (3) school business days of receipt of this notice. *(Please refer to the Arlington District Calendar to determine school business days during the month.)*

- To schedule a hearing, contact the District Administration Office at 360-618-6207 or send a written request to:

Director of Equity and Student Well Being
 Arlington Public Schools
 315 N French Ave
 Arlington, WA 98223

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

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

<hr style="border: 1px solid black;"/> <p><i>Administrator Signature</i></p> <p>Name <input style="width: 90%; height: 25px;" type="text"/></p> <p>Title <input style="width: 90%; height: 25px;" type="text"/></p>	<p>Date <input style="width: 150px; height: 25px;" type="text"/></p> <p>Email: <input style="width: 300px; height: 25px;" type="text"/></p> <p>Phone: — —</p>
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cc: Superintendents' Office; Director of Equity and Student Well Being; Executive Director of Teaching & Learning; Executive Director of Human Resources; Director of Special Education (Special Education Only); Transportation Department

WAC 392-400-510
Emergency expulsions --Conditions and limitations.

A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

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

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

WAC 392-400-515

Emergency expulsions—Notice to student and parents.

- (1) **Initial notice.** After an emergency expulsion, the school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.
- (2) **Written notice.** Within twenty-four hours after an emergency expulsion, a school district must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:
 - (a) The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
 - (b) The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;
 - (c) The opportunity to receive educational services during the emergency expulsion under WAC 392-400-610;
 - (d) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-520; and
 - (e) The student's and parents' right to appeal the emergency expulsion under WAC 392-400-525, including where and to whom the appeal must be requested.
- (3) **Language assistance.** The school district must ensure the initial and written notices required under this section are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-515, filed 7/30/18, effective 7/1/19.]

WAC 392-400-520

Emergency expulsions—Optional conference with principal.

- (1) **Requesting a conference.** If a student or the parents disagree with the school district's decision to administer an emergency expulsion, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.
- (2) **Time limit.** The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.
- (3) **Conference.** During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.
- (4) **Language assistance.** The school district must ensure the conference is held in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.
- (5) **Right to appeal.** An informal conference must not limit a student's or parents' right to appeal the emergency expulsion under WAC 392-400-525. [Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-520, filed 7/30/18, effective 7/1/19.]

WAC 392-400-525

Emergency expulsions—Appeal.

- (1) **Requesting an appeal.** A student or the parents may appeal an emergency expulsion to the school district superintendent or designee orally or in writing.
- (2) **Time limit.** A school district may establish a time limit to appeal an emergency expulsion. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency expulsion.
- (3) **Notice.** Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:
 - (a) The time, date, and location of the appeal hearing;
 - (b) The name(s) of the official(s) presiding over the appeal;
 - (c) The student's and parents' rights to inspect the student's education records under subsection (6) of this section;
 - (d) The student's and parents' rights to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing under subsection (6) of this section; and
 - (e) The student's and parents' rights under subsection (7) of this section.
- (4) **Appeal hearing.** The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.
- (5) **Presiding official(s).** The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(6) **Evidence and witnesses.**

(a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(b) Upon request, the student and parents may review the student's education records. The school district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(i) The district made a reasonable effort to produce the witness; and

(ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(7) **Student and parent rights.** The student and parents have the right to:

(a) Be represented by legal counsel;

(b) Question witnesses;

(c) Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and

(d) Introduce relevant documentary, physical, or testimonial evidence.

(8) **Recording of hearing.** The appeal hearing must be recorded by analog, digital, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(9) **Appeal decision.** The school district must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:

(a) The findings of fact;

(b) A determination whether the student's presence continues to pose:

(i) An immediate and continuing danger to students or school personnel; or

(ii) An immediate and continuing threat of material and substantial disruption of the educational process.

(c) Whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480; and

(d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.

(10) **Language assistance.** The school district must ensure that any appeal proceedings, notices, and decisions are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-525, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-525, filed 7/30/18, effective 7/1/19.]

WAC 392-400-530

Emergency expulsions—Review and reconsideration.

(1) **Requesting review.** The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.

(2) **Time limit.** A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.

(3) **Review procedure.**

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the events that led to the emergency expulsion, the decision to emergency expel the student, or the appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the decision must be made by the school board.

(4) **Decision.** The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence posed:

(i) An immediate and continuing danger to students or school personnel; or

(ii) An immediate and continuing threat of material and substantial disruption of the educational process.

(b) If the emergency expulsion has not yet ended or been converted, whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-430 through 392-400-480.

(5) **Language assistance.** The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

[Statutory Authority: RCW 28A.600.015 and 28A.600.020. WSR 19-12-050, § 392-400-530, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 28A.600.015, 28A.600.020 and 28A.600.010 through 28A.600.022, 28A.320.211. WSR 18-16-081, § 392-400-530, filed 7/30/18, effective 7/1/19.]