

# EXPULSION

Parent/guardian's name \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

Student's name \_\_\_\_\_ Number \_\_\_\_\_

Zip code \_\_\_\_\_

Birthdate \_\_\_\_\_ Grade \_\_\_\_\_ Sex:  M  F

Telephone number ( \_\_\_\_\_ ) \_\_\_\_\_

Ethnicity (check one):

- White  African American or Black  Multi-Racial  
 Hispanic  Native American  Asian  Pacific Islander

Dear \_\_\_\_\_

Special education:  Yes  No

It is my duty to inform you that \_\_\_\_\_'s conduct has established cause for expulsion from school for an indefinite period. Unless you request a hearing with the school district's Hearing Officer to contest this proposed expulsion, it will take effect on the expiration of three (3) school business days after the day upon which you receive this notice. **Appeal procedures are on the back side of this notice.**

The cause for this expulsion is based upon the following alleged misconduct \_\_\_\_\_

The alleged misconduct violates the following school rule(s) \_\_\_\_\_

If you have any questions, please contact me.

#### Discipline for Drug and Alcohol Offenses — Regulation 3240R

A student who engages in the following misconduct will be subject to corrective action or discipline. A student who engages in misconduct which constitutes exceptional misconduct as defined in Regulation 3241R will be subject to suspension or expulsion.

**Alcohol/drugs** — Possessing, using, selling, distributing or being under the influence of alcohol, drugs, controlled substances, hallucinogens or items that are purported to be unlawful drugs or controlled substances.

- The student shall receive a suspension which may be short or long term.
- The principal will require that for a student to be readmitted, an evaluation be performed.
- The student and parents/guardians must agree to fulfill the recommendation of the evaluator as soon as possible and submit verification to the principal.
- Students who possess with intent to deliver drugs are subject to an emergency expulsion and will be referred to law enforcement authorities.

Date parent contacted \_\_\_\_\_

Building conference \_\_\_\_\_ Telephone conference \_\_\_\_\_ Conference with parent held \_\_\_\_\_

Parent notification by:  Certified  Regular mail Date \_\_\_\_\_

Delivered in person by \_\_\_\_\_ Date \_\_\_\_\_

*While on suspension/expulsion the student named on this document cannot be on any Tacoma School District campus or take part in any Tacoma School District activities. Please call to schedule a conference.*

Sincerely,

\_\_\_\_\_  
Principal/Assistant Principal

School \_\_\_\_\_

Telephone number ( \_\_\_\_\_ ) \_\_\_\_\_

## PARENT'S COPY

# APPEAL PROCEDURES

You have the right to a hearing to contest this expulsion. If you wish to request a hearing, you must do so in writing before the expiration of the third (3) school business day after the day upon which you receive this notice. If you do not request a hearing within the specified time, then you will have lost or waived your right to a hearing and the proposed expulsion will take effect.

Your written request for a hearing must be sent to the school district's Assistant Superintendent for School Support K-12, **Office of Enrollment Services**, P.O. Box 1357, Tacoma, WA 98401-1357 (telephone 253.571.1142). If you request a hearing, it will be scheduled to commence within three (3) school business days after the day upon which your request is received and you will have the right to:

- (1) inspect in advance of the hearing any documentation and other physical evidence which the school district intends to introduce at the hearing.
- (2) be represented by legal counsel.
- (3) question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:
  - (a) that the district made a reasonable effort to produce the witness and is unable to do so; or
  - (b) that it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness at the hearing.
- (4) present your explanation of the alleged misconduct, and
- (5) make such relevant showings by the way of witnesses and the introduction of documentary and other physical evidence as you desire.

Further, the person assigned to represent the school district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which you intend to introduce at the hearing. The person hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of evidence presented at the hearing. Either a tape recorded or verbatim record of the hearing will be made. A written decision setting forth the findings of fact, the conclusions and the nature and duration of the expulsion or lesser form of corrective action or punishment, if any, shall be provided to you.

The above procedures are pursuant to Washington Administration Codes 392-400-275, 392-400-280 and 392-400-285.

## BUILDING PROCEDURE FOR NOTIFICATION & DOCUMENTATION

### EXPULSION

Expulsions are to be processed in accordance with the conditions, limitations and procedures specified in WAC 392-400-275, WAC 392-400-280 and WAC 392-400-285. Student and parent/guardian shall be notified of the proposed Expulsion and of their opportunity for a hearing by hand delivery to the parent/guardian, or by certified and regular mail, deposited in the United States mail, within twenty-four (24) hours of the proposed expulsion. In addition, reasonable attempts shall be made to notify the student, parent or guardian as soon as reasonably possible by telephone or in person of this action. **An expulsion may not go into effect until the time for appeal has lapsed. However, if an emergency expulsion has also been issued, the student may be excluded from school immediately.**

The written and oral notice shall:

- (1) be provided in the predominant language of the student and/or parent to the extent feasible,
- (2) specify the alleged reason(s) for the expulsion,
- (3) set out the corrective action or punishment taken and proposed,
- (4) set out the right of the student and his/her parent to a hearing for the purpose of contesting the allegation,
- (5) set out the facts that:
  - (a) a written request for a hearing must be received by the Assistant Superintendent for School Support K-12, **Office of Enrollment Services**, on or before the expiration of the third (3) school business day after receipt of the notice of opportunity for a hearing, and
  - (b) if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the parent or guardian will not have further opportunity to contest the matter. A schedule of school business days applicable to the exercise of such hearing rights should be included with the notice.

Under these sections, it is important to remember that when you speak with parents over the phone regarding their child's expulsion or proposed expulsion that the appeal rights be spelled out to the parents. This may help save a later question as to whether there was a lack of compliance with the WAC's.

Send the original copy of the expulsion form letter to the parent or guardian and keep a copy for the school's record. If the student, parent or guardian decides to appeal, a request for a hearing must be received by the Assistant Superintendent for School Support K-12, **Office of Enrollment Services**, within three (3) school business days of the expulsion notification.

If the expulsion is appealed, the following should be presented to the hearing officer at the hearing:

- (1) documentation from staff, if applicable (i.e., counselors, teachers and social workers)
- (2) grade reports (at time of expulsion)
- (3) attendance record
- (4) witnesses' testimony to support the reason(s) for the expulsion
- (5) student's past disciplinary record, and
- (6) documentation that shows notice to students regarding what is considered exceptional misconduct.

***NOTE: If staff members are required to serve as witnesses for an appeal hearing, and substitute coverage is necessary, please contact the appropriate level administrator to make these arrangements.***