

WAC 392-400-530 Emergency removals—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 removal, 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 removal, the decision to emergency remove 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 removal has not yet ended or been converted, whether the school district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the school district converts the emergency removal 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.300.046, 28A.600.010, 28A.600.015, and 28A.600.020. WSR 25-13-037, s 392-400-530, filed 6/10/25, effective 7/11/25. 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.]