

# Student Discipline Task Force

## Final Report

2013–2014

Authorizing legislation: RCW 28A.600.490

(<http://app.leg.wa.gov/RCW/default.aspx?cite=28A.600.490>)

### Student Discipline Task Force

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## Executive Summary

The Student Discipline Task Force developed standard definitions and data collection standards for disciplinary actions taken at the discretion of the school district. Data collection standards included elements of education services, petitions for readmission, credit retrieval, and school dropout as a result of disciplinary action.

The Task Force was responsible for developing the definitions and data elements to revise the statewide Comprehensive Educational Data and Research System (CEDARS). Concluding this important work, the Task Force chose to compile their recommended revisions to the CEDARS manual in this report. Over the course of convening, the impact of the CEDARS revisions were discussed. The Task Force decided to summarize relevant discretionary discipline issues and propose further policy solutions.

## Background

In 2013, Engrossed Substitute Senate Bill 5946, Part III (Sec. 301) created RCW 28A.600.490 and charged the Office of Superintendent of Public Instruction to convene a Student Discipline Task Force to develop:

1. Standard definitions for causes of student disciplinary actions taken at the discretion of the school district.
2. Data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school.

The data collection standards must include:

- Information about education services provided while a student is subject to a disciplinary action
- The status of petitions for readmission to the school district when a student has been excluded from school
- Credit retrieval during a period of exclusion
- School dropout as a result of disciplinary action  
(Washington State Legislature, 2013)

RCW 28A.600.490, Section (2) states the participants in the Student Discipline Task Force must represent the following: the K-12 data governance group, the Educational Opportunity Gap Oversight and Accountability Committee, the State Ethnic Commissions, the Governor's Office of Indian Affairs, the Office of the Education Ombuds, school districts, and other education and advocacy organizations. In addition to OSPI's K-12 data governance group, it was decided that OSPI's behavior staff should participate on the task force.

Over the course of the year, the appointed members contributed to the development of data collection standards and definitions for behaviors resulting in discretionary disciplinary actions.

## Implementation of Charge

The Student Discipline Task Force was led by a neutral facilitator and used a consensus based decision-making protocol. The Task Force has met since September of 2013 to meet the deadline of revising the data definitions and standards for student discipline by the 2015-16 school year.

In the initial 2013 task force meetings, the members met monthly, on the second Monday of the month. Then, beginning in 2014 Student Discipline Task Force switched to bimonthly meetings, on the second Monday of the month. Members prepared for meetings on off months by completing group designated homework assignments, drafting definitions or data elements, and reading discipline research and resources.

The members requested multiple guest speakers and staff presentations to guide their work. The following resources were utilized over the course of the year:

- 2012-13 Student Discipline Data from the Comprehensive Education Data and Research System

- Mandatory discipline codes and infractions
- Sample Discretionary Discipline Policies from various school districts
- *Reclaiming Students: The Educational and Economic Costs of Exclusionary Discipline in Washington*, TeamChild & Washington Appleseed
- Positive Behavioral Interventions and Supports (PBIS)
- Student/Educator Panels from Shelton School District and Highline Public Schools
- Disciplinary protections for students receiving (e.g. Special Education services, 504 plan, etc.)
- School Discipline Consensus Project, U.S. Departments of Education and Justice

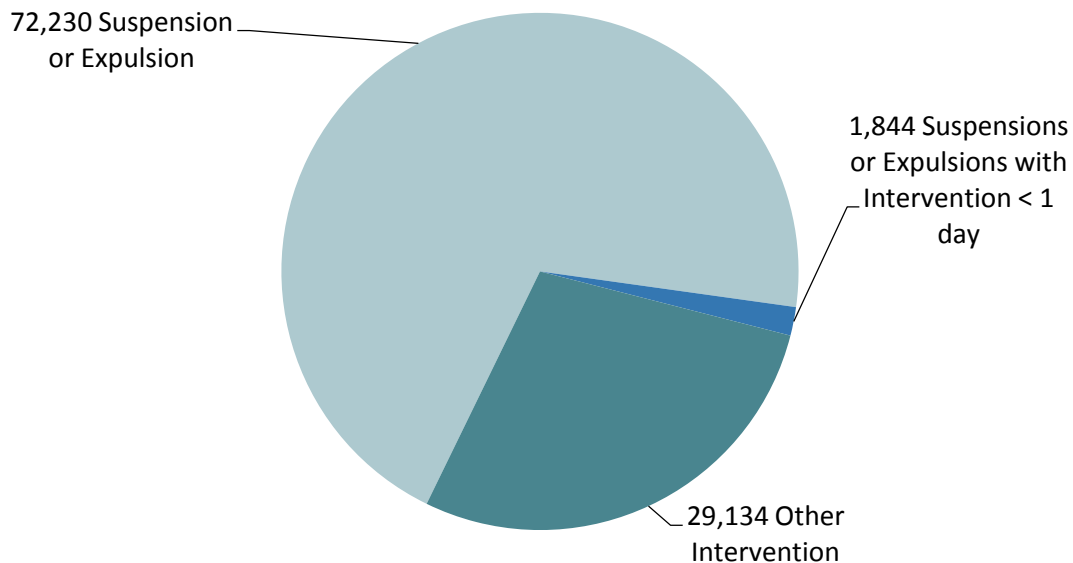
All meetings were open to the public and participation in public comment was encouraged. Often legislative staff and education and advocacy organizations attended. Additionally, staff from various OSPI departments frequently attended meetings to provide perspective and expertise. OSPI departments that were involved include: Student Information, Student Support, Data Governance, and Government Relations.

### 2012–2013 Data

The following charts were shared with the Student Discipline Task Force in November 2013. The data is from the 2012–13 school year and shows the number of collected behaviors defined as “other”. The lack of information on “other” incidents drove the group to further refine collection standards.

**Source of charts:** Office of Superintendent of Public Instruction. (2013). Student Discipline Task Force. November 25, 2013 Materials. Retrieved from: <http://www.k12.wa.us/StudentDiscipline/TaskForce.aspx>

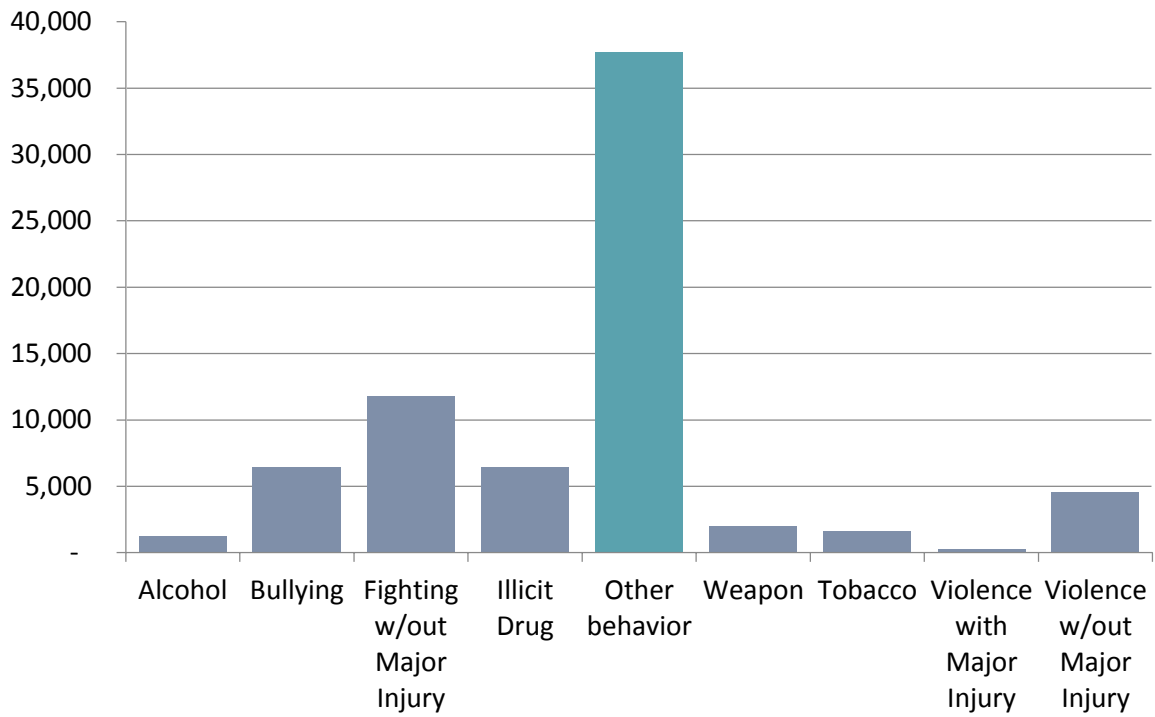
**Table 1: 101,364 total incidents reported in 2012–13**



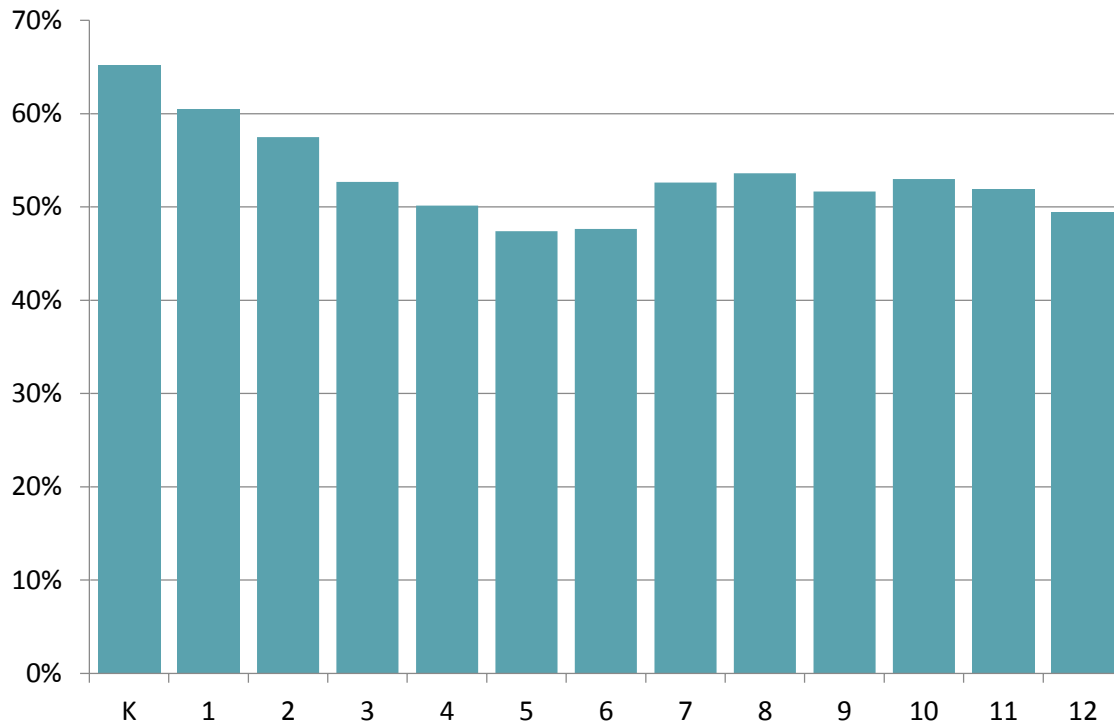
**Table 2: 59,806 students reported in incidents in 2012–13**



**Table 3: Behaviors associated with a suspension or expulsion in 2012–13**



**Table 4: Percent of Suspensions or Expulsions with “Other” Behavior in 2012–13**



## Standard Definitions

All school districts were required to collect and report the first two revised definitions (completed December 2013) in the school year 2014-15.

Finalized at the December 2013 meeting:

- Failure to Cooperate (including but not limited to non-compliance, defiance, disrespect): repeatedly failing to comply with or follow reasonable, lawful directions or requests of teachers or staff.
- Disruptive Conduct: conduct that materially and substantially interferes with the educational process.

In addition to these, school districts will be required to begin collecting the remaining discipline definitions in the 2015-16 school year. The CEDARS manual will be updated with these new definitions.

Finalized at the January 2014 meeting:

- Destruction of Property/Vandalism: intentional damage of school property or the property of others.
- Sexually inappropriate conduct: obscene acts or expressions, whether verbal or non-verbal

- Theft, possession of stolen property: taking or knowingly being in possession of district property or property of others without permission.
- Academic dishonesty/plagiarism: knowingly submitting the work of others represented as the student's own or assisting another student in doing so, or using unauthorized sources.

Finalized at the September 2014 meeting

- Multiple/ Accumulated Offenses: discipline for culmination of multiple infractions that occurred during a school year.

Finalized at the December 2014 meeting

- Sexual Harassment: Conduct or communication intended to be sexual in nature, is unwelcome by the targeted person(s) and has the potential to deny or limit another student(s) ability to participate in or benefit from a school's education program.<sup>1</sup>
- Discriminatory Harassment: Conduct or communication that (1) is intended to be harmful, humiliating, or physically threatening, and (2) shows hostility toward a person or persons based on their real or perceived sex, race, creed, religion, color, national origin, sexual orientation, gender identity, gender expression, veteran or military status, disability, or use of a trained dog guide or service animal.
- Bullying: Unwanted, aggressive behavior that (1) involves a real or perceived power imbalance, and (2) is repeated, or has the potential to be repeated, over time.

## New Data Elements

Beginning in the 2015-16 school year, school districts will collect and submit new data elements to the Comprehensive Education Data and Research System (CEDARS).

Data Element	Description
<b>Appeal</b>	This element indicates if the suspension/expulsion was appealed.
<b>Academic Services</b>	This element reports if academic services were offered and if the student participated during the suspension or expulsion.
<b>Behavior Services</b>	This element reports if behavior services were offered and if the student participated during the suspension or expulsion.
<b>Petition for Readmission</b>	This element is the date that a Petition for Readmission was submitted by or on behalf of the student expelled or suspended.

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<sup>1</sup> The Student Discipline Task Force did not reach complete consensus for the Sexual Harassment definition, however the listed definition was approved by the majority of members.



<b>Petition for Readmission Granted</b>	This element is the date that a Petition for Readmission was granted/approved for the student expelled or suspended.
<b>Petition by District to exceed more than one year</b>	This element indicates if the district was petitioned to exceed more than one calendar year for the suspension/expulsion.
<b>Reengagement Meeting Held</b>	This element is the date that a reengagement meeting took place with the student returning from suspension/expulsion.
<b>Reengagement Plan</b>	This element indicates if the district developed a reengagement plan for the student's return from this suspension/expulsion.

See Appendix F for a description and the business rules for each element.

CEDARS currently collects discipline information in the context of 'Incidents' that result in corrective action. The additional data collected as a result of the work of the Discipline Task Force, are pieces of additional information about the incident, the corrective action related to that incident or the services provided during the corrective action related to an incident. However, some of the data desired was not incident based, and fell more into the category of pattern based, or longitudinal discipline of a student. Some of this pattern information has been incorporated into the collection (such as multiple minor offenses), however some does not currently fit within the context of the incident based collection (such as interventions applied prior to suspension).

The CEDARS stakeholders provided feedback that determined more analysis and planning to collect pattern information. Therefore, the following elements will be reviewed by the Data Governance process and be considered for implementation for the 2016-17 school year:

<b>Data Element</b>	<b>Description</b>
<b>Interventions before Suspension</b>	A yes/no field indicating if there were any behavior interventions applied prior to an out of school suspension.
<b>Parents Notified of Due Process Rights</b>	A yes/no field confirming if parents were notified of their due process rights

Data governance will take the longer list of requests under advisement for consideration as elements in discipline collections in later years (see Appendix F).

## Existing Data Elements

Following presentations from OSPI's Student Information, it was determined that the two required elements: credit retrieval during a period of exclusion and school dropout as a result of disciplinary

action could be collected without creating new data elements. These data will be collected in CEDARS using existing data elements.

### **Credit retrieval during a period of exclusion:**

Credit loss can be totaled with currently collected data using the ratio of credits in a year for grades 9-12 and compare to students who received disciplinary interventions to those who did not. Students can be grouped by the number of days out of school (1-5, 5-10, and greater than 10) (OSPI, 2014).

### **School dropout as a result of disciplinary action:**

Dropout Analysis can be conducted with currently collected data using CEDARS data elements. Students who are disciplined and dropped out may be compared to students who are not disciplined and dropped out. Enrollment is checked at the end of the school year (May 31) for students who received short-term, long-term suspension or expulsion. This is compared to the number of students that did not receive disciplinary interventions (OSPI, 2014).

## **Next Steps**

### **Prevention for At-Risk Students**

#### **Background:**

All students are at-risk when they are not allowed to be in school. When students are expelled or suspended and not in a school facility, they often lack support by family or district staff and can be susceptible to negative influences that preclude any hope of long-term positive results. Before deficits develop further and gaps in competency increase, both General Education and Special Education students need direct instruction and a tiered curriculum in social emotional and behavioral skills. This direct instruction should be developmentally appropriate and support both social and academic success for individual students. System indicators regarding students who have the potential to struggle (starting at 8<sup>th</sup> grade or earlier) or systemic plans/programs in place for students who are identified as “at-risk” are not accessible by all entities. There is a need for awareness and intervention strategies to minimize excessive discipline issues for at-risk students.

#### **Recommendation:**

Expelled or suspended students, must receive educational and behavior intervention services in a school facility by a trained and qualified staff member. It is the student’s civil right to receive a free, appropriate public education. The goal is to provide *all* students with the needed support and services to enable them to graduate to be career and college ready.

The legislature should provide funding for a structured set of options that are evidence-based to provide such instruction and accompanying success. Likewise, schools and districts must implement from the provided options. Schools must provide enough guidance counselors, school psychologists, and social workers to meet the prototypical schools model. School districts should make use of existing structures,

skill centers, and reengagement schools, Alternative Learning Experience (ALE), Learning Assistance Program (LAP) and Readiness to Learn (RTL) grants. Elementary and middle schools without alternative placements must ensure there are supports to provide educational services. Providing regional consortium based services could engage the small and medium districts in strategies and resources to provide these services.

Professional development needs of all teachers should be identified, made a requirement and paid for from increased, earmarked funds in the basic education budget. Ongoing training must take place for all levels of staff in the recognition and awareness of behavioral, physical and mental indicators of potential discipline issues, along with proven intervention strategies and best practices to support student positive redirection. Cultural competency training is crucial as staff bias may easily affect student discipline decisions. All teachers and principals must demonstrate cultural competency expectations outlined by the Teacher Principal Evaluation Project (TPEP).

Both the State and school districts should invest in an early warning system that has been created collaboratively, with input from students' families, educators, and community members. This early warning system should be implemented with targeted supports and a shared focus on no more than 5 indicators. We also recommend trying to obtain shared agreement from stakeholders on the indicators a specified amount of time that gives enough time for the system to absorb the efforts and see whether the efforts are effective.

## Positive Behavioral Interventions & Supports

### **Background:**

Suspended and expelled students receive little individualized behavior interventions. This results in repeating of the same or similar behaviors resulting in further exclusions. All students (general and special education students – should have their individual needs for social-emotional success assessed ongoing, and intervention/supports identified to support their healthy growth in this area. Behavior and social-emotional learning should be addressed as a core competency rather than a skill set that students either have or they don't have. Social-emotional skills can be taught, just like any other part of core instruction, and schools should prioritize this learning right along with reading, writing, and arithmetic.

Reducing discipline disparities and improving academic outcomes include teacher-training programs, along with other implemented strategies focused on improving student engagement, restorative practices, and student social emotional positive redirection. Many classrooms/schools/districts use punitive methods to manage behavior rather than trying new approaches and focusing on a more positive school climate.

### **Recommendation:**

Require that suspended and expelled students receive individualized behavior interventions by a trained and qualified staff member (e.g. behavioral specialists) during their entire period of suspension or

expulsion. The program and updates must be in consultation with the student and his family (similar to an IEP plan). State funding should be based on results not just implementation. LAP funding should be considered as a source for behavioral supports.

A statewide needs assessment should be conducted to determine the level of counseling/mental health staffing available and how many staff positions and programs must be added to provide adequate levels of support for students in this area. Sufficient staff capacity must be built to focus on ways to direct resources and professional development to demonstrated needs. Funds should be allocated to support the hiring of new staff positions to meet assessed needs.

Implementation of proven multi-tiered systems of support such as SWPBIS (School-wide Positive Behavioral Intervention and Supports) and other positive intervention programs and strategies should take place in all districts and school sites.

An additional effective strategy is the implementation of Restorative Practices. These practices seek to replace a punitive approach to discipline with a more constructive collaborative and humane approach that embraces all members of the community, including those who break the rules. Such alternative systems create explicit structural approaches changes in the way schools approach school discipline.

Both individual schools and districts with over 5% of students being suspended or expelled or more than 5% disproportionality must implement a new approach from a menu of options (PBIS, RULER, Restorative Justice, etc.) that is currently being developed through the Learning Assistance Program.

## Restorative Practices

### **Background:**

Many classrooms/schools/districts are taking a punitive approach to managing behavior rather than trying new approaches and focusing on a more positive school climate. Restorative Justice is a revolutionary program based on respect, responsibility, relationship-building and relationship repairing. It focuses on mediation and agreement rather than punishment. Restorative Justice aims to keep students in school. Though studies show it works incredibly well, the approach is not, used in all district or even understood by all educators.

Using restorative practices keeps students in school. They aren't excluded for disrupting class or violating minor rules as those consistently have happen to them in punitive systems. Everyone works together to keep them in the classroom where they can learn. Children who are expelled from school often end up in what education reform activists call the "school-to-prison pipeline." Restorative Justice seeks to stop that cycle and keep on track with their educations.

Keeping students in school is fundamental to their academic success. Students many times during the immediate behavior infraction do not think about how their action impacts others. Excluding them

through the use of harsh, punitive policies disengages students—leading many to drop out and many become involved with the juvenile justice system.

**Recommendation:**

The Restorative Justice model should be part of professional development training for all school leaders and certificated staff and serious consideration given to implementing the model in all districts. The entire school community has to commit to successfully implementing a Restorative Justice model. School Resource Officers (SROs) should be trained along with the school staff on Restorative Justice Strategies. This would avoid a potentially conflicting issue with law enforcement. Therefore, districts are encouraged to employ Restorative Justice Techniques by trained, qualified staff prior to resorting to suspensions. This should not become a requirement without funding to support smaller districts.

School staff should be trained in the principles of Restorative Justice to understand when this approach is appropriate in resolving behavior that impacts other students and the school community. It provides students as many opportunities as possible to make amends with their community instead of being removed/banished. School staff should be required to consider restorative options and alternatives for suspension for students being suspended for behaviors such as “disruptive behavior” due to the subjective nature of this discipline category.

Additionally, both schools and districts with over 5% of students being suspended or expelled or more than 5% disproportionality must implement a new approach from a menu of options (PBIS, RULER, Restorative Justice, etc.).

## Alternatives to Suspension

**Background:**

Out of the classroom, even though in the same school building, without individualized behavior interventions by trained staff may just set up a student for more exclusions. With no program established that would enable a student to demonstrate readiness to return and support once back in the classroom the student may flounder and not be successful long term.

All schools should develop and implement a list of evidence-based strategies for addressing behavior and conduct infractions that, except in the most extreme cases, allow students to remain in class and use other interventions and consequences. Excessive suspensions, even in-school suspensions, and expulsions threaten education opportunity, thereby undermining the closing of the academic opportunity gap.

**Recommendation:**

A trained and qualified staff member should provide an alternative program for in-school suspension. Using a scaffolded approach to meet the behavior and education needs of the student, individualized

services provided during and after should enable the student to be prepared to successfully gradually return to a full day schedule.

Adequate funds should be allocated to support the staffing for providing these in-school suspension alternatives, particularly for smaller districts without the staffing capacity to:

- Provide academic tutoring and behavior instruction, employing activities to develop social emotional skills, social skills, cognitive skills, and work habits.
- Student integration of skills and subsequent improvement in student conduct will result in student success and subsequently, permission for the student to return to class.
- Directly teach problem solving skills to assist student in electing alternative ways to behave.
- Develop a contract that includes both positive and negative consequences.
- Emphasize student choice.
- Follow-up support to student to ensure success once back in the classroom.

## Family Engagement

### **Background:**

See comments in “equitable access” section regarding district liaison working with both the student and his/her family as well as district administrators. Too many times the family is not knowledgeable about any problems until the student is excluded. Added to it is the lack of an on-going dialogue and collaboration with school and family during the period a student is excluded.

Parents must be made full and meaningful partners in addressing their students’ behavior challenges, so that social-emotional learning bridges home to school and school to home. Family Engagement Strategies build parents’ skills to ask the right questions and play specific roles in their children’s education and involvement in the disciplinary processes including positive behavioral redirection.

### **Recommendation:**

Parents and schools need to work together to instill the importance of education into children of all ages. Finding discipline procedures that work is a job for students, parents, and teachers to explore together. Working together, the school and community can demonstrate to children that working as a team effectively solves disparity problems. For discipline, this involves building collaborative partnerships with the community and families to address the root causes of student misbehavior.

Language access needs of parents must be addressed through legislation. This includes providing appropriately for the interpretation and translation needs of parents whose first language isn’t English so that they may participate in discipline-related meetings without depending on their student to translate for them. Parents/guardian and family members of special education students should be trained in how to participate in the development of Functional Behavioral Assessments (FBAs) and Behavior Intervention Plans (BIPs) with their Individualized Education Programs (IEP) teams.

Parents, guardians, and family members place a critical role in the reengagement process. For any behavior infraction that results in exclusion, families must be part of the decisions on appropriate interventions, placements, progress updates' schedule and the necessary indicators needed to be met to shorten period of exclusion.

More funding is necessary to support wraparound services. However, some communities have existing resources that could be better connected to parents, including wrap around initiatives and culturally responsive providers and services. Schools are encouraged to play a connecting role between families, guardians, and community based providers. The role of the family engagement coordinator is to be a school-based connector of these services. This position is included in the prototypical schools model as a Parent Involvement Coordinator, however an allocation value has not been set in statute and is still listed as zero (Washington State Legislature, 2014).

Educational Service Districts (ESDs) are regional resources that play a central role in providing the information. Outreach meetings providing meaningful engagement strategies need to accommodate family schedules. These could be held at facilities outside of campus/school facilities to work with family schedules.

## Equitable Access to Education Services

### **Background:**

Equitable Access to Education Services does not exist for all students, especially students on long term suspensions or expulsions. Not all excluded students (suspended or expelled) receive educational services and individualized behavior interventions. The end result is a loss of credits and continuation of behaviors that have not been addressed except for suspensions or expulsions.

Most districts' excluded students are not overseen by a trained and qualified district liaison for suspended or expelled students and their families. Without this monitoring and support many excluded students do not receive meaningful, individualized education and behavior interventions during their suspension or expulsion, resulting in falling behind in class work, loss of credits and/or continue to have the behavior issues that can lead to further expulsions and potential dropping out of school.

Students who are out of school due to suspension or expulsion do not have the same access to educational services as their peers (i.e. opportunities to learn material covered in class while student is out, to make up missed schoolwork or tests that ensure the student does not fall behind, and has access to the same level of instructional support.)

There are many differences in regulations, provided services, and alternate educational placements, with IDEA and Section 504 pertaining to discipline. Students with an IEP have the right to a manifestation determination meeting following a disciplinary action.

**Recommendation:**

Equitable access to services should be a priority focus for all staff: teachers, counselors, principals, and school boards. With the disproportionality that exists, students of color are impacted in far greater numbers in not receiving these key supports. All of the above parties must be held accountable for providing these services to all students. Equally accountable are legislators in providing funding to support these services.

Districts must provide a trained, culturally competent/responsive and qualified staff member (not a compliance officer) to communicate with the student and student's family during the period of expulsion. The duties of the assigned staff is to 1) monitor the student's receipt of assignments and return of course work; 2) serve as liaison between the student, family and district to provide updates on the improvement of the student's behavior and academic progress; 3) review the student's progress with the district administrator(s) to determine whether it warrants the shortening of the expulsion; and 4) Ensure compliance with any Section 504 Plan and/or IEP. The same meeting/manifestation determination must be required for students under both IDEA and Section 504.

Under RCW 28A.150.220, minimally, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship (Washington State Legislature, 2014). The State must monitor districts' compliance, and establish remedies (monetary, compensatory education, or otherwise) for students who do not receive the minimum services to which they are entitled.

## School to Prison Pipeline

**Background:**

Disparities exist in the number of students of color, ELL students, students in poverty, and students with disabilities that are ending up in the school to prison pipeline. This results in increasing dropout rates, long term suspensions and expulsions. Multiple exclusions set up students for failure by not being able to acquire enough credits to graduate. It can also result in low self-esteem, which can lead to dropping out.

Trauma experienced from difficult situations, poverty, or lack of social/emotional supports- accumulates and results in behavior incidents in schools. Behavior incidents resulting in suspensions/expulsions, may lead to juvenile justice difficulties. The State, districts and communities must provide supports to help students address trauma issues and prevent incidents.

SROs used to enforce school discipline issues can result in a police report and/or arrest. Many districts have little or no written guidelines resulting in lack of clarity for staff, SROs, students, and parents. Additional measures must be adopted to increase awareness and monitoring of disproportionality in discipline practices.



**Recommendation:**

The school system includes the school community, school staff, families, school board, legislators, and even the business community. All need to be continuously aware of the connectivity of excessive discipline (especially disproportionate), dropout rates, and less than desirable graduation rates and the increasing number of students winding up in the juvenile justice system. Training on the roles and accountability of each segment can positively impact these trends. Additionally, schools and districts must engage in “conversations on race” with their students and families of color to better understand their experience and perspective.

Districts must create a policy outlining the roles and responsibilities of law enforcement in schools and district staff that provides clarity to the police or sheriff department and their assigned SROs, district staff, parents and students. The MOU between the two entities must detail the roles and responsibilities, mandated training, and oversight requirements established by state statute. Legislature should establish the oversight requirements. Data reported must include arrests per year and/or exclusions resulting from SRO actions. These should be included in the OSPI public online reports.

State database reports should follow students who have been suspended or expelled, including disaggregation by race, gender, special education, and poverty noting: 1) frequency and number of exclusions related to dropping-out or graduating rates; 2) arrests; 3) time incarcerated during time as a student and after-leaving K-12; and 4) achievement of a post-secondary degree. Data sharing agreements must be with appropriate agencies in consultation with the Washington State Education Research & Data Center for future research.

## Reengagement Meeting, Planning, and Programming

**Background:**

The task force developed definitions and data elements for the reengagement process. Not all of the reengagement elements will be revised in the 2015 – 16 CEDARS manual, however the group encourages consistent inclusive practices that keep parent/guardians current with appropriate notifications and communications.

Districts and Schools need guidance on preventions and interventions to use both prior to the student being excluded (for suspension and expulsion) and in the reengagement plan for return to school. The 2014 Supplemental Budget included a proviso directing \$28,000 of the 2015 general fund to OSPI to create a clearinghouse of research-based best practices. Engrossed Substitute Senate Bill 6002, Section 501 (w) states the clearinghouse will inform districts on academic and nonacademic support practices for students while they are subject to disciplinary action and after their reengagement (Washington State Legislature, 2014).

**Recommendation:**

The task force supports the funding of academic and nonacademic support practices including the clearinghouse outline in ESSB 6002.

It is recommended that the following data elements regarding reengagement are included in future revisions of the CEDARS manual:

- *Reengagement meeting notification*: Notification of right to meeting, including information on parent/guardian's right-to interpreter/translation (language access services).
- *Reengagement meeting*: Meeting between school district/ student/parent and or guardian to discuss how to return a student to an educational setting as soon as possible.

## District Enrollment

**Background:**

WAC 392-121-108 states that absences exceeding twenty consecutive days, "shall not be counted as an enrolled student until attendance is resumed" (Washington State Legislature, 2012). When a student is absent for twenty consecutive school days prior to the monthly count day, the student cannot be claimed for funding on the *Monthly Report of School District Enrollment Eligible for Basic Support*. However at this point, there is no requirement to code the student as "withdrawn" in CEDARS. Withdrawing a student creates further challenges for the student during the reengagement process. Still school districts often use the lack of funding as an excuse to withdraw students and withhold academic and nonacademic services.

**Recommendation:**

At a minimum, after twenty days of consecutive absences, school districts must refrain from withdrawing a student. Educational services must be provided to the student during the period of the exclusionary discipline and school districts should not create further barriers for the student to return to school. Additionally, it is recommended that the apportionment not be reduced for students missing twenty consecutive days. These funds are vital to providing educational services and supports while a student is absent.

## Disproportionality

**Background:**

In January of 2014, the U.S. Department of Education (DOE) and the U.S. Department of Justice (DOJ) issued new guidance on the administration of student discipline without discriminating on the basis of race, color, or national origin. The letter discussed racial disparities in school discipline, explaining the disproportionate discipline of certain racial or ethnic groups identified by Civil Rights Data Collection (CRDC). For example, "although African-American students represent 15% of students in the CRDC, they make up 35% of students suspended once, 44% of those suspended more than once, and 36% of students expelled" (U.S. Department of Education and U.S. Department of Justice, 2014). Overall, the

CRDC has found a disproportionate number of students losing instructional time and schools resorting to exclusionary discipline and law enforcement referrals.

The guidance also included principles for developing school climate and school discipline policies and practices. The principles, “grounded in recognized promising practices and research” are intended as a resource for states, school districts, schools, parents, students, and other stakeholders. However, they are non-regulatory and do not require specific actions by any entities.

**Recommendation:**

School districts must review their data for disproportionate practices. Districts practices must adhere to the DOE/DOJ guiding principles:

1. Create positive climates and focus on prevention.
  - Engage in deliberate efforts to create positive school climates.
  - Prioritize the use of evidence-based prevention strategies, such as tiered supports.
  - Promote social and emotional learning.
  - Provide regular training and supports to all school personnel and SROs.
  - Collaborate with local agencies and other stakeholders.
  - Ensure that any school-based law enforcement officers’ roles focus on improving school safety and reducing inappropriate referrals to law enforcement.
2. Develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors.
  - Set high expectations for behavior and adopt an instructional approach to discipline.
  - Involve families, students, and school personnel, and communicate regularly and clearly.
  - Ensure that clear, developmentally appropriate, and proportional consequences apply for misbehavior.
  - Create policies that include appropriate procedures for students with disabilities and due process for all students.
  - Remove students from the classroom only as a last resort, ensure that alternative settings provide academic instruction, and return students to class as soon as possible.
3. Ensure fairness, equity, and continuous improvement.
  - Train all school staff to apply school discipline policies and practices in a fair and equitable manner.
  - Use proactive, data-driven, and continuous efforts, including gathering feedback from families, students, teachers, and school personnel to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences.
  - Provide support to the student when returned to the classroom.

## Conclusion

Moving forward with these recommendations, the task force urges consideration of funding sources to support new mandates. Most often the superintendents or principals in small districts, end up filling multiple roles to complete the work. The legislature should acknowledge the challenges all districts, and especially smaller districts face in implementing policies without designated staff.

The Student Discipline Task recognizes the potential impact of discretionary policy changes on school districts and seeks support from all involved entities. Funding is needed to provide adequate statewide training, particular to support smaller districts. All training accompanying new discipline policy must include competency to enhance the cultural responsiveness, appreciation, acknowledgement, and understanding of how the culture and home environment, can impact student behavior in the classroom.

In the past, school districts have had significant control over discretionary disciplinary policies and sanctions or consequences for student misconduct. Discretionary offenses have been locally defined by school boards. However the lack of common definitions statewide has made it difficult for schools to make comparisons to schools in other districts. At the state level, discretionary offenses have only been differentiated from mandatory offenses by the mass category of “other.”

With the Student Discipline Task Force’s updates to the Comprehensive Education Data and Research System (CEDARS) manual, districts will begin collecting data on common definitions for discretionary offenses. Districts can gain a better understanding of the discretionary discipline incidents occurring in their schools. Districts also have the opportunity to compare their discipline data to districts with similar demographics. With these analytics, districts and schools can evaluate the rate of suspensions and expulsions for discretionary incidents and consider areas for improvement.

## References

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## APPENDICES

Appendix A: [Engrossed Substitute Senate Bill 5946](#)

Appendix B: [Final Rules \(WSR 14-15-153\)](#)

Appendix C: [Joint “Dear Colleague” Letter – U.S. Department of Justice, Civil Rights Division and U.S. Department of Education, Office for Civil Rights](#)

Appendix D: [Civil Rights Data Collection, Data Snapshot: School Discipline](#)

Appendix E: Working Document—Additional Discipline Data Elements

Appendix F: DRAFT Student Discipline File (P) from CEDARS Data Manual School Year 2015-16, Version 8.0

Appendix G: [CEDARS Data Manual School Year 2014-15, Version 7.3](#)

## Student Discipline File (P)

**File Name:** StudentDiscipline  
**Description:** This file captures information regarding behavior and corrective or disciplinary actions for students involved in incidents during school or school-related activities **when they are removed from their regular education setting. All firearm incidents must be reported, regardless of the corrective or disciplinary action applied.** This file is only intended to collect information related to the student being disciplined and is not to include information regarding the student affected by the student being disciplined.

This file consists of one record for each student and incident during the current school year. If multiple students are associated with the same incident, then one record must be submitted for each student being disciplined.

Students reported in this file must also be reported in District Student File (B) and School Student File (C).

**Sample File Name:** 12345\_0000\_StudentDiscipline\_20160906\_20162017.txt

### Element P01 – School Year

**Field Name:** SchoolYear  
**Data Type:** char  
**Size:** 4  
**Allow NULL?** No. Data is required.  
**Description:** The four–digit year in which the school year ends.  
**Business Rules:** For the 2016-17 school year, report 2017.  
**Example:** 2017  
**Valid Values:** 2017  
**Last Updated:** February 2016

### Element P02 – Serving County District Code

**Field Name:** ServingCountyDistrictCode  
**Data Type:** char  
**Size:** 5  
**Allow NULL?** No. Data is required.  
**Description:** The serving county district code for the district submitting the data. This is the unique 5–digit number that combines the 2–digit county code and the 3–digit district code.  
**Business Rules:** Must be a valid value from EDS. This will appear as a numeric value and should include leading zeros even though this is submitted as a character data type. Report the code representing the district as assigned by OSPI in EDS.  
**Example:** 12345  
**Valid Values:** Refer to valid values, located at <https://eds.ospi.k12.wa.us/DirectoryEDS.aspx>.  
**Last Updated:** January 2015

### Element P03 – District Student ID

**Field Name:** DistrictStudentId  
**Data Type:** varchar  
**Size:** 50  
**Allow Null?** No. Data is required.  
**Description:** This is the student identifier assigned by the district to the student. This data element is used in the matching of district data with records in CEDARS.  
**Business Rules:** The value is unique within the school district. The value can be any combination of alpha and/or numeric values up to fifty characters in length. This

ID should follow the student throughout their enrollment within the district and should not be reassigned to another student.

**Example:** 123456789012 or 124 or TG096  
**Last Updated:** January 2012

#### Element P04 – State Student ID (SSID)

**Field Name:** SSID  
**Data Type:** char  
**Size:** 10  
**Allow Null?** No.  
**Description:** Randomly generated number that functions as a unique student identifier for each Washington public school student. This number is assigned by OSPI.  
**Business Rules:** SSID values must be exactly 10 digits in length and only contain numeric values. SSID numbers must not begin with a zero.  
Uploading two or more student records from the same district with identical SSIDs, but with different District Student IDs, will trigger an exception error. Students who are home schooled and receive services through the school district (Running Start, special education, etc.) shall be issued an SSID number and reported in CEDARS.  
**Example:** 1234567890  
**Last Updated:** January 2015

#### Element P05 – Location ID

**Field Name:** LocationId  
**Data Type:** varchar  
**Size:** 4  
**Allow NULL?** No. Data is required.  
**Description:** The Location ID for the school as generated by the District's Student Information System (SIS).  
**Business Rules:** This is an internal number generated by the District and is required. If you do not have an ID assigned to this field, report the OSPI School Code reported in [Element A05 – School Code](#).  
The ID reported in Element P05, must be included in the [Location File A](#).  
The Location ID reported should be the enrolled Location ID of the student at the time of the reported behavior or incident. If the behavior or incident occurred on other school grounds, do not report that Location ID.  
**Example:** 1234  
**Last Updated:** January 2012

#### Element P06 – Incident Date

**Field Name:** IncidentDate  
**Data Type:** date  
**Size:** See Data Type Definitions.  
**Allow NULL?** No. Data is required.  
**Description:** The date the reported incident occurred.  
**Business Rules:** Date should be formatted as MM/DD/YYYY.  
**Example:** 09/25/2012  
**Last Updated:** January 2012

#### Element P07 – Behavior Code

**Field Name:** BehaviorCode  
**Data Type:** int  
**Size:** 2  
**Allow Null?** No. Data is required.



## Student Discipline File (P)

**File Name:** StudentDiscipline  
**Description:** This file captures information regarding behavior and corrective or disciplinary actions for students involved in incidents during school or school-related activities **when they are removed from their regular education setting. All firearm incidents must be reported, regardless of the corrective or disciplinary action applied.** This file is only intended to collect information related to the student being disciplined and is not to include information regarding the student affected by the student being disciplined.

This file consists of one record for each student and incident during the current school year. If multiple students are associated with the same incident, then one record must be submitted for each student being disciplined.

Students reported in this file must also be reported in District Student File (B) and School Student File (C).

**Sample File Name:** 12345\_0000\_StudentDiscipline\_20160906\_20162017.txt

### Element P01 – School Year

**Field Name:** SchoolYear  
**Data Type:** char  
**Size:** 4  
**Allow NULL?** No. Data is required.  
**Description:** The four–digit year in which the school year ends.  
**Business Rules:** For the 2016-17 school year, report 2017.  
**Example:** 2017  
**Valid Values:** 2017  
**Last Updated:** February 2016

### Element P02 – Serving County District Code

**Field Name:** ServingCountyDistrictCode  
**Data Type:** char  
**Size:** 5  
**Allow NULL?** No. Data is required.  
**Description:** The serving county district code for the district submitting the data. This is the unique 5–digit number that combines the 2–digit county code and the 3–digit district code.  
**Business Rules:** Must be a valid value from EDS. This will appear as a numeric value and should include leading zeros even though this is submitted as a character data type. Report the code representing the district as assigned by OSPI in EDS.  
**Example:** 12345  
**Valid Values:** Refer to valid values, located at <https://eds.ospi.k12.wa.us/DirectoryEDS.aspx>.  
**Last Updated:** January 2015

### Element P03 – District Student ID

**Field Name:** DistrictStudentId  
**Data Type:** varchar  
**Size:** 50  
**Allow Null?** No. Data is required.  
**Description:** This is the student identifier assigned by the district to the student. This data element is used in the matching of district data with records in CEDARS.  
**Business Rules:** The value is unique within the school district. The value can be any combination of alpha and/or numeric values up to fifty characters in length. This

ID should follow the student throughout their enrollment within the district and should not be reassigned to another student.

**Example:** 123456789012 or 124 or TG096  
**Last Updated:** January 2012

#### Element P04 – State Student ID (SSID)

**Field Name:** SSID  
**Data Type:** char  
**Size:** 10  
**Allow Null?** No.  
**Description:** Randomly generated number that functions as a unique student identifier for each Washington public school student. This number is assigned by OSPI.  
**Business Rules:** SSID values must be exactly 10 digits in length and only contain numeric values. SSID numbers must not begin with a zero.  
Uploading two or more student records from the same district with identical SSIDs, but with different District Student IDs, will trigger an exception error. Students who are home schooled and receive services through the school district (Running Start, special education, etc.) shall be issued an SSID number and reported in CEDARS.  
**Example:** 1234567890  
**Last Updated:** January 2015

#### Element P05 – Location ID

**Field Name:** LocationId  
**Data Type:** varchar  
**Size:** 4  
**Allow NULL?** No. Data is required.  
**Description:** The Location ID for the school as generated by the District's Student Information System (SIS).  
**Business Rules:** This is an internal number generated by the District and is required. If you do not have an ID assigned to this field, report the OSPI School Code reported in [Element A05 – School Code](#).  
The ID reported in Element P05, must be included in the [Location File A](#).  
The Location ID reported should be the enrolled Location ID of the student at the time of the reported behavior or incident. If the behavior or incident occurred on other school grounds, do not report that Location ID.  
**Example:** 1234  
**Last Updated:** January 2012

#### Element P06 – Incident Date

**Field Name:** IncidentDate  
**Data Type:** date  
**Size:** See Data Type Definitions.  
**Allow NULL?** No. Data is required.  
**Description:** The date the reported incident occurred.  
**Business Rules:** Date should be formatted as MM/DD/YYYY.  
**Example:** 09/25/2012  
**Last Updated:** January 2012

#### Element P07 – Behavior Code

**Field Name:** BehaviorCode  
**Data Type:** int  
**Size:** 2  
**Allow Null?** No. Data is required.

**Description:** This element indicates the behavior for the student as it relates to the incident being reported. If more than one behavior occurs within an incident, school districts are to report the most serious behavior, as determined by the district, in Element P07. Other behaviors related to this incident are to be reported in Element P16 – Other Behaviors. School district policy shall determine hierarchical order for reporting purposes. If multiple students are related to a single incident the behavior associated with the individual student is to be reported.

**Business Rules:** Only use valid value 9 if the specific behavior of the student cannot be covered by codes 2–8 or 10–21.  
If there are multiple behaviors in one incident, and one or more of the behaviors are identified as being included for federal reporting purposes, the most serious of the behaviors must be reported in Element P07.  
Element P07 may not be reported with a valid value of 9 or 12, 13 or 17-21 if Element P16 – Other Behaviors contains a valid value of 2-8, 10, 11 or 14-16. Appendix B identifies the behaviors that will be included in Federal Reporting.

**Example:** 2 or 6

**Valid Values:** Refer to valid values table in Appendix B, found in the CEDARS Appendices, located at <http://www.k12.wa.us/CEDARS/Manuals.aspx>

**Last Updated:** March 2015

#### Element P08 – Corrective or Disciplinary Action Date

**Field Name:** InterventionDate

**Data Type:** date

**Size:** See Data Type Definitions.

**Allow NULL?** Yes. Conditional.

**Description:** Date initial corrective or disciplinary action began.

**Business Rules:** If more than one corrective or disciplinary action was applied, report the date of the first corrective or disciplinary action related to this incident. This element may only be null if Element P09 – Intervention Applied has a valid value of “NA”. Date should be formatted as MM/DD/YYYY.

**Example:** 09/25/2012

**Last Updated:** September 2015

#### Element P09 – Corrective or Disciplinary Action Applied

**Field Name:** InterventionApplied

**Data Type:** varchar

**Size:** 2

**Allow Null?** No. Data is required.

**Description:** This element indicates the corrective or disciplinary action applied for the behavior reported in Element P07 – Behavior Code.

**Business Rules:** If multiple corrective or disciplinary actions are assigned to a student for one incident and a Short- or Long-Term Suspension or Expulsion is one of the actions, do not report any assigned corrective disciplinary action that occurs after the ‘out of school’ action. E.g., If a LS – Long Term Suspension is applied and then the student is assigned an IS – In School Suspension, report the LS – Long Term Suspension.

Only use “OT – Other” if a corrective or disciplinary action is applied for this incident and the corrective or disciplinary action is not found on this valid value list.

**Example:** SS or EX

**Valid Values:** EX – Expulsion

LS – Long-term Suspension (greater than 10 consecutive school days)

SS – Short Term Suspension (10 or fewer consecutive school days)

IS – In School Suspension (student is temporarily removed from their regular educational setting for disciplinary purposes but remains under direct supervision of school personnel)  
EE – Emergency Expulsion  
NA – No Corrective or Disciplinary Action Applied  
OT – Other (any corrective or disciplinary action applied that is not described in the above codes)

**Last Updated:** February 2016

#### Element P10 – Number of Corrective or Disciplinary Action Days

**Field Name:** NumInterventionDays  
**Data Type:** numeric  
**Size:** 4,1 (Five characters including the decimal point)  
**Allow Null?** Yes. Conditional.

**Description:** The total number of consecutive school days a student is excluded from their regular education setting as a result of the corrective or disciplinary action(s). The number of days reported may not be greater than the length of an academic term as defined by the school board. 180 days. This must be reported in half (0.5) or full day increments.  
Students removed from their regular education setting for an entire school day are to be reported as excluded for a full day. Students removed from their regular education setting for less than a full school day are to be reported as excluded for a half day. For this reporting, a school day is defined as the span of time the school is open. It is not defined at a student level based on their scheduled courses.

**Business Rules:** Report the total number of consecutive school days for the corrective or disciplinary action reported in Element P09 – Corrective or Disciplinary Action Applied and Element P14 – Emergency Expulsion. If a student received an additional intervention not reported in Element P09 – Corrective or Disciplinary Action Applied, the days of the additional corrective or disciplinary action are not to be included in this element. For example, if a student is suspended and received in school suspension upon returning to school, the out of school suspension should be reported in Element P09 – Corrective or Disciplinary Action Applied, and only the days of the out of school suspension and emergency expulsion (if any) should be reported in this element. The in school suspension days that occur after the out of school suspension would not be included.

**Example:** 2.5 or 105

**Last Updated:** August 2016

#### Element P11 – Incident ID

**Field Name:** IncidentID  
**Data Type:** varchar  
**Size:** 20  
**Allow Null?** No. Data is required.

**Description:** The unique ID that identifies the incident, regardless of the number of students associated with it.

**Business Rules:** This ID will be used to tie multiple students to the same incident, and it will be used to identify the unduplicated number of incidents when completing federal reporting. Multiple students could be involved in an incident and should be reported with the same incident ID.

**Example:** HS412 or Bully01HS

**Last Updated:** January 2012

### Element P12 – Weapon Type

**Field Name:** WeaponType

**Data Type:** varchar

**Size:** 2

**Allow Null?** Yes. Conditional.

**Description:** If the incident reported involved a weapon, this element provides the type of weapon involved.

**Business Rules:** If Element P07 – Behavior Code reports a valid value of 8 – Possession of a Weapon, this element may not be null. If Element P07 is a valid value other than 8 – Possession of a Weapon, this element is requested but not required. Definitions for the valid values below can be found in Appendix D, in the CEDARS Appendices, located at <http://www.k12.wa.us/CEDARS/Manuals.aspx>.

**Example:** HG or KD

**Valid Values:** HG – Handgun  
RS – Rifle or Shotgun  
MF – Multiple Firearms  
OF – Other Firearms  
KD – Knife or Dagger  
OW – Other Weapon  
FO – Firearm and Other Weapon

**Last Updated:** January 2012

### Element P13 – Interim Alternative Education Setting

**Field Name:** IAES

**Data Type:** varchar

**Size:** 1

**Allow Null?** Yes. Conditional. Must be reported for special education students if applicable.

**Description:** This element is to be used to indicate if students, identified as receiving special education services, are receiving educational services in an Interim Alternative Education Setting due to disciplinary action. Element P13 must contain a valid value of Y – Yes.

**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied reports a valid value other than NA – No Corrective or Disciplinary Action Applied, and the student is reported as receiving special education services in Student Special Education Programs File (K), then Element P13 must be reported. Students identified as receiving Special Education Services on the date reported in Element P06 – Incident Date, must be provided with a valid value of Y or N.

**Example:** Y

**Valid Values:** N – No  
Y – Yes

**Last Updated:** January 2015

### Element P14 – Emergency Expulsion

**Field Name:** EmergencyExp

**Data Type:** varchar

**Size:** 1

**Allow Null?** No.

**Description:** This element is to be used to indicate if **an EE – Emergency Expulsion was applied** for this incident.

**Business Rules:** When the emergency expulsion **ends or** is converted to another corrective **or disciplinary** action, Element P14 must be reported with a valid value of Y – Yes for the remainder of the reporting school year. **It may not be removed** unless inaccurate data was submitted and an emergency expulsion never took place.

**Example:** Y  
**Valid Values:** N – No  
Y – Yes  
**Last Updated:** February 2016

#### Element P15 – Emergency Expulsion Days

**Field Name:** EEConversionDays  
**Data Type:** numeric  
**Size:** 4,1 (Five characters including the decimal point)  
**Allow Null?** Yes. Conditional  
**Description:** This is the number of school days from the date the EE – Emergency Expulsion began to the date it ended or was converted to a new Corrective or Disciplinary action other than EE.  
Students removed from their regular education setting for an entire school day are to be reported as excluded for a full day. Students removed from their regular education setting for less than a full school day are to be reported as excluded for a half day. For this reporting, a school day is defined as the span of time the school is open. It is not defined at a student level based on their scheduled courses.  
**Business Rules:** This element is required if Element P14 – Emergency Expulsion has a valid value of Y – Yes and Element P09 – Corrective or Disciplinary Action Applied is not EE – Emergency Expulsion. This must be reported in half (0.5) or full day increments. This element should not be reported until the EE ends or is converted and the total number of EE days is known.  
**Example:** 3 or 03  
**Last Updated:** August 2016

#### Element P16 – Other Behaviors

**Field Name:** OtherBehaviors  
**Data Type:** varchar  
**Size:** 40  
**Allow Null?** Yes.  
**Description:** This element is to be used to indicate there was more than one behavior associated with the incident by this student.  
Example, student is involved in an incident in which they were bullying and had tobacco and alcohol. The reporting district will report in Element P07 – Behavior Code the behavior that is determined to be the most serious offense. All additional behaviors are to be reported in Element P16.  
**Business Rules:** This data is required when more than one behavior is attributed for students involved in incidents. Behavior codes submitted in Element P16 must be a valid value listed in Element P07 – Behavior Code. Valid values submitted in Element P16 may not also be listed in Element P07 – Behavior Code. All behaviors reported in this element must contain two digits and be reported as a string with commas separating the valid values.  
Element 16 may not be reported with a valid value of 2-8, 10, 11 or 14-16 if Element P07 – Behavior Code contains a valid value of 9, 12, 13 or 17-21. Definitions for the valid values contained in Element P07 – Behavior Code can be found in Appendix B.  
**Example:** 02,03,13  
**Last Updated:** March 2015

#### Element P17 – Academic Services

**Field Name:** AcademicServices  
**Data Type:** char  
**Size:** 1

**Allow Null?** Yes. Conditional  
**Description:** This element reports if academic services, as defined by district policy, were offered and if student participated during the suspension or expulsion.  
**Business Rules:** ~~This element is required if the student was removed from their regular educational setting and any value other than NA – No Corrective or Disciplinary Action Applied was reported in Element P09 – Corrective or Disciplinary Action Applied. has a valid value of SS – Short Term Suspension, LS – Long Term Suspension or EX – Expulsion then Element P17 may not be NULL.~~ Valid Value reported must be from the list below.  
**Example:** 1  
**Valid Values:** 1 – Academic Services were not offered  
2 – Student offered Academic Services and participated  
3 – Student offered Academic Services and did not participate  
**Last Updated:** August 2016

**Element P18 – Behavior Services**

**Field Name:** BehaviorServices  
**Data Type:** char  
**Size:** 1  
**Allow Null?** Yes. Conditional  
**Description:** This element reports if behavior services, as defined by district policy, were offered and if student participated during the suspension or expulsion.  
**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied has a valid value of SS - Short Term Suspension, LS - Long Term Suspension or EX – Expulsion then Element P18 may not be NULL. Valid Value reported must be from the list below.  
**Example:** 2  
**Valid Values:** 1 – Behavior Services were not offered  
2 – Student offered Behavior Services and participated  
3 – Student offered Behavior Services and did not participate  
**Last Updated:** January 2015

**Element P19 – Date Petition for Readmission Submitted**

**Field Name:** PetitionforReadmission  
**Data Type:** Date  
**Size:** See Data Type Definitions  
**Allow Null?** Yes.  
**Description:** This element is the date that a Petition for Readmission was submitted by or on behalf of the student expelled or suspended.  
**Business Rules:** If no Petition for Readmission was submitted, then this field should be left null. If a date is entered, it must be on or after the date entered in Element P08 - Corrective or Disciplinary Action Date. If a date is entered Element P20 – Date Petition for Readmission Granted, Element P19 – Date Petition for Readmission Submitted may not be null.  
**Example:** 09/25/2015  
**Last Updated:** September 2015

**Element P20 – Date Petition for Readmission Granted**

**Field Name:** GrantedPetitionforReadmission  
**Data Type:** Date  
**Size:** See Data Type Definitions  
**Allow Null?** Yes.  
**Description:** This element is the date that a Petition for Readmission was granted or approved for the expelled or suspended student.

**Business Rules:** If the Petition for Readmission was not granted or approved, or a Petition for Readmission was not filed, then this field should be left null. If a date is entered, it must be on or after the date entered in Element P08 - Corrective or Disciplinary Action Date and must be on or after the date entered in Element P19 - Date Petition for Readmission Submitted.

**Example:** 09/25/2015

**Last Updated:** September 2015

#### Element P21 – **Petition for Extension of an Expulsion**

**Field Name:** PetitionforOverOneYear

**Data Type:** char

**Size:** 1

**Allow Null?** Yes. Conditional

**Description:** This element indicates if a petition was made for an expulsion to exceed the length of an academic term as defined by the school board. ~~more than one calendar year for a suspension or expulsion was made.~~

**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied reports a valid value of ~~LS – Long Term Suspension or~~ EX – Expulsion then Element P21 must contain one of the valid values listed below.

**Example:** 1

**Valid Values:** 0 – No petition made

1 – Petition to exceed the length of an academic term ~~more than one calendar year was made.~~ Petition denied.

2 – Petition to exceed the length of an academic term ~~more than one calendar year was made.~~ Petition granted.

**Last Updated:** August 2016

#### Element P22 – **Date Reengagement Meeting Held**

**Field Name:** ReengagementMeeting

**Data Type:** Date

**Size:** See Data Type Definitions

**Allow Null?** Yes.

**Description:** This element is the date that a reengagement meeting was held with the student returning from a suspension or expulsion.

**Business Rules:** If no reengagement meeting was held, then this field should be left null. If a date is entered, it must be on or after the date entered in Element P06 - Incident Date

**Example:** 09/25/2015

**Last Updated:** June 2016

#### Element P23 – **Reengagement Plan**

**Field Name:** ReengagementPlan

**Data Type:** char

**Size:** 1

**Allow Null?** Yes. Conditional

**Description:** This element indicates if the district developed a reengagement plan for the student's return from a suspension or expulsion.

**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied reports a valid value of SS – Short Term Suspension, LS – Long Term Suspension or EX – Expulsion then Element P24 must contain one of the valid values listed below.

**Example:** 1

**Valid Values:** 0 – No Reengagement Plan

1 – Reengagement Plan With Academic Services

2 – Reengagement Plan With Behavior Services

3 – Reengagement Plan With Both Academic and Behavior Services



**Last Updated:** March 2015

**Element P24 – Appeal Code**

**Field Name:** Appeal

**Data Type:** char

**Size:** 1

**Allow Null?** Yes. Conditional

**Description:** This element indicates if a suspension or expulsion was appealed.

**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied reports a valid value of LS – Long Term Suspension or EX – Expulsion then Element P24 must contain one of the valid values listed below.

**Example:** 1

**Valid Values:** 0 – No appeal made

1 – Appeal made and granted

2 – Appeal made and denied, not appealed to the school board

3 – Appeal made and denied, appealed to the school board, denied by school board

4 – Appeal made and denied, appealed to the school board and granted by school board

**Last Updated:** March 2015

## Student Discipline

The Student Discipline File (P) is used to report behavior and corrective or disciplinary actions involving students during school or school related activities. Only students being disciplined should be reported in this file. Data reported in this file will be used for multiple purposes, including but not limited to pre-populating the annual Behavior and Weapons application in the Education Data System (EDS) and federal and state reporting.

Full definitions can be found in CEDARS Appendix B (Behavior) and Appendix D (Weapons), found at <http://www.k12.wa.us/CEDARS/Manuals.aspx>.

A school district determines when a behavior is identified as a unique incident. Students with multiple behaviors for the same incident should be reported in Student Discipline File (P) Element P07 – Behavior Code with the most serious behavior code. If more than one behavior is associated with the incident being reported, the additional behaviors are to be reported in Element P16 – Other Behaviors. It is up to the district to determine which of the multiple behaviors is the most serious for reporting in CEDARS. If multiple behaviors are to be reported for one incident, the most serious behavior must be reported in Element P07 – Behavior Code.

If there are multiple behaviors in one incident, and one or more of the behaviors are identified as being included for federal reporting purposes, the most serious of the behaviors must be reported in Element P07.

Element P07 may not be reported with a valid value of 9 or 12, 13 or 17-21 if Element P16 – Other Behaviors contains a valid value of 2-8, 10, 11 or 14-16.

Appendix B identifies the behaviors that will be included in Federal Reporting.

### Reporting Corrective or Disciplinary Action

If multiple corrective or disciplinary actions are assigned to a student for one incident and if a Short- or Long-Term Suspension or Expulsion is one of the actions, any assigned corrective disciplinary action that occurs after the ‘out of school’ action should not be reported in Element P09 – Corrective or Disciplinary Action Applied. For example, if a LS – Long Term Suspension is applied and then the student is assigned an ISS – In School Suspension, the LS – Long Term Suspension should be reported in Element P09.

### Students who are Emergency Expelled and have no further Corrective or Disciplinary Action applied should be reported in:

Element P09 – Corrective or Disciplinary Action Applied with a valid value of EE – Emergency Expelled

Element P14 – Emergency Expulsion with a valid value of Y – Yes

Element P15 – Emergency Expulsion Days, report the number of school days the Emergency Expulsion was in effect (days between the initial date of the Emergency Expulsion and the date it ended).

### Reporting absences/enrollment for students who are suspended or expelled –

Students reported in Element P09 – Corrective or Disciplinary Action Applied with an out of school suspension or expulsion value a valid value of (SS – Short Term Suspension or LS – Long Term Suspension, EE - Emergency Expulsion, or EX – Expulsion) should be reported with ‘excused absences’ in Student Absence File (N) for the duration of time designated in Element P10 - Number of Corrective or Disciplinary Action Days. Students who do not return to enrollment after the number of days identified in Element P10, are to be reported with Unexcused Absences until such time as the absences are either excused by the parent/guardian or the student returns to enrollment.

~~Students who become expelled should be reported in Element B15 – Date Exited from District, Element C08 – Date Student Exited from School and Element C09 – School Withdrawal Code. The exit date reported in Elements B15 and C08 should be the same date reported in Element P08 – Corrective or Disciplinary Action Date.~~

With the passage of 4SHB 1541, “school districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.” Therefore, the student must continue to be enrolled in the district and school, unless the student is being immediately enrolled in another school and/or district.

### **Reporting Number of Corrective or Disciplinary Action Days –**

Element P10 - Number of Corrective or Disciplinary Action Days collects the **total number of** consecutive school days **a student is excluded from their regular education setting as a result of the corrective or disciplinary actions assigned to the student as** reported in Element P09 – Corrective or Disciplinary Action Applied **and** Element P14 – Emergency Expulsion.

If an emergency expulsion was the initial Action Applied, the number of days associated with the emergency expulsion should be reported in Element P15 – Emergency Expulsion Days.

#### Example 1 -

Student A is initially emergency expelled for 2 days, final Corrective or Disciplinary Action Applied is a long term suspension of 15 days. The total number of days the student will not be allowed to attend school is 17 days.

Submission to CEDARS would be:

- Element P10 – Number of Corrective or Disciplinary Action Days = 17
- Element P15 – Emergency Expulsion Days to Conversion = 2

#### Example 2 –

Student B is initially emergency expelled for 3 days, final Corrective or Disciplinary Action applied is a short term suspension. The final decision is the student will not be allowed to attend school a total of 10 days. Submission to CEDARS would be:

- Element P10 – Number of Corrective or Disciplinary Action Days = 10
- Element P15 – Emergency Expulsion Days to Conversion = 3

### **Other Behavior vs Multiple Minor Offenses –**

An ‘Other Behavior’ is a one-time offense, which does not fit into the other provided Behavior categories. Multiple Minor Offenses are a series of minor offenses that individually would not result in a Correction or Disciplinary Action but that over time build up to one.

### **Definitions –**

**In School Suspension.** Instances in which a student is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. This includes but is not limited to students who are receiving the services in their *IEP*, appropriately participate in the general curriculum, and participate with students without disabilities to the extent they would have in their regular placement. “Direct supervision” means school personnel are physically in the same location as students under their supervision.

### **WAC 392-400-205 (2) defines suspension as follows:**

“Suspension” shall mean a denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) for any single subject or class, or for any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the school district.

WAC 392-400-205, found [here](#), provides additional information for the definitions below.

**Short Term Suspension.** A student is **removed from their regular classroom setting** ~~suspended from school~~ for a defined number of school days, **not more than 10 days.** ~~up and including 10 days.~~

**Long Term Suspension.** A student is **removed from their regular classroom setting** ~~suspended from school~~ for a defined number of school days, **more than 10 days but no to exceed the length of an academic term as defined by the school board.** ~~that is equal to or greater than eleven days.~~

**Expulsion.** A student is expelled from school for **no longer than the length of an academic term** as defined by the school board. In some instances school districts may petition for student to be expelled longer than **the length of an academic term.**

**Emergency Expulsion.** A student may be expelled immediately by a school district in emergency situations *when the district believes the student’s presence poses an immediate and continuing danger to students, school staff, or*

*poses an immediate and continuing threat of substantial disruption of the education process.* The rules specifically state: “An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the expulsion.

**Emergency Expulsion Days.** An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school

“School day” shall mean a calendar day except school holidays on which students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certified staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

Remember when a student is suspended or expelled, districts must provide an opportunity for the student to receive educational services during this period.

**Academic Services.** Academic services, as defined by district policy, provided to students while they are excluded from school due to suspension or expulsion. Academic services provided should enable the student to avoid the loss of academic credit when possible.

**Behavior Services.** Behavior services, as defined by district policy, provided to students while they are excluded from school due to suspension or expulsion. Behavior services provided while a student is excluded should be reasonable and related directly to the disciplinary infraction.

**Reengagement Meeting.** Reengagement Meeting means a meeting held between the school district and the student and parent/guardian to discuss how to return a long-term suspended or expelled student to an education setting as soon as possible. The reengagement meeting should be scheduled with the student and the student's parents or guardians:

1. Within 20 days of the student's long-term suspension or expulsion — if the suspension or expulsion is **longer than 20 days**
2. No later than five days before the student's reentry or enrollment — if the suspension or expulsion is **less than 20 days**.

Reengagement meeting participants should take into account the

1. circumstances related to the student's suspension or expulsion,
2. student's prior academic and discipline history, and
3. severity of the disciplinary incident that led to the student's exclusion.

District or school staff initiate the reengagement conference. This meeting is separate from the conference associated with the *petition for re-admission*.

**Reengagement Plan.** A reengagement plan should re-engage the student in a school program tailored to the student's individual circumstances (RCW 28A 600.022). The plan should address the services available to the student while excluded, what the student is required to do before returning to school, and the supportive interventions that will be in place when the student returns to school.

While developing a reengagement plan, school districts should consider:

1. Shortening the length of time that the student is suspended or expelled
2. Whether or not there are other forms of corrective action that could be more effective.
3. How the plan can aid the student as they take the necessary steps to remedy the situation that led to the suspension or expulsion. Supportive interventions that support academic success, and keep the student engaged and on track to graduate.

**Description:** This element indicates the behavior for the student as it relates to the incident being reported. If more than one behavior occurs within an incident, school districts are to report the most serious behavior, as determined by the district, in Element P07. Other behaviors related to this incident are to be reported in Element P16 – Other Behaviors. School district policy shall determine hierarchical order for reporting purposes. If multiple students are related to a single incident the behavior associated with the individual student is to be reported.

**Business Rules:** Only use valid value 9 if the specific behavior of the student cannot be covered by codes 2–8 or 10–21.  
If there are multiple behaviors in one incident, and one or more of the behaviors are identified as being included for federal reporting purposes, the most serious of the behaviors must be reported in Element P07.  
Element P07 may not be reported with a valid value of 9 or 12, 13 or 17-21 if Element P16 – Other Behaviors contains a valid value of 2-8, 10, 11 or 14-16. Appendix B identifies the behaviors that will be included in Federal Reporting.

**Example:** 2 or 6

**Valid Values:** Refer to valid values table in Appendix B, found in the CEDARS Appendices, located at <http://www.k12.wa.us/CEDARS/Manuals.aspx>

**Last Updated:** March 2015

#### Element P08 – Corrective or Disciplinary Action Date

**Field Name:** InterventionDate

**Data Type:** date

**Size:** See Data Type Definitions.

**Allow NULL?** Yes. Conditional.

**Description:** Date initial corrective or disciplinary action began.

**Business Rules:** If more than one corrective or disciplinary action was applied, report the date of the first corrective or disciplinary action related to this incident. This element may only be null if Element P09 – Intervention Applied has a valid value of “NA”. Date should be formatted as MM/DD/YYYY.

**Example:** 09/25/2012

**Last Updated:** September 2015

#### Element P09 – Corrective or Disciplinary Action Applied

**Field Name:** InterventionApplied

**Data Type:** varchar

**Size:** 2

**Allow Null?** No. Data is required.

**Description:** This element indicates the corrective or disciplinary action applied for the behavior reported in Element P07 – Behavior Code.

**Business Rules:** If multiple corrective or disciplinary actions are assigned to a student for one incident and a Short- or Long-Term Suspension or Expulsion is one of the actions, do not report any assigned corrective disciplinary action that occurs after the ‘out of school’ action. E.g., If a LS – Long Term Suspension is applied and then the student is assigned an IS – In School Suspension, report the LS – Long Term Suspension.

**Only use “OT – Other” if a corrective or disciplinary action is applied for this incident and the corrective or disciplinary action is not found on this valid value list.**

**Example:** SS or EX

**Valid Values:** EX – Expulsion

LS – Long-term Suspension (greater than 10 consecutive school days)

SS – Short Term Suspension (10 or fewer consecutive school days)

IS – In School Suspension (student is temporarily removed from their regular educational setting for disciplinary purposes but remains under direct supervision of school personnel)  
EE – Emergency Expulsion  
NA – No Corrective or Disciplinary Action Applied  
OT – Other (any corrective or disciplinary action applied that is not described in the above codes)

**Last Updated:** February 2016

#### Element P10 – Number of Corrective or Disciplinary Action Days

**Field Name:** NumInterventionDays  
**Data Type:** numeric  
**Size:** 4,1 (Five characters including the decimal point)  
**Allow Null?** Yes. Conditional.

**Description:** The total number of consecutive school days a student is excluded from their regular education setting as a result of the corrective or disciplinary action(s). The number of days reported may not be greater than the length of an academic term as defined by the school board. 180 days. This must be reported in half (0.5) or full day increments.  
Students removed from their regular education setting for an entire school day are to be reported as excluded for a full day. Students removed from their regular education setting for less than a full school day are to be reported as excluded for a half day. For this reporting, a school day is defined as the span of time the school is open. It is not defined at a student level based on their scheduled courses.

**Business Rules:** Report the total number of consecutive school days for the corrective or disciplinary action reported in Element P09 – Corrective or Disciplinary Action Applied and Element P14 – Emergency Expulsion. If a student received an additional intervention not reported in Element P09 – Corrective or Disciplinary Action Applied, the days of the additional corrective or disciplinary action are not to be included in this element. For example, if a student is suspended and received in school suspension upon returning to school, the out of school suspension should be reported in Element P09 – Corrective or Disciplinary Action Applied, and only the days of the out of school suspension and emergency expulsion (if any) should be reported in this element. The in school suspension days that occur after the out of school suspension would not be included.

**Example:** 2.5 or 105

**Last Updated:** August 2016

#### Element P11 – Incident ID

**Field Name:** IncidentID  
**Data Type:** varchar  
**Size:** 20  
**Allow Null?** No. Data is required.  
**Description:** The unique ID that identifies the incident, regardless of the number of students associated with it.

**Business Rules:** This ID will be used to tie multiple students to the same incident, and it will be used to identify the unduplicated number of incidents when completing federal reporting. Multiple students could be involved in an incident and should be reported with the same incident ID.

**Example:** HS412 or Bully01HS

**Last Updated:** January 2012

### Element P12 – Weapon Type

**Field Name:** WeaponType

**Data Type:** varchar

**Size:** 2

**Allow Null?** Yes. Conditional.

**Description:** If the incident reported involved a weapon, this element provides the type of weapon involved.

**Business Rules:** If Element P07 – Behavior Code reports a valid value of 8 – Possession of a Weapon, this element may not be null. If Element P07 is a valid value other than 8 – Possession of a Weapon, this element is requested but not required. Definitions for the valid values below can be found in Appendix D, in the CEDARS Appendices, located at <http://www.k12.wa.us/CEDARS/Manuals.aspx>.

**Example:** HG or KD

**Valid Values:** HG – Handgun  
RS – Rifle or Shotgun  
MF – Multiple Firearms  
OF – Other Firearms  
KD – Knife or Dagger  
OW – Other Weapon  
FO – Firearm and Other Weapon

**Last Updated:** January 2012

### Element P13 – Interim Alternative Education Setting

**Field Name:** IAES

**Data Type:** varchar

**Size:** 1

**Allow Null?** Yes. Conditional. Must be reported for special education students if applicable.

**Description:** This element is to be used to indicate if students, identified as receiving special education services, are receiving educational services in an Interim Alternative Education Setting due to disciplinary action. Element P13 must contain a valid value of Y – Yes.

**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied reports a valid value other than NA – No Corrective or Disciplinary Action Applied, and the student is reported as receiving special education services in Student Special Education Programs File (K), then Element P13 must be reported. Students identified as receiving Special Education Services on the date reported in Element P06 – Incident Date, must be provided with a valid value of Y or N.

**Example:** Y

**Valid Values:** N – No  
Y – Yes

**Last Updated:** January 2015

### Element P14 – Emergency Expulsion

**Field Name:** EmergencyExp

**Data Type:** varchar

**Size:** 1

**Allow Null?** No.

**Description:** This element is to be used to indicate if **an EE – Emergency Expulsion was applied** for this incident.

**Business Rules:** When the emergency expulsion **ends or** is converted to another corrective **or disciplinary** action, Element P14 must be reported with a valid value of Y – Yes for the remainder of the reporting school year. **It may not be removed** unless inaccurate data was submitted and an emergency expulsion never took place.

**Example:** Y  
**Valid Values:** N – No  
Y – Yes  
**Last Updated:** February 2016

#### Element P15 – Emergency Expulsion Days

**Field Name:** EEConversionDays  
**Data Type:** numeric  
**Size:** 4,1 (Five characters including the decimal point)  
**Allow Null?** Yes. Conditional  
**Description:** This is the number of school days from the date the EE – Emergency Expulsion began to the date it ended or was converted to a new Corrective or Disciplinary action other than EE.  
Students removed from their regular education setting for an entire school day are to be reported as excluded for a full day. Students removed from their regular education setting for less than a full school day are to be reported as excluded for a half day. For this reporting, a school day is defined as the span of time the school is open. It is not defined at a student level based on their scheduled courses.  
**Business Rules:** This element is required if Element P14 – Emergency Expulsion has a valid value of Y – Yes and Element P09 – Corrective or Disciplinary Action Applied is not EE – Emergency Expulsion. This must be reported in half (0.5) or full day increments. This element should not be reported until the EE ends or is converted and the total number of EE days is known.  
**Example:** 3 or 03  
**Last Updated:** August 2016

#### Element P16 – Other Behaviors

**Field Name:** OtherBehaviors  
**Data Type:** varchar  
**Size:** 40  
**Allow Null?** Yes.  
**Description:** This element is to be used to indicate there was more than one behavior associated with the incident by this student.  
Example, student is involved in an incident in which they were bullying and had tobacco and alcohol. The reporting district will report in Element P07 – Behavior Code the behavior that is determined to be the most serious offense. All additional behaviors are to be reported in Element P16.  
**Business Rules:** This data is required when more than one behavior is attributed for students involved in incidents. Behavior codes submitted in Element P16 must be a valid value listed in Element P07 – Behavior Code. Valid values submitted in Element P16 may not also be listed in Element P07 – Behavior Code. All behaviors reported in this element must contain two digits and be reported as a string with commas separating the valid values.  
Element 16 may not be reported with a valid value of 2-8, 10, 11 or 14-16 if Element P07 – Behavior Code contains a valid value of 9, 12, 13 or 17-21. Definitions for the valid values contained in Element P07 – Behavior Code can be found in Appendix B.  
**Example:** 02,03,13  
**Last Updated:** March 2015

#### Element P17 – Academic Services

**Field Name:** AcademicServices  
**Data Type:** char  
**Size:** 1



**Allow Null?** Yes. Conditional  
**Description:** This element reports if academic services, as defined by district policy, were offered and if student participated during the suspension or expulsion.  
**Business Rules:** ~~This element is required if the student was removed from their regular educational setting and any value other than NA – No Corrective or Disciplinary Action Applied was reported in Element P09 – Corrective or Disciplinary Action Applied. has a valid value of SS – Short Term Suspension, LS – Long Term Suspension or EX – Expulsion then Element P17 may not be NULL.~~ Valid Value reported must be from the list below.  
**Example:** 1  
**Valid Values:** 1 – Academic Services were not offered  
 2 – Student offered Academic Services and participated  
 3 – Student offered Academic Services and did not participate  
**Last Updated:** August 2016

**Element P18 – Behavior Services**

**Field Name:** BehaviorServices  
**Data Type:** char  
**Size:** 1  
**Allow Null?** Yes. Conditional  
**Description:** This element reports if behavior services, as defined by district policy, were offered and if student participated during the suspension or expulsion.  
**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied has a valid value of SS - Short Term Suspension, LS - Long Term Suspension or EX – Expulsion then Element P18 may not be NULL. Valid Value reported must be from the list below.  
**Example:** 2  
**Valid Values:** 1 – Behavior Services were not offered  
 2 – Student offered Behavior Services and participated  
 3 – Student offered Behavior Services and did not participate  
**Last Updated:** January 2015

**Element P19 – Date Petition for Readmission Submitted**

**Field Name:** PetitionforReadmission  
**Data Type:** Date  
**Size:** See Data Type Definitions  
**Allow Null?** Yes.  
**Description:** This element is the date that a Petition for Readmission was submitted by or on behalf of the student expelled or suspended.  
**Business Rules:** If no Petition for Readmission was submitted, then this field should be left null. If a date is entered, it must be on or after the date entered in Element P08 - Corrective or Disciplinary Action Date. If a date is entered Element P20 – Date Petition for Readmission Granted, Element P19 – Date Petition for Readmission Submitted may not be null.  
**Example:** 09/25/2015  
**Last Updated:** September 2015

**Element P20 – Date Petition for Readmission Granted**

**Field Name:** GrantedPetitionforReadmission  
**Data Type:** Date  
**Size:** See Data Type Definitions  
**Allow Null?** Yes.  
**Description:** This element is the date that a Petition for Readmission was granted or approved for the expelled or suspended student.

**Business Rules:** If the Petition for Readmission was not granted or approved, or a Petition for Readmission was not filed, then this field should be left null. If a date is entered, it must be on or after the date entered in Element P08 - Corrective or Disciplinary Action Date and must be on or after the date entered in Element P19 - Date Petition for Readmission Submitted.

**Example:** 09/25/2015

**Last Updated:** September 2015

#### Element P21 – **Petition for Extension of an Expulsion**

**Field Name:** PetitionforOverOneYear

**Data Type:** char

**Size:** 1

**Allow Null?** Yes. Conditional

**Description:** This element indicates if a petition was made for an expulsion to exceed the length of an academic term as defined by the school board. ~~more than one calendar year for a suspension or expulsion was made.~~

**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied reports a valid value of ~~LS – Long Term Suspension or~~ EX – Expulsion then Element P21 must contain one of the valid values listed below.

**Example:** 1

**Valid Values:** 0 – No petition made

1 – Petition to exceed the length of an academic term ~~more than one calendar year was made.~~ Petition denied.

2 – Petition to exceed the length of an academic term ~~more than one calendar year was made.~~ Petition granted.

**Last Updated:** August 2016

#### Element P22 – **Date Reengagement Meeting Held**

**Field Name:** ReengagementMeeting

**Data Type:** Date

**Size:** See Data Type Definitions

**Allow Null?** Yes.

**Description:** This element is the date that a reengagement meeting was held with the student returning from a suspension or expulsion.

**Business Rules:** If no reengagement meeting was held, then this field should be left null. If a date is entered, it must be on or after the date entered in Element P06 - Incident Date

**Example:** 09/25/2015

**Last Updated:** June 2016

#### Element P23 – **Reengagement Plan**

**Field Name:** ReengagementPlan

**Data Type:** char

**Size:** 1

**Allow Null?** Yes. Conditional

**Description:** This element indicates if the district developed a reengagement plan for the student's return from a suspension or expulsion.

**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied reports a valid value of SS – Short Term Suspension, LS – Long Term Suspension or EX – Expulsion then Element P24 must contain one of the valid values listed below.

**Example:** 1

**Valid Values:** 0 – No Reengagement Plan

1 – Reengagement Plan With Academic Services

2 – Reengagement Plan With Behavior Services

3 – Reengagement Plan With Both Academic and Behavior Services

**Last Updated:** March 2015

**Element P24 – Appeal Code**

**Field Name:** Appeal

**Data Type:** char

**Size:** 1

**Allow Null?** Yes. Conditional

**Description:** This element indicates if a suspension or expulsion was appealed.

**Business Rules:** If Element P09 – Corrective or Disciplinary Action Applied reports a valid value of LS – Long Term Suspension or EX – Expulsion then Element P24 must contain one of the valid values listed below.

**Example:** 1

**Valid Values:** 0 – No appeal made

1 – Appeal made and granted

2 – Appeal made and denied, not appealed to the school board

3 – Appeal made and denied, appealed to the school board, denied by school board

4 – Appeal made and denied, appealed to the school board and granted by school board

**Last Updated:** March 2015

## Student Discipline

The Student Discipline File (P) is used to report behavior and corrective or disciplinary actions involving students during school or school related activities. Only students being disciplined should be reported in this file. Data reported in this file will be used for multiple purposes, including but not limited to pre-populating the annual Behavior and Weapons application in the Education Data System (EDS) and federal and state reporting.

Full definitions can be found in CEDARS Appendix B (Behavior) and Appendix D (Weapons), found at <http://www.k12.wa.us/CEDARS/Manuals.aspx>.

A school district determines when a behavior is identified as a unique incident. Students with multiple behaviors for the same incident should be reported in Student Discipline File (P) Element P07 – Behavior Code with the most serious behavior code. If more than one behavior is associated with the incident being reported, the additional behaviors are to be reported in Element P16 – Other Behaviors. It is up to the district to determine which of the multiple behaviors is the most serious for reporting in CEDARS. If multiple behaviors are to be reported for one incident, the most serious behavior must be reported in Element P07 – Behavior Code.

If there are multiple behaviors in one incident, and one or more of the behaviors are identified as being included for federal reporting purposes, the most serious of the behaviors must be reported in Element P07.

Element P07 may not be reported with a valid value of 9 or 12, 13 or 17-21 if Element P16 – Other Behaviors contains a valid value of 2-8, 10, 11 or 14-16.

Appendix B identifies the behaviors that will be included in Federal Reporting.

### Reporting Corrective or Disciplinary Action

If multiple corrective or disciplinary actions are assigned to a student for one incident and if a Short- or Long-Term Suspension or Expulsion is one of the actions, any assigned corrective disciplinary action that occurs after the ‘out of school’ action should not be reported in Element P09 – Corrective or Disciplinary Action Applied. For example, if a LS – Long Term Suspension is applied and then the student is assigned an ISS – In School Suspension, the LS – Long Term Suspension should be reported in Element P09.

### Students who are Emergency Expelled and have no further Corrective or Disciplinary Action applied should be reported in:

Element P09 – Corrective or Disciplinary Action Applied with a valid value of EE – Emergency Expelled

Element P14 – Emergency Expulsion with a valid value of Y – Yes

Element P15 – Emergency Expulsion Days, report the number of school days the Emergency Expulsion was in effect (days between the initial date of the Emergency Expulsion and the date it ended).

### Reporting absences/enrollment for students who are suspended or expelled –

Students reported in Element P09 – Corrective or Disciplinary Action Applied with an out of school suspension or expulsion value a valid value of (SS – Short Term Suspension or LS – Long Term Suspension, EE - Emergency Expulsion, or EX – Expulsion) should be reported with ‘excused absences’ in Student Absence File (N) for the duration of time designated in Element P10 - Number of Corrective or Disciplinary Action Days. Students who do not return to enrollment after the number of days identified in Element P10, are to be reported with Unexcused Absences until such time as the absences are either excused by the parent/guardian or the student returns to enrollment.

~~Students who become expelled should be reported in Element B15 – Date Exited from District, Element C08 – Date Student Exited from School and Element C09 – School Withdrawal Code. The exit date reported in Elements B15 and C08 should be the same date reported in Element P08 – Corrective or Disciplinary Action Date.~~

With the passage of 4SHB 1541, “school districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.” Therefore, the student must continue to be enrolled in the district and school, unless the student is being immediately enrolled in another school and/or district.

### **Reporting Number of Corrective or Disciplinary Action Days –**

Element P10 - Number of Corrective or Disciplinary Action Days collects the **total number of** consecutive school days **a student is excluded from their regular education setting as a result of the corrective or disciplinary actions assigned to the student as** reported in Element P09 – Corrective or Disciplinary Action Applied **and** Element P14 – Emergency Expulsion.

If an emergency expulsion was the initial Action Applied, the number of days associated with the emergency expulsion should be reported in Element P15 – Emergency Expulsion Days.

#### Example 1 -

Student A is initially emergency expelled for 2 days, final Corrective or Disciplinary Action Applied is a long term suspension of 15 days. The total number of days the student will not be allowed to attend school is 17 days.

Submission to CEDARS would be:

- Element P10 – Number of Corrective or Disciplinary Action Days = 17
- Element P15 – Emergency Expulsion Days to Conversion = 2

#### Example 2 –

Student B is initially emergency expelled for 3 days, final Corrective or Disciplinary Action applied is a short term suspension. The final decision is the student will not be allowed to attend school a total of 10 days. Submission to CEDARS would be:

- Element P10 – Number of Corrective or Disciplinary Action Days = 10
- Element P15 – Emergency Expulsion Days to Conversion = 3

### **Other Behavior vs Multiple Minor Offenses –**

An ‘Other Behavior’ is a one-time offense, which does not fit into the other provided Behavior categories. Multiple Minor Offenses are a series of minor offenses that individually would not result in a Correction or Disciplinary Action but that over time build up to one.

### **Definitions –**

**In School Suspension.** Instances in which a student is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. This includes but is not limited to students who are receiving the services in their *IEP*, appropriately participate in the general curriculum, and participate with students without disabilities to the extent they would have in their regular placement. “Direct supervision” means school personnel are physically in the same location as students under their supervision.

### **WAC 392-400-205 (2) defines suspension as follows:**

“Suspension” shall mean a denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) for any single subject or class, or for any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the school district.

WAC 392-400-205, found [here](#), provides additional information for the definitions below.

**Short Term Suspension.** A student is **removed from their regular classroom setting** ~~suspended from school~~ for a defined number of school days, **not more than 10 days.** ~~up and including 10 days.~~

**Long Term Suspension.** A student is **removed from their regular classroom setting** ~~suspended from school~~ for a defined number of school days, **more than 10 days but no to exceed the length of an academic term as defined by the school board.** ~~that is equal to or greater than eleven days.~~

**Expulsion.** A student is expelled from school for **no longer than the length of an academic term** as defined by the school board. In some instances school districts may petition for student to be expelled longer than **the length of an academic term.**

**Emergency Expulsion.** A student may be expelled immediately by a school district in emergency situations *when the district believes the student’s presence poses an immediate and continuing danger to students, school staff, or*

*poses an immediate and continuing threat of substantial disruption of the education process.* The rules specifically state: “An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the expulsion.

**Emergency Expulsion Days.** An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school

“School day” shall mean a calendar day except school holidays on which students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certified staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

Remember when a student is suspended or expelled, districts must provide an opportunity for the student to receive educational services during this period.

**Academic Services.** Academic services, as defined by district policy, provided to students while they are excluded from school due to suspension or expulsion. Academic services provided should enable the student to avoid the loss of academic credit when possible.

**Behavior Services.** Behavior services, as defined by district policy, provided to students while they are excluded from school due to suspension or expulsion. Behavior services provided while a student is excluded should be reasonable and related directly to the disciplinary infraction.

**Reengagement Meeting.** Reengagement Meeting means a meeting held between the school district and the student and parent/guardian to discuss how to return a long-term suspended or expelled student to an education setting as soon as possible. The reengagement meeting should be scheduled with the student and the student's parents or guardians:

1. Within 20 days of the student's long-term suspension or expulsion — if the suspension or expulsion is **longer than 20 days**
2. No later than five days before the student's reentry or enrollment — if the suspension or expulsion is **less than 20 days**.

Reengagement meeting participants should take into account the

1. circumstances related to the student's suspension or expulsion,
2. student's prior academic and discipline history, and
3. severity of the disciplinary incident that led to the student's exclusion.

District or school staff initiate the reengagement conference. This meeting is separate from the conference associated with the *petition for re-admission*.

**Reengagement Plan.** A reengagement plan should re-engage the student in a school program tailored to the student's individual circumstances (RCW 28A 600.022). The plan should address the services available to the student while excluded, what the student is required to do before returning to school, and the supportive interventions that will be in place when the student returns to school.

While developing a reengagement plan, school districts should consider:

1. Shortening the length of time that the student is suspended or expelled
2. Whether or not there are other forms of corrective action that could be more effective.
3. How the plan can aid the student as they take the necessary steps to remedy the situation that led to the suspension or expulsion. Supportive interventions that support academic success, and keep the student engaged and on track to graduate.

# Student Discipline:

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# Recent Progress in Washington State

Joshua Lynch, Program Supervisor, Discipline & Behavior



OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION

Discipline Task Force  
October 10, 2016

**2008:** Legislature commissioned studies on the achievement gap for Native, Asian, Pacific Islander, Latino and African American students in Washington state.

**2009:** Legislature established the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) to synthesize study findings into implementation plan and make policy recommendations to close the achievement gap.

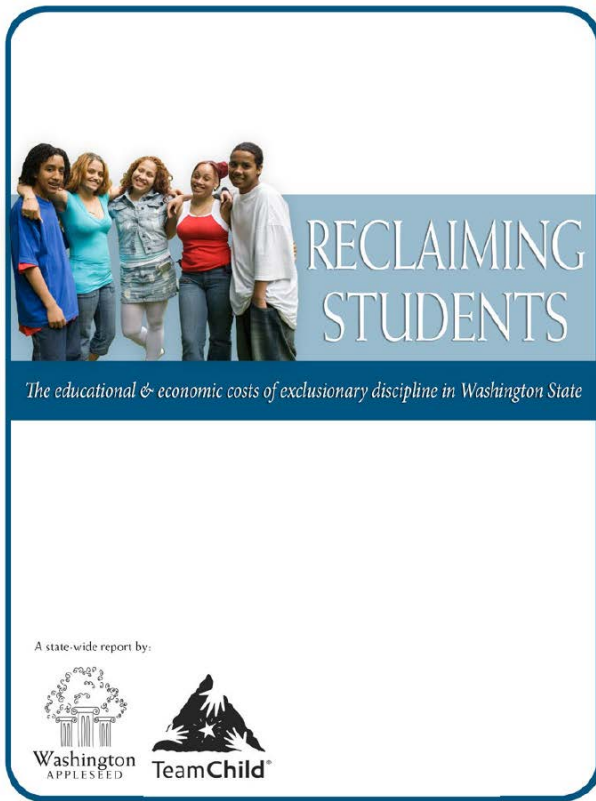
**2010:** Based on EOGOAC recommendations the legislature passed ESHB 3026 (RCW 28.642), authorizing OSPI to monitor and enforce compliance with all civil rights laws.

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# Achievement & Opportunity Gap

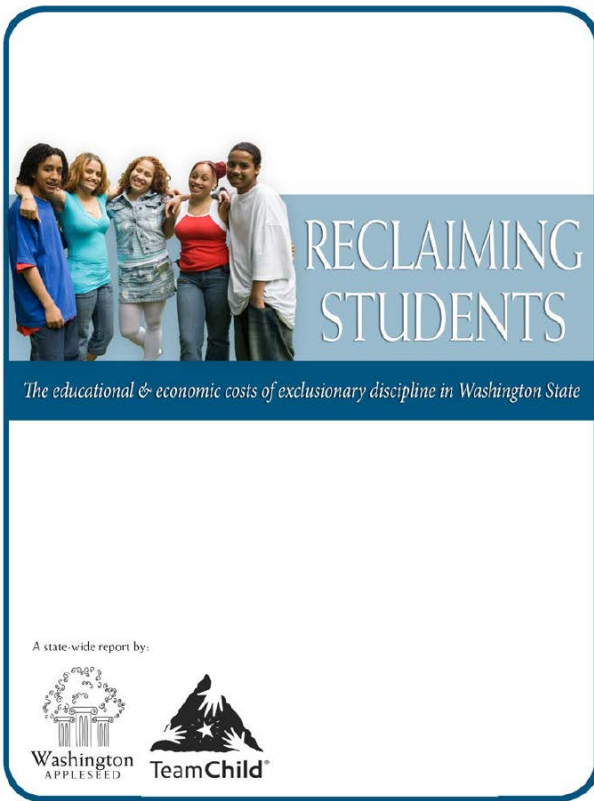






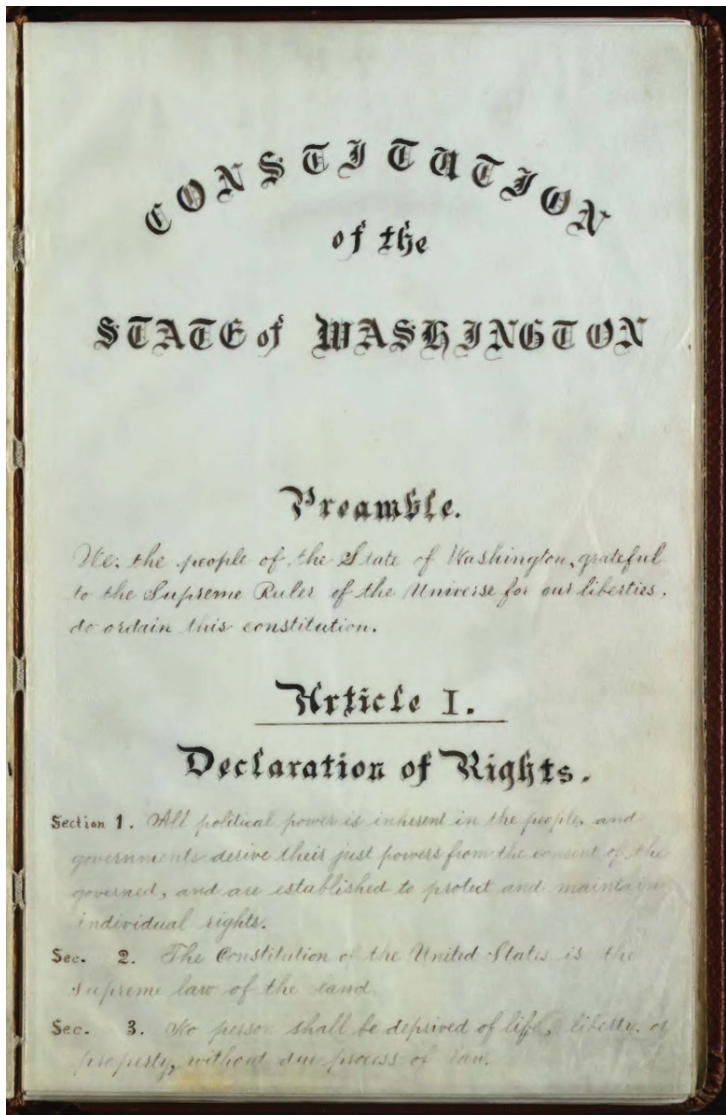
- 1) Exclusionary discipline contributed to the academic and social disengagement of students.
- 2) The vast majority of disciplined students did not receive educational services during exclusionary discipline.
- 3) Exclusionary school discipline practices disproportionately impacted students of color and youth living in poverty.
- 4) Reliance on exclusionary discipline practices varied significantly from district to district, even among districts with similar demographic characteristics.
- 5) Discipline data yielded only a partial picture of the number of students impacted by exclusionary practices each year.

## 2012 WA Study: Findings



- 1) Reduce the use of out-of-school exclusions.
- 2) Require school districts to provide access to educational services during periods of exclusionary discipline.
- 3) Ensure that no student is subject to indefinite exclusion.
- 4) Adopt and follow recommendations of the Education Opportunity Gap Oversight and Accountability Committee in order to support a reduction in the disproportionate impact of exclusionary discipline on students of color.
- 5) Require school districts to retrieve excluded students and re-engage them in education.

# 2012 WA Study: Recommendations



It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

Constitution of WA State, Article IX, Section 1

“All” children under article IX, section 1 therefore encompasses “each and every child since each will be a member of, and participant in, this State’s democracy, society, and economy.” No child is excluded.

*McCleary v. Washington* (2012)

**2013:** HB 1680, “Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee” was introduced in the regular legislative session.

**2013:** SB 5946, “Strengthening Student Educational Outcomes” was introduced in the first special session.

---

# WA State: Discipline Legislation



- ✓ Set time limits on exclusionary discipline practices and provided additional due process rights for students.
- ✓ Created Discipline Task Force to develop data collection and definition standards related to school discipline.
- ✓ Directed OSPI Data Governance to revise CEDARS to incorporate Task Force data collection standards.
- ✓ Made discipline data analytics publically available through OSPI website.
- ✓ Included behavior within the scope of LAP and directed OSPI to create a menu of best practices for behavior.

---

## ESSB 5946 (2013): Student Discipline



long-term suspension and the length of the suspension imposed. This requiring the nature and extent of the corrective actions (~~(and/or punishments)~~) is advisable, and the imposition of such preestablished corrective actions in cases involving extenuating (~~(and/or)~~) or exceptional circumstances other than for offenses involving exceptional misconduct as a corrective action (~~(or punishment)~~) reasonably calculated to modify his or her conduct may, however, elect to adopt rules providing for the immediate resolution allowed to grant exceptions in cases involving extenuating (~~(and/or)~~) or offenses imposed upon the student(s) involved. For the purpose of this rule, "exception" shall mean an ad hoc citizens committee to (a) be of such frequent occurrence as to warrant the imposition of other forms of corrective action (~~(and/or punishment)~~), as to warrant the imposition of the disruptive effect upon the operation of the school(s) as to warrant

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## 2014 Rulemaking: 392-400 WAC

## Suspension and Expulsion:

1) “a denial of attendance”

- “at any single subject or class, or at any full schedule of subjects or classes”

2) “a denial of admission”

- “to or entry upon real and personal property that is owned, leased, rented, or controlled by the school district.”  
(WAC 392-400-205)

---

# Definitions: Before 2014



**Suspension:** “for a **stated period of time**” (WAC 392-400-205)

**Short-term suspension:** “up to and including, ten consecutive school days” (RCW 28A.600.015)

**Long-term suspension:** “a suspension which exceeds a “short-term suspension”” (WAC 392-400-205)

**Expulsion:** “for an **indefinite period of time**” (WAC 392-400-205)

---

## Definitions: Before 2014





“Notwithstanding any other provision of this chapter, a student may be expelled immediately [...] in emergency situations: Provided, That the superintendent or designee has good and sufficient reason to believe that the student’s presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion shall continue until rescinded by the superintendent or his designee, or until modified or reversed pursuant to the hearing provisions set forth...” (WAC 392-400-295)

## Emergency Expulsion: Before 2014



RCW 28A.600.410

Alternatives to suspension—Encouraged.

School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services.

---

# Suspension Limitations: Before 2014



The use and duration of a suspension must correspond with the nature and circumstances of the violation.

Pre-established actions must allow for exceptions and should not apply to a student's first time offense.\*

Suspensions should not be used unless a prior alternative corrective action was imposed.\*

(WAC 392-400-245) (WAC 392-400-260)

\*Exceptions may be applied in cases involving "exceptional misconduct"

---

# Suspension Limitations: Before 2014



Students in grades K-4 may not be subject to long-term suspensions, nor short-term suspensions for more than 10 school days a semester or trimester and loss of grades or credit cannot be imposed.

Students in grades 5-12 may not be subjected to short-term suspensions for more than 15 school days a semester or trimester.

(WAC 392-400-245; WAC 392-400-260)

---

# Suspension Limitations: Before 2014



“An expulsion or suspension of a student **may not be for an indefinite period of time**” (RCW 28A.600.015).

“Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of **not more than one calendar year** from the time of corrective action” (RCW 28A.600.020).

---

## Definitions: **After 2014**



““Long-term suspension” shall mean a suspension that:

- (a) Exceeds ten school days;
- (b) Cannot be imposed in such a manner that causes the student to lose academic grades or credit in excess of one semester or trimester during the same school year; and
- (c) Cannot be imposed beyond the school year in which the alleged misbehavior occurs.” (WAC 392-400-205)

---

## Long-term Suspension: **After 2014**

““Expulsion” shall mean a denial of attendance (~~(at any single subject or class or at any full schedule of subjects or classes for an indefinite))~~ for a period of time up to, but not longer than, one calendar year from the time a student is removed from his or her current school of placement by a school district superintendent or a designee of the superintendent.” (WAC 392-400-205)

---

## Expulsion: **After 2014**



“Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process must be provided when an emergency expulsion is converted to another form of corrective action.” (RCW 28A.600.015)

---

# Emergency Expulsion: **After 2014**





**Suspension and Expulsion** = “a denial of attendance”

**Suspension:** “for **any single subject or class**, or for **any full schedule of subjects or classes** for a stated period of time”

**Expulsion:** “for a period of time up to, but not longer than, one calendar year from the time a student is **removed from his or her current school placement**” (WAC 392-400-205)

---

## Definitions: **After 2014**



A suspension and an expulsion are distinct but may end up being imposed for the same length of time:

- 1) District discretion (RCW 28A.600.020)
- 2) Petition for readmission (WAC 392-400-245; WAC 392-400-260; WAC 392-400-275)
- 3) Appeal (RCW 28A.600.015; WAC 392-400-310 – 392-400-317)
- 4) Reengagement (RCW 28A.600.022; WAC 392-400-420)

---

## Definitions: **After 2014**



“Nothing in this section prevents a public school district [...] if it has suspended or expelled a student from the student’s regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis.” (RCW 28A.600.020)

“School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible.” (RCW 28A.600.022)

---

## Limitations: **After 2014**



- ✓ Behavior categories incrementally expanded beyond federal categories for the 2014-15 and 2015-16 school years.
  - ✓ Added new incident based data elements for 2015-16:
    - Appeals and petitions for readmission.
    - Academic and behavior services.
    - Reengagement meetings and plans.
  - ✓ Pattern based discipline information not incorporated until further analysis and planning.
  - ✓ Manual business rules and guidance reporting revised periodically.
- 

## Discipline Data: CEDARS



http://k12.wa.us/ Office of Superintendent of Public Instruction

State of Washington  
**OSPI**  
Office of Superintendent of Public Instruction

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WERA/OSPI  
**Annual Conference**  
December 9-11, 2015  
"Learning, Leading, Linking: Promoting Growth for All"

**What's New**

Dorn Supports New McCleary Motion by Plaintiffs  
Dorn Asks Attorney General for Opinion on Use of Local Levies  
OSPI Awards Dual Language Program Grants to Five School Districts  
[More News](#)

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in Washington state

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State Superintendent Randy Dorn

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- Maps of Districts and Schools
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- Special Education
- Graduation Requirements
- Student Transportation
- Media & Communications
- School Breaks
- Professional Learning and Events
- Common Core Standards
- School District Revenues
- Elementary and Secondary Education Act (ESEA)
- Federal Programs
- Learning Assistance Program (LAP)

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Washington State Learning Standards  
Washington State Education Funding 101  
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WaKIDS  
Grants Application and Reporting System  
Events Manager

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# Discipline Data: OSPI Analytics

# Performance Indicators

[www.k12.wa.us/AboutUs](http://www.k12.wa.us/AboutUs)

Discipline Task Force  
October 10, 2016

## Measures of Success

- *Four- and five-year high school graduation rates*
- *Enrollment, remediation, and completion rates in post-secondary training and education*

## Performance Indicators

### We must help students:

- Enter kindergarten with expected skills in all six areas identified by the Washington Kindergarten Inventory of Developing Skills (WaKIDS).
- Meet standard on the 3rd-, 8th-, and 11th-grade statewide English language arts (ELA) and math assessments, and the 8th-grade statewide science assessment.
- Grow toward proficiency in ELA and math, as determined by Student Growth Percentiles, in 4th and 6th grades.
- Enroll in Algebra I/Integrated Math I by the end of 8th or 9th grade and earn high school credit.
- Enroll in college-level courses and earn dual credit.
- Take the SAT and ACT and earn college-ready scores.
- Access financial aid for post-secondary learning.

### We must help students avoid:

- 9th-grade course failure.
- Suspensions and expulsions.
- Chronic absenteeism.



## What do these discipline data show?

- How many students are suspended or expelled
- Who is suspended or expelled (by race, sex, program, etc.)

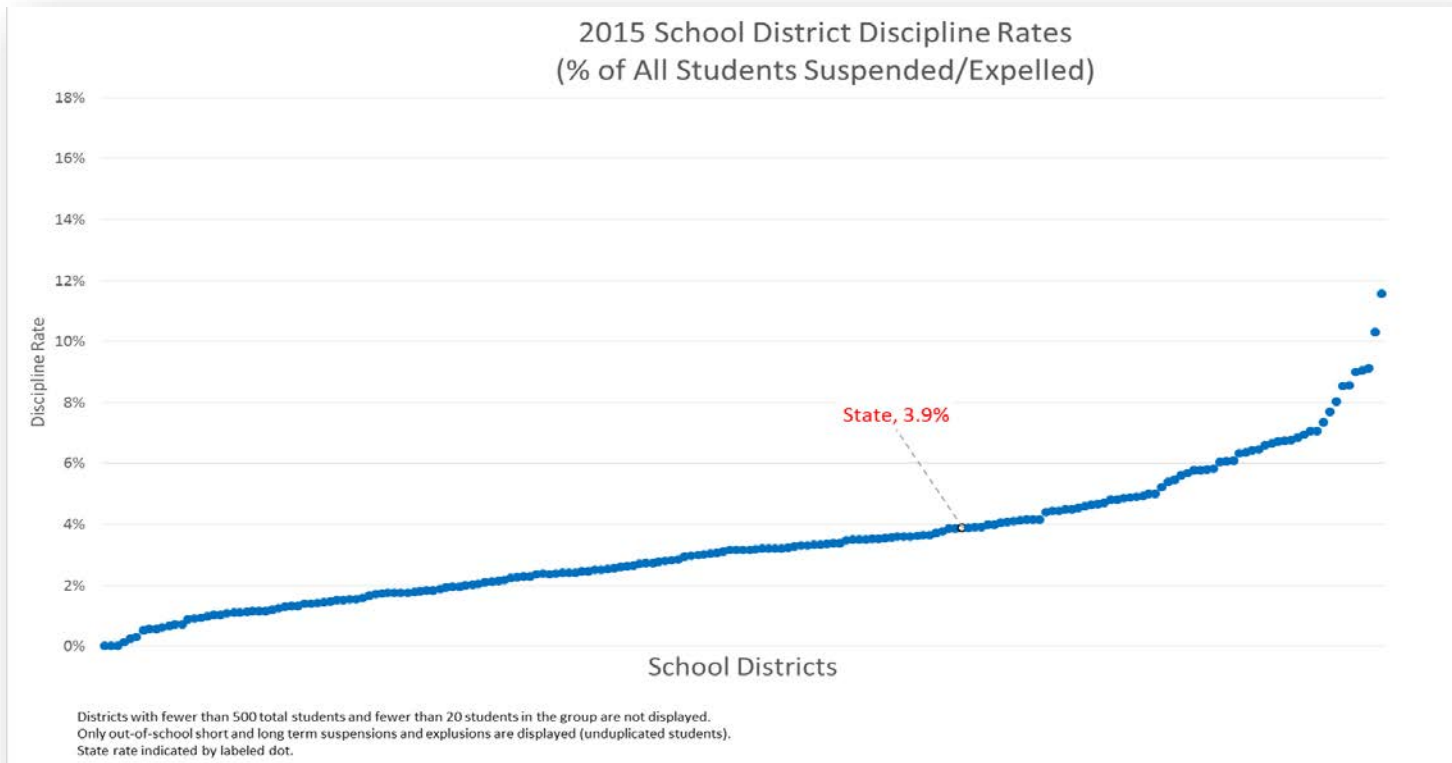
## What do the discipline behavior data show?

- How many times students are suspended or expelled
- How long are they removed
- For which behaviors

---

# Discipline Data: OSPI Analytics





# Discipline Data: OSPI Analytics



- State and District\* level data
- Student groups with at least 10\* students
- Data over time
- Comparison between student groups and their non-group peers – equity lens
- Awareness of peer district performance

\*Some analytics are currently limited to districts with at least 500 students and student groups with at least 20 students. Plans exist to expand the data in future releases.

---

# Discipline Data: OSPI Analytics



At least annually, districts must **review disaggregated data** on corrective and disciplinary actions to determine whether disproportionality is occurring among student groups.

Review must include, but is not limited to, short-term **suspensions**, long-term suspensions, **expulsions**, and emergency expulsions.

If districts find **disproportionality** is occurring they must take prompt action to ensure the disproportion is not the result of **discrimination**. (WAC 392-190-048)

---

# Civil Rights WAC 392-190-048



OSPI/AESD Network partnership is working with districts on...

- **Data Use:** Identifying disproportionality and performing root cause analysis as part of a cycle of inquiry.
- **Data-informed Decision Making:** Build capacity as action plans are created, implemented, and evaluated.
- **Data Quality:** Educating districts and schools on changes to CEDARS reporting requirements and focusing on consistency, accuracy, relevance, and timeliness.

---

## ESD Network: Focus on Equity



Available  
Now

# Equity in Student Discipline: Two Part Course

Contact Your  
Educational Service  
District for more  
information

Contact Your Regional ESD Partners to Learn More

**PART 1:**  
DATA ANALYSIS & ROOT CAUSES

**PART 2:**  
ACTION PLANNING & EVALUATION



## ESD Network: Discipline Training

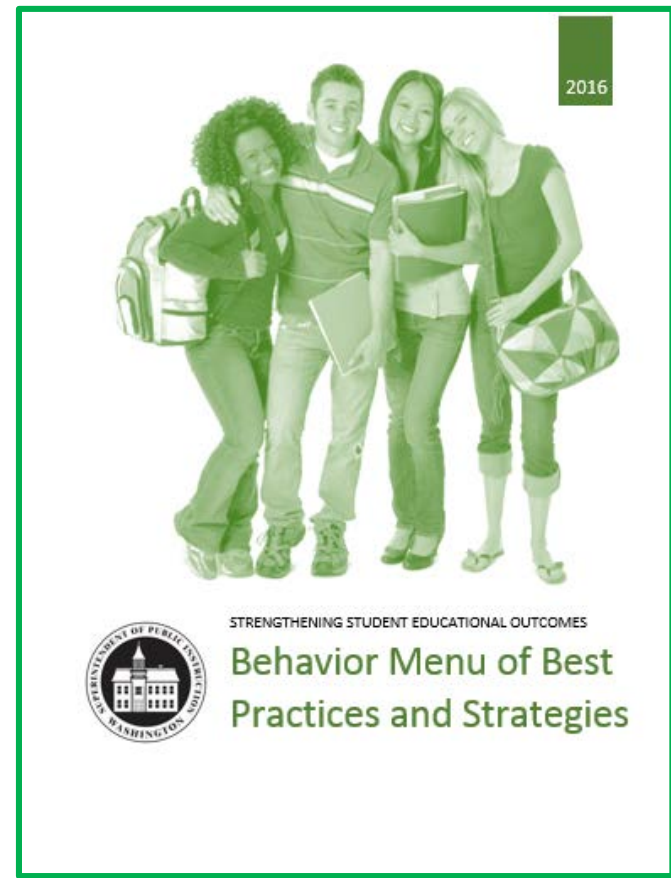
## Menu Organization:

- Student-Centered
- Educator-Focused
- Transition & Readiness
- Family & Community

## New Menu Entries:

- Restorative Justice
- Trauma-Informed Educational Supports

<http://www.k12.wa.us/SSEO/BehaviorMenu.aspx>



# Resources: OSPI Behavior Menu

# CEDARS Data Manual Changes

*implementing task force recommendations*  
9/2014–6/2016

## Student Discipline Task Force

9/2013–12/2014

## OSPI Discipline Analytics & Statewide Training

4/2015–12/2015



2013

2014

2015

2016

**SB 5946**

Effective: 9/2013

**Civil Rights  
Discipline WAC**

12/2014

**HB 1541**

Effective: 6/2016

**HB 1680**

Introduced: 2/2013

**OCR Guidance**

1/2014

**Best Practices Clearinghouse &  
LAP Behavior Menu**

7/2015

# 4SHB 1541 Part 1 and Part 5: Disproportionality in Student Discipline and Disaggregated Student Data

Joshua Lynch, Program Supervisor, Discipline & Behavior



OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION

Discipline Task Force  
October 10, 2016

- (a) Reduce the length of time students of color are excluded from school due to suspension and expulsion and provide students support for reengagement plans;
- (b) Enhance the cultural competence of current and future educators and classified staff;
- (c) Endorse all educators in English language learner and second language acquisition;
- (d) Account for the transitional bilingual instruction program instructional services provided to English language learner students;
- (e) Analyze the opportunity gap through deeper disaggregation of student demographic data;
- (f) Invest in the recruitment, hiring, and retention of educators of color;
- (g) Incorporate integrated student services and family engagement; and
- (h) Strengthen student transitions at each stage of the education development pathway: Early learning to elementary, elementary to secondary, secondary to college and career.

---

## HB 1541 (2016): Overview





- ✓ A long-term suspension or expulsion must not exceed the length of an academic term.
- ✓ School districts must not use long-term suspension or expulsion as a form of discretionary discipline.
- ✓ School districts may not suspend the provision of educational services as a disciplinary action.
- ✓ School districts must provide an opportunity for students to receive educational services while suspended or expelled.
- ✓ School districts must disseminate, monitor the impact of, and periodically review/update discipline policies.

## HB 1541 Part 1: Student Discipline



- ✓ Further disaggregation to include subracial and subethnic categories within ED race and ethnicity reporting guidelines.
- ✓ Directed OSPI to incorporate training for school staff on best practices for collection of student-level data.
- ✓ Established task force to develop race and ethnicity guidance for students, families, and school administrators in WA state.
- ✓ Directed OSPI to adopt a rule regarding fewer than ten students in grade level or subgroup to increase visibility of opportunity gap in schools for reporting and accountability.

---

## HB 1541 Part 5: Student Data



Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than ~~((one calendar year))~~ the length of an academic term, as defined by the school board, from the time of corrective action. (RCW 28A.600.020)

---

## 1541: Discipline Limitation

School districts may not impose long-term suspension or expulsion as a form of discretionary discipline. (RCW 28A.600.015 (4))

As used in this chapter, “discretionary discipline” means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following: (RCW 28A.600.015 (6))

---

## 1541: Discipline Limitation



- (a) A violation of RCW 28A.600.420; (prohibition against firearms)
- (b) An offense in RCW 13.04.155; (violent offenses; sex offenses; inhaling toxic fumes; controlled substances violation; liquor violation; firearms and dangerous weapons; assault; kidnapping; unlawful imprisonment; custodial interference; luring; trafficking; coercion of involuntary servitude; malicious harassment; extortion; burglary; criminal trespass; rape; indecent liberties; rape of a child; child molestation; stalking; unlawful discharge of a laser; arson; reckless burning; malicious mischief; criminal street gang tagging and graffiti; defacing a state monument)
- (RCW 28A.600.015 (6))

---

## 1541: Discipline Limitation



(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or (criminal gang intimidation; possessing dangerous weapons on school facilities; gang activity; willfully disobeying the order of a chief administrative officer of a district to leave district property while under the influence of alcohol or drugs, or while committing or threatening to commit or inciting another to commit any act that would disturb, interfere with, or obstruct any lawful activities of school personnel – or refusing to leave public property adjacent to district property when ordered to do so by law enforcement while engaging in disorderly conduct or conduct that risks causing injury or harm to property; defacing or injuring school property) (RCW 28A.600.015 (6))

## 1541: Discipline Limitation



(d) Behavior that adversely impacts the health or safety of other students or educational staff.

This language was added to 4SHB 1541 shortly before the bill was adopted and no explanation was offered in any of the bill reports.

Considering the overall intent of the law, this language should not be interpreted liberally. Rather, it should be interpreted in the context of the rare types of behaviors outlined in RCW 28A.600.015 (6)(a) (b) and (c).

---

## 1541: Discipline Limitation



Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6) (a) through (d) of this section and should first consider alternative actions. (RCW 28A.600.015 (7))

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## 1541: Discipline Limitation







**Telecommunications** possession and **dress code** violations are removed from statute allowing imposition of long-term suspension or expulsion for two or more violations within a three-year period. (RCW 28A.600.020 (5))

Mobile Phone Evolution by Anders is licensed under a Creative Commons Attribution NoDerivs License

# 1541: Discipline Limitation



Discipline Task Force  
October 10, 2016

Any imposition of **discretionary and nondiscretionary discipline** is subject to the bar on suspending the provision of **educational services** pursuant to subsection (8) of this section. (RCW 28A.600.015 (5))

School districts **may not suspend the provision of educational services to a student as a disciplinary action**. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district **must provide an opportunity for a student to receive educational services during a period of suspension or expulsion**. (RCW 28A.600.015 (8))

---

# 1541: Educational Services



Nothing in this section prevents a public school district [...] if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning. (RCW 28A.600.015 (7))

---

## 1541: Educational Services

- (1) School districts **shall annually disseminate** discipline policies and procedures to students, families, and the community.
- (2) School districts **shall use disaggregated data** collected pursuant to RCW 28A.300.042 **to monitor the impact of** the school district's discipline policies and procedures.
- (3) School districts, in consultation with school district staff, students, families, and the community, **shall periodically review and update** their discipline rules, policies, and procedures. (RCW 28A.320.211)

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## 1541: Discipline Policies



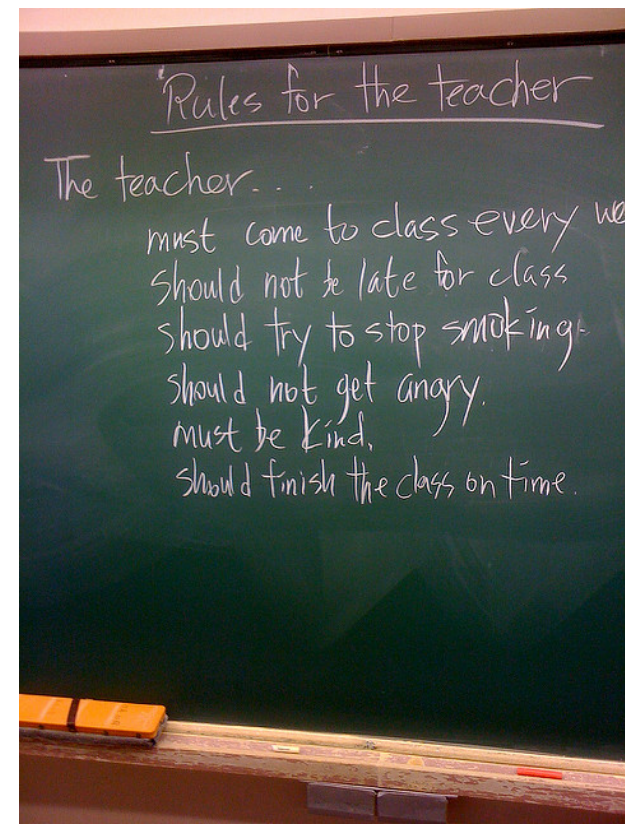
(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts (~~should~~) must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan. (RCW 28A.600.022)

---

## 1541: Reengagement



OSPI policy collaboration  
Align with WAC revisions  
Complete by December 2016  
Review & update spring 2017



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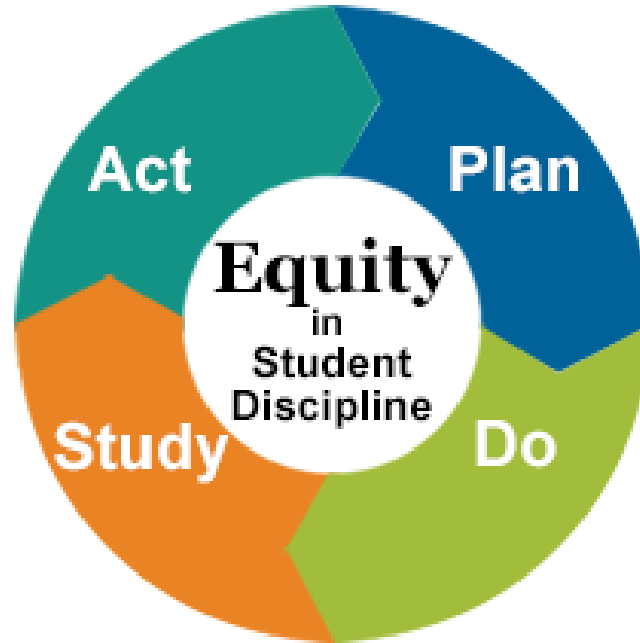
## WSSDA: Model Discipline Policy

- OSPI will develop training to support implementation of student discipline policies and procedures.
- Districts are strongly encouraged to provide trainings to all school and district staff interacting with students.
- Trainings will be developed to align with rulemaking, CEDARS updates, cultural competence training program, WSSDA model discipline policy, and Washington integrated student supports protocol.

---

# 1541 Discipline Policies: Training





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# 1541 Implementation Plan





- Internal discussions to understand impact of 1541 on ALE, apportionment, transportation, CEDARS collection, truancy, etc.
- OSPI Bulletins containing summary of student discipline changes for 2016-17 on website and sent via govdelivery to external subscribers and interest groups.
- Working to determine alignment with ESSA.

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# Awareness Building



- Rulemaking on enrollment exclusions for state funding in WAC 392-121-108, completed September 1.
- 2016-17 Student Enrollment Handbook updated.
- Training for district staff through the fall.

---

# Rulemaking: Phase 1, Enrollment



- Expedited rulemaking process to align Chapter 392-400 WAC with RCW for 2016-17 school year, completed September 1.
- Expedited process does not allow insertion of new information or guidance – only language directly from statute and removal of contradictory language in WAC.

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## Rulemaking: Phase 1, Discipline



- Regular rulemaking process to carefully revise Chapter 392-400 WAC during 2016-17 school year.
- Will include major revisions to provide guidance on 1541 requirements and make language accessible.
- Process will gather substantial feedback from public and interested parties.
- Reconvening of Discipline Task Force.
- Final rules ready for 2017-18 school year but publication date tentative to allow ample input and revision time.

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## Rulemaking: Phase 2



# OSPI Work Plan



**Student Discipline Task Force**  
Oct. 2016–Dec. 2016

**CEDARS Data Manual Changes**  
Current–Feb. 2017

**Chapter 392-400 WAC Rulemaking**  
Tentative: Nov. 2016– Apr. 2017

**Proposed Rules Public Hearing**  
Tentative: Feb. 2017

**Final Rules Published**  
Tentative: Apr. 2017

**Discipline Training Modules**  
Tentative: Mar. 2017–Jun. 2017



# PUPILS:

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## Chapter 392-400 WAC

### Areas of Concern

Joshua Lynch, Program Supervisor, Discipline & Behavior



OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION

Discipline Task Force  
October 10, 2016

# #1

The procedures and standards set forth in this chapter, and those adopted by a school district in conformance with this chapter, shall govern the imposition of corrective action (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

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## Discipline Definitions: 392-400-200



**#1** "Discipline" shall mean all forms of corrective action other than emergency removal from a class, subject, or activity, suspension, or expulsion and shall include the **exclusion of a student** from a class by a teacher or administrator **for a period of time not exceeding the balance of the immediate class period...**

"Suspension" shall mean a denial of attendance (**other than for the balance of the immediate class period for "discipline" purposes**) for any single subject or class, or for any full schedule of subjects or classes for a stated period of time.

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Discipline Definitions: **392-400-205**





# #1 Corrective or Disciplinary Action Applied

## Valid Values:

EX – Expulsion

LS – Long-term Suspension (greater than 10 consecutive school days)

SS – Short Term Suspension (10 or fewer consecutive school days)

IS – In School Suspension (student is temporarily removed from their regular educational setting for disciplinary purposes but remains under direct supervision of school personnel)

EE – Emergency Expulsion

NA – No Corrective or Disciplinary Action Applied

OT – Other (any corrective or disciplinary action applied that is not described in the above codes)

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## Discipline Definitions: CEDARS P09



# #2

## **Emergency removal from a class, subject, or activity.**

- (1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the building principal or a designated school authority: Provided that the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school staff or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. The removal from classes, subjects, or activities shall continue only until:
- (a) The danger or threat ceases; or
  - (b) The principal or designated school authority acts to impose corrective action.

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Removal: 392-400-290



# #2

Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

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Removal: RCW 28A.600.020(2)



# #3

**In School Suspension.** Instances in which a student is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. This includes but is not limited to students who are receiving the services in their IEP, appropriately participate in the general curriculum, and participate with students without disabilities to the extent they would have in their regular placement. “Direct supervision” means school personnel are physically in the same location as students under their supervision.

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## In-School Suspension: CEDARS



# #4

The length of an academic term is a duration of time equal to the cumulative number of school days within an academic term, and does not mean a duration lasting until the end of an academic term. (OSPI Bulletin 024-16)

What policy recommendation would you make to your local school board about how to define “the length of an academic term”?

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## Length of an Academic Term



# #5

Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

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## Educational Services: 392-400-245



# #6

Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

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Reengagement: 392-400-420



# #7

A school district may, however, elect to adopt rules providing for the immediate resort to short-term [long-term] suspension in cases involving **exceptional misconduct** as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating or exceptional circumstances, notwithstanding the fact prior alternative corrective action has not been imposed upon the student(s) involved. **For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged, following consultation with an ad hoc citizens committee, to (a) be of such frequent occurrence, notwithstanding past attempts of district staff to control such misconduct through the use of other forms of corrective action, as to warrant an immediate resort to short-term suspension, or (b) be so serious in nature or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term [long-term] suspension.** The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

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## Exceptional Misconduct:

392-400-245; 392-400-260





**#8** School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. (RCW 28A.600.022)

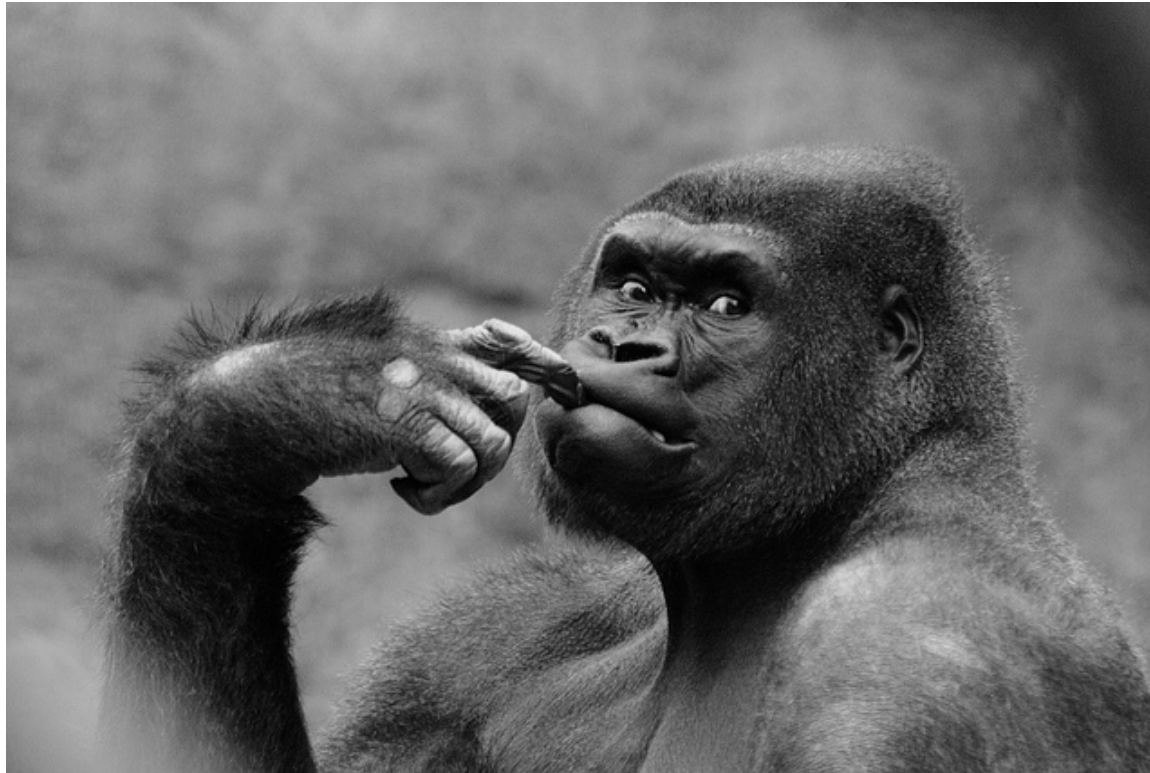
School districts are encouraged to find alternatives to suspension... (RCW 28A.600.410)

Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions. (RCW 28A.600.015)

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## Alternative Actions





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# Other Areas of Concern?



Joshua Lynch, Program Supervisor, Discipline & Behavior  
Email: [Joshua.lynch@k12.wa.us](mailto:Joshua.lynch@k12.wa.us) Phone: 360-725-4969

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## Contact Information





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## SUPERINTENDENT OF PUBLIC INSTRUCTION

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**Randy I. Dorn** Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

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June 9, 2016

( ) Action Required  
(X) Informational

### BULLETIN NO. 024-16 LEGAL AFFAIRS

TO: School District Superintendents  
School Building Principals  
Educational Service District Superintendents

FROM: Randy I. Dorn, State Superintendent of Public Instruction

RE: Significant Student Discipline Update—Changes Effective June 9, 2016

CONTACT: Joshua Lynch, Program Supervisor  
Student Discipline, Behavior, and Readiness to Learn  
360-725-4969, [joshua.lynch@k12.wa.us](mailto:joshua.lynch@k12.wa.us), Agency TTY: 360-664-3631

### PURPOSE AND BACKGROUND

During the 2016 regular session, the legislature passed [4SHB 1541](#), a comprehensive bill based on recommendations of the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC).

Sections of the bill include significant changes to student discipline laws, effective **June 9**. This bulletin contains a summary of the changes that impact the 2016–17 school year.

These changes also affect the rules for student discipline (Chapter [392-400](#) WAC) and student enrollment reporting for state funding (WAC [392-121-108](#)) during the period of suspension and expulsion. Through expedited rulemaking, the Office of Superintendent of Public Instruction (OSPI) will align the rules with this new law before the upcoming school year. OSPI will provide further clarification through additional rulemaking during the 2016–17 school year.

### **LIMITATIONS ON LONG-TERM SUSPENSIONS AND EXPULSIONS**

A long-term suspension or an expulsion must not exceed the length of an academic term,<sup>1</sup> as defined by the school board, from the time of the disciplinary action.<sup>2</sup> This shortens the maximum length of a suspension or expulsion<sup>3</sup> from the prior limitation of one calendar year.

School districts must not use long-term suspension or expulsion as a form of discretionary discipline.<sup>4</sup> “Discretionary discipline” is a disciplinary action taken by a district for student behavior that violates the rules of student conduct, except for actions taken in response to:

1. A violation of the prohibition against firearms on school premises, transportation, or facilities;
2. Certain violent offenses, sex offenses, offenses related to liquor, controlled substances, toxic inhalants, certain crimes related to firearms, assault, kidnapping, harassment, and arson;
3. Two or more violations within a three-year period of criminal gang intimidation or other gang activity on school grounds, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property; or
4. Behavior that adversely impacts the health or safety of other students or educational staff.<sup>5</sup>

Except for in response to the above, school districts may no longer use long-term suspension or expulsion. Even for any of the violations listed above, districts should consider alternative actions before using long-term suspension or expulsion, except for violation of the prohibition against firearms on school premises.<sup>6</sup>

Possession of a telecommunication device and violation of dress and grooming codes are removed from the list of discretionary violations that, if performed two or more times within a three-year period, may result in long-term suspension or expulsion.<sup>7</sup>

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<sup>1</sup> The length of an academic term is a duration of time equal to the cumulative number of school days within an academic term, and does not mean a duration lasting until the end of an academic term. See [4SHB 1541](#), Sec. 106(6).

<sup>2</sup> [4SHB 1541](#), Sec. 106(6).

<sup>3</sup> Under RCW [28A.600.020](#); [4SHB 1541](#), Sec. 106(6); and WAC [392-400-410](#), schools may petition the superintendent of a school district to extend the length of an expulsion under limited circumstances.

<sup>4</sup> [4SHB 1541](#), Sec. 105(4).

<sup>5</sup> [4SHB 1541](#), Sec. 105(6).

<sup>6</sup> [4SHB 1541](#), Sec. 105(7).

<sup>7</sup> [4SHB 1541](#), Sec. 106(5).

### **REQUIREMENT TO PROVIDE EDUCATIONAL SERVICES**

School districts may not suspend the provision of educational services to a student as a disciplinary action, whether discretionary or nondiscretionary.<sup>8</sup>

While students may be excluded from classrooms and other instructional or activity areas for the period of suspension or expulsion, districts must provide students with an opportunity to receive educational services during that time.<sup>9</sup>

If educational services are provided in an alternative setting, the alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline.<sup>10</sup>

### **STUDENT REENGAGEMENT PLAN AND MEETING**

School districts must convene a reengagement meeting with the student and family when a long-term suspension or expulsion is imposed.<sup>11</sup> Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.<sup>12</sup>

### **DISCIPLINE POLICIES AND PROCEDURES**

School districts must:

1. Annually disseminate school discipline policies and procedures to students, families, and the community;
2. Monitor the impact of discipline policies and procedures using disaggregated data; and
3. Periodically review and update discipline rules, policies, and procedures in consultation with staff, students, families, and the community.<sup>13</sup>

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<sup>8</sup> [4SHB 1541](#), Sec. 105(5) and (8).

<sup>9</sup> Effective June 9, 2016, districts must provide suspended and expelled students an opportunity to receive educational services, regardless of the date when the disciplinary action was imposed. [4SHB 1541](#), Sec. 105(8).

<sup>10</sup> [4SHB 1541](#), Sec. 106(7).

<sup>11</sup> Reengagement, as used in this section of the law, should not be confused with dropout reengagement programs, which provide educational opportunities to students age 16 to 21 who have dropped out of high school or are not expected to graduate by the age of 21. See RCW [28A.175.100](#) and Chapter [392-700](#) WAC.

<sup>12</sup> [4SHB 1541](#), Sec. 107(1).

<sup>13</sup> [4SHB 1541](#), Sec. 102.

BULLETIN NO. 024-16 LEGAL AFFAIRS

Page 4

June 9, 2016

**INFORMATION AND ASSISTANCE**

For questions about student discipline, alternatives to suspension, and reengagement meetings:

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[joshua.lynch@k12.wa.us](mailto:joshua.lynch@k12.wa.us), 360-725-4969

For questions about Alternative Learning Experience (ALE) and online learning:

Lillian Hunter, Director  
Digital Learning Department  
[lillian.hunter@k12.wa.us](mailto:lillian.hunter@k12.wa.us), 206-543-5426

For questions about student enrollment reporting for state funding:

Becky McLean, Supervisor, Enrollment Reporting and Categorical Funding  
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[becky.mclean@k12.wa.us](mailto:becky.mclean@k12.wa.us), 360-725-6306

This bulletin is also available on OSPI's website at: [www.k12.wa.us/bulletinsmemos](http://www.k12.wa.us/bulletinsmemos).

LEGAL AFFAIRS

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RD:CS:jo

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# SUPERINTENDENT OF PUBLIC INSTRUCTION

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September 8, 2016

( ) Action Required  
(X) Informational

## BULLETIN NO. 050-16 LEGAL AFFAIRS

TO: School District Superintendents  
School Building Principals  
Educational Service District Superintendents  
Assistant Superintendent for Business and/or Business Managers  
School Counselors

FROM: Randy I. Dorn, State Superintendent of Public Instruction

RE: Provision of Educational Services During Suspension or Expulsion

CONTACT: Joshua Lynch, Program Supervisor  
Student Discipline, Behavior, and Readiness to Learn  
360-725-4969, [joshua.lynch@k12.wa.us](mailto:joshua.lynch@k12.wa.us), Agency TTY: 360-664-3631

### Purpose and Background

During the 2016 regular session, the legislature passed [4SHB 1541](#), a comprehensive bill based on recommendations of the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC). Sections of the bill include significant changes to student discipline laws, effective **June 9, 2016**.<sup>1</sup> These changes affect the rules for student discipline contained in chapter [392-400](#) WAC<sup>2</sup> and student enrollment reporting for state funding under WAC [392-121-108](#).<sup>3</sup>

This bulletin contains information regarding the provision of educational services during a period of suspension or expulsion.

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<sup>1</sup> For a summary of these significant changes to student discipline laws, see OSPI Bulletin [B024-16](#).

<sup>2</sup> A permanent rule revision was filed on August 26, 2016, following an expedited rulemaking process to ensure chapter [392-400](#) WAC aligns with [4SHB 1541](#) for the 2016–17 school year. Additional rulemaking is expected to be completed before the 2017–18 year.

<sup>3</sup> A permanent rule revision was filed on August 26, 2016, that removed suspensions and expulsions from the list of enrollment exclusions under WAC [392-121-108](#).



### **Requirement to Provide Educational Services**

School districts may not suspend the provision of educational services to a student as a disciplinary action, including, for example, English language development services for eligible English Learner (EL) students.<sup>4</sup> A disciplinary action includes, but is not limited to, in-school suspension, short-term suspension, long-term suspension, expulsion, and emergency expulsion. Effective June 9, 2016, all disciplinary actions are subject to this prohibition on discontinuing the provision of educational services.

School districts must now provide all suspended and expelled students an opportunity to receive educational services, regardless of the date when the disciplinary action was imposed.<sup>5</sup> Because the obligation to extend the opportunity to receive educational services lies with the district, districts should be proactive in initiating regular contact with all students who have been suspended or expelled.

Students may be excluded from particular classrooms or instructional or activity areas for a defined period of suspension or expulsion. However, following the imposition of a suspension or expulsion, districts are required to provide educational services as soon as reasonably possible.<sup>6</sup> State law already requires districts to engage with students and families regarding the implementation of discipline policies<sup>7</sup> and the imposition of disciplinary actions.<sup>8</sup> With the passage of [4SHB 1541](#), districts are encouraged to involve students and families in decision-making processes related to the provision of educational services during the period of suspension or expulsion—both when setting policy and when determining appropriate educational services on a case-by-case basis.

When educational services are provided in an alternative setting, the alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline.<sup>9</sup> The legislation mentions alternative high schools, one-on-one tutoring, and online learning as examples of alternative settings.<sup>10</sup> Additionally, districts may provide educational services through an Alternative Learning Experience (ALE)<sup>11</sup> or an appropriate course of study under

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<sup>4</sup> [4SHB 1541](#), Sec. 105(5)(8); RCW [28A.600.015](#)(5)(8). For recent federal guidance on school districts' legal obligations to English Learners under civil rights laws, refer to the January 7, 2015, [Dear Colleague Letter](#) issued by the Department of Education and Department of Justice.

<sup>5</sup> [4SHB 1541](#), Sec. 105(8); RCW [28A.600.015](#)(8).

<sup>6</sup> [4SHB 1541](#), Sec. 105(8); RCW [28A.600.015](#)(8).

<sup>7</sup> RCW [28A.600.020](#)(3); WAC [392-400-225](#)(1); [4SHB 1541](#), Sec. 102(3); RCW [28A.320.211](#)(3).

<sup>8</sup> RCW [28A.600.015](#)(1); WAC [392-400-240](#); WAC [392-400-250](#); WAC [392-400-255](#); WAC [392-400-265](#); WAC [392-400-270](#); WAC [392-400-280](#); WAC [392-400-285](#); WAC [392-400-300](#); WAC [392-400-305](#); [4SHB 1541](#), Sec. 107; RCW [28A.600.022](#); WAC [392-400-420](#).

<sup>9</sup> [4SHB 1541](#), Sec. 106(7); RCW [28A.600.020](#)(7).

<sup>10</sup> [4SHB 1541](#), Sec. 106(7); RCW [28A.600.020](#)(7).

<sup>11</sup> RCW [28A.232.010](#); WAC [392-121-182](#).

WAC [392-121-107](#), wherein the examples mentioned by the legislature are included. Whether a course of study is deemed appropriate may depend on the individual needs of the student as well as enrollment criteria specific to different courses of study.

While a student may enroll in another program to receive educational services, school districts should make efforts to have suspended or expelled students return to their regular educational setting as soon as possible.<sup>12</sup>

If a student is short-term suspended, enrollment in another program will likely not be feasible or in the best interest of the student. Therefore, schools are encouraged to place students in in-school suspension during a short-term suspension instead of assigning out-of-school suspension. In-school suspension should be designed to allow students to receive regular course assignments, have access to their regular instructional teacher(s), and receive instruction from a certificated teacher. If in-school suspension is not an option, schools should consider placing short-term suspended students in a comparable district-operated or contracted educational setting. Regardless of the location of educational services, students must be given the opportunity to make up any assignments or tests missed as a result of a short-term suspension if the student's grades or credit might be affected.<sup>13</sup>

### **Student Reporting and State Funding**

On July 6, 2016, OSPI filed proposed rules to remove suspensions and expulsions from the list of enrollment exclusions for state funding under WAC [392-121-108](#). A public hearing was held August 9, the permanent rule was filed August 26, and the rule revision went into effect September 1, 2016. OSPI recently updated the [Enrollment Reporting Handbook](#) for the 2016–17 school year to align reporting guidance with WAC [392-121-108](#), as amended.

With this amendment, districts may now claim state funding for students who have been long-term suspended or expelled. However, the exclusion that restricts claiming students who have been absent for twenty consecutive school days prior to the count day remains unchanged.<sup>14</sup> Any student who has been long-term suspended or expelled but has not met the requirements to be reported on the next monthly count day, cannot be claimed for state funding. A student who has not attended school for twenty

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<sup>12</sup> RCW [28A.600.022](#); WAC [392-400-420](#).

<sup>13</sup> WAC [392-400-245](#)(5).

<sup>14</sup> WAC [392-121-108](#)(1).

consecutive school days prior to the monthly count day cannot be claimed for state funding,<sup>15</sup> unless one of the following occurs before the count day:

- The student has enrolled in an ALE, Open Doors youth reengagement program,<sup>16</sup> or Running Start program<sup>17</sup> and met the specific program requirements to be claimed. The full time equivalent (FTE) a district can claim for each of these programs varies. Refer to the 2016-17 [Enrollment Reporting Handbook](#) for specific guidance on program requirements and calculation of FTE.
- The student attends an alternative setting classroom that is supervised by a teacher and where attendance is taken.<sup>18</sup> The student's FTE is calculated based on enrolled weekly minutes at the alternative setting classroom.
- The student receives ancillary services with an appropriate school district staff.<sup>19</sup> The student's FTE is calculated based on actual hours of service.
- There is a written agreement between the district and the student's parent or guardian that, due to exceptional circumstances, the student will continue their educational progress during their temporary absence from school.<sup>20</sup> When this occurs, the FTE that was claimed for the student prior to their absence can be claimed for state funding for up to two months, so long as the student returns to school before the end of the school year.

OSPI recently updated the [CEDARS Reporting Guidance](#) for the 2016–17 school year to align reporting guidance with the new provisions of the law.<sup>21</sup> Unless a student is being immediately enrolled in another school and/or district, a student should not be withdrawn from enrollment in the school and/or district as a result of an imposed suspension or expulsion. Student absences resulting from a disciplinary action are to be reported as excused absences.<sup>22</sup>

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<sup>15</sup> This includes Transitional Bilingual Instructional Program (TBIP) funding for English Learner (EL) students.

<sup>16</sup> RCW [28A.175.100](#); chapter [392-700](#) WAC.

<sup>17</sup> RCW [28A.600.300](#) through [28A.600.380](#); chapter [392-169](#) WAC.

<sup>18</sup> WAC [392-121-107](#)(a).

<sup>19</sup> WAC [392-121-107](#)(e).

<sup>20</sup> RCW [28A.225.010](#)(1)(d); WAC [392-121-108](#)(1)(a).

<sup>21</sup> CEDARS data collection standards will also likely be modified for the 2017–18 school year. The CEDARS manual and reporting guidance will subsequently be updated as needed.

<sup>22</sup> WAC [392-400-325](#)(10).

BULLETIN NO. 050-16 LEGAL AFFAIRS

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September 8, 2016

**Information and Assistance**

For questions about student discipline, alternatives to suspension, and reengagement meetings:

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For questions about student enrollment reporting for state funding:

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RD:CS:jo

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**Chapter 392-400 WAC**

Last Update: 8/26/16

**PUPILS**

## Chapter Listing

**WAC Sections**

- 392-400-200** Purpose and application.
- 392-400-205** Definitions.
- 392-400-210** Student responsibilities and duties.
- 392-400-215** Student rights.
- 392-400-220** Student disciplinary boards—Establishment at option of school district—Functions.
- 392-400-225** School district rules defining misconduct—Distribution of rules.
- 392-400-226** School district rules defining harassment, intimidation and bullying prevention policies and procedures—Distribution of rules.
- 392-400-227** School district rules defining students religious rights.
- 392-400-230** Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students.
- 392-400-233** Unexcused absences and tardiness.

**DISCIPLINE**

- 392-400-235** Discipline—Conditions and limitations.
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- 392-400-245** Short-term suspension—Conditions and limitations.
- 392-400-250** Short-term suspension—Prior conference required—Notice to parent.
- 392-400-255** Short-term suspension—Grievance procedure.

**LONG-TERM SUSPENSION**

- 392-400-260** Long-term suspension—Conditions and limitations.
- 392-400-265** Long-term suspension—Notice of hearing—Waiver of hearing.
- 392-400-270** Long-term suspension—Prehearing and hearing process.

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- 392-400-275** Expulsion—Conditions and limitations.
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**EMERGENCY ACTIONS**

- 392-400-290** Emergency removal from a class, subject, or activity.
- 392-400-295** Emergency expulsion—Limitations.
- 392-400-300** Emergency expulsion—Notice of hearing—Waiver of hearing right.
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**APPEALS**

- 392-400-310** Appeals—Long-term suspension and expulsion.
- 392-400-315** Appeals—Hearing before school board or disciplinary appeal council—Procedures.
- 392-400-317** Appeals—Discipline and short-term suspension grievances.
- 392-400-320** School board or disciplinary appeal council decisions.
- 392-400-325** Statewide definition of excused and unexcused daily absences.
- 392-400-410** Appeal for extension of an expulsion.
- 392-400-420** Reengagement meetings and plans.

## **392-400-200**

### **Purpose and application.**

The purpose of this chapter is to implement RCW **28A.600.015** by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by, or on behalf of, a common school district: Provided that the enforcement of rules adopted by the Washington interscholastic activity association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW **28A.600.200**. The procedures and standards set forth in this chapter, and those adopted by a school district in conformance with this chapter, shall govern the imposition of corrective action (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

The provisions of this chapter are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations and shall do so as necessary to accommodate the constitutional rights of students as now or hereafter established.

For rules regarding student conduct which supplement this chapter see chapter **392-145** WAC governing the operation of school buses, particularly WAC **392-145-015(4)** regarding the responsibility of bus drivers and certificated staff members who accompany students for the behavior of students, and WAC **392-145-035** regarding the duty to adopt and post rules, including rules of conduct, governing school bus passengers.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-200, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-200, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-200, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-40-200, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW **28A.04.132**. WSR 82-20-052 (Order 4-82), § 180-40-200, filed 10/1/82; Order 6-77, § 180-40-200, filed 6/2/77, effective 8/1/77.]

## **392-400-205**

### **Definitions.**

As used in this chapter the term:

(1) "Discipline" shall mean all forms of corrective action other than emergency removal from a class, subject, or activity, suspension, or expulsion and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not exceeding the balance of the immediate class period: Provided that the student is in the custody of a school district employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity conducted by or on behalf of a school district.

(2) "Suspension" shall mean a denial of attendance (other than for the balance of the immediate class period for "discipline" purposes) for any single subject or class, or for any full schedule of subjects or classes for a stated period of time. A suspension also may include a denial of admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the school district.

(3) "Short-term suspension" shall mean a suspension for any portion of a calendar day up to and not exceeding ten consecutive school days.

(4) "Long-term suspension" shall mean a suspension that:

- (a) Exceeds ten school days and has an end date of not more than the length of an academic term, as defined by the school board, from the time of corrective action;
- (b) Cannot be imposed in such a manner that causes the student to lose academic grades or credit in excess of one semester or trimester during the same school year; and
- (c) Cannot be imposed beyond the school year in which the alleged misbehavior occurs.

(5) "Emergency expulsion" shall mean an emergency removal from school for up to, and not exceeding, ten consecutive school days from the student's current school placement by a school district superintendent or a designee of the superintendent. The superintendent or designee must have good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school.

(6) "Expulsion" shall mean a denial of attendance for a period of time up to, but not longer than, the length of an academic term, as defined by the school board, from the time a student is removed from his or her current school placement by a school district superintendent or a designee of the superintendent. An expulsion also may include a denial of admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the school district.

(7) "School business day" shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays, upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(8) "School day" shall mean a calendar day except school holidays on which students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

(9) "Reengagement meeting" shall mean a meeting held between the school district and the student and parent and/or guardian to discuss how to return a long-term suspended or expelled student to an education setting as soon as possible.

(10) "Reengagement plan" shall mean a written plan developed between a school district and a student and his/her parent or guardian designed to aid the student in taking the

necessary steps to remedy the situation that led to the student's suspension or expulsion and return the student to the educational setting as soon as possible.

(11) "Discretionary discipline" shall mean a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW **28A.600.010** and **28A.600.015**, but does not constitute action taken in response to any of the following:

- (a) A violation of RCW **28A.600.420**;
- (b) An offense in RCW **13.04.155**;
- (c) Two or more violations of RCW **9A.46.120**, **9.41.280**, **28A.600.455**, **28A.635.020**, or **28A.635.060** within a three-year period; or
- (d) Behavior that adversely impacts the health or safety of other students or educational staff.

[Statutory Authority: RCW **28A.600.015**. WSR 16-18-028, § 392-400-205, filed 8/26/16, effective 9/1/16; WSR 14-15-153, § 392-400-205, filed 7/23/14, effective 8/23/14. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-205, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 96-15-098, § 180-40-205, filed 7/22/96, effective 8/22/96. Statutory Authority: 1979 1st ex.s. c 173 and c 201. WSR 79-11-049 (Order 14-79), § 180-40-205, filed 10/16/79; Order 6-77, § 180-40-205, filed 6/2/77, effective 8/1/77.]

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## **392-400-210**

### **Student responsibilities and duties.**

The mission of the common school system is to provide learning experience which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of studies, comply with written rules of a common school district which are adopted pursuant to and in compliance with WAC **392-400-225** and RCW **28A.600.010**, and submit to reasonable corrective action imposed by a school district and its agents for violation(s) of such rules. The provisions of this chapter do not lessen the foregoing responsibilities and duties of each student. This chapter is intended to assure that corrective action is imposed for just cause and in a fair and just manner.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-210, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-210, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-210, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-40-210, filed 8/6/90, effective 9/6/90; Order 6-77, § 180-40-210, filed 6/2/77, effective 8/1/77.]

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### **392-400-215**

#### **Student rights.**

In addition to other rights established by law, each student served by or on behalf of a common school district shall possess the following substantive rights, and no school district shall limit these rights except for good and sufficient cause:

(1) No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal.

(2) All students possess the constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have their schools free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising such right.

(3) All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures.

(4) All students shall have the right to be free from unlawful interference in their pursuit of an education while in the custody of a common school district.

(5) No student shall be deprived of the right to an equal educational opportunity, in whole or in part, by a school district without due process of law.

The foregoing enumeration of rights shall not be construed to deny or disparage other rights set forth in the constitution and the laws of the state of Washington or the rights retained by the people.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-215, filed 7/23/14, effective 8/23/14. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-215, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.04.132**. WSR 85-04-009 (Order 3-85), § 180-40-215, filed 1/25/85; Order 6-77, § 180-40-215, filed 6/2/77, effective 8/1/77.]

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### **392-400-220**

#### **Student disciplinary boards—Establishment at option of school district—Functions.**

The board of directors of any school district may authorize the establishment of one or more student disciplinary boards composed of students, teachers, administrators, or parents, or any combination thereof. Disciplinary boards may be authorized to prescribe reasonable discipline and may recommend, but not prescribe, suspension or expulsion to the appropriate school authority. Such school authority shall be granted the power to set aside or modify any such prescription or recommendation. In addition, disciplinary boards may be authorized to periodically review rules of the school district defining the types of misconduct for which corrective action may be imposed and to recommend amendments to the board of directors.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-220, filed 7/23/14, effective 8/23/14. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-220, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-220, filed 6/2/77, effective 8/1/77.]

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## **392-400-225**

### **School district rules defining misconduct—Distribution of rules.**

(1) It shall be the responsibility and duty of each school district to adopt, publish, and make available to all students and parents written rules which state with reasonable clarity the types of misconduct for which discipline, suspension, and expulsion may be imposed. In addition, written procedures for administering corrective action shall be developed and reviewed periodically as follows:

(a) Each school district shall provide for the development with parent and community participation of written procedures for administering corrective action at each school as required by RCW **28A.600.020**(3).

(b) In a manner consistent with the district procedures developed pursuant to (a) above, the principal and certificated employees in each school building shall confer at least annually for the purpose of developing, or reviewing, or both, building discipline standards and the uniform enforcement of those standards, as required by RCW **28A.400.110**.

(c) School districts shall use disaggregated data collected pursuant to RCW **28A.300.042** to monitor the impact of the school district's discipline policies and procedures, as required by WAC **392-190-048**.

(d) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

(2) Rules that establish types of misconduct pursuant to this section must have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning.

(3) The rules set forth in this chapter, the rules of a school district that establish types of misconduct pursuant to subsection (1) above, and the written procedures of a district for administering corrective action adopted pursuant to subsection (1)(a) and (d) of this subsection, shall be published and made available to all students and parents on an annual basis. School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

[Statutory Authority: RCW **28A.600.015**. WSR 16-18-028, § 392-400-225, filed 8/26/16, effective 9/1/16. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-225, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-40-225, filed 8/6/90, effective 9/6/90. Statutory Authority: 1980 c 171. WSR 80-10-030 (Order 11-80), § 180-40-225, filed 8/4/80; Order 6-77, § 180-40-225, filed 6/2/77, effective 8/1/77.]

**392-400-226****School district rules defining harassment, intimidation and bullying prevention policies and procedures—Distribution of rules.**

A district's harassment, intimidation and bullying policy and procedure shall be published and made available to all parents or guardians, students, employees, and volunteers on an annual basis. The district will publish, at a minimum, the following materials: Policy and procedure, an incident reporting form and current contact information for the district's harassment, intimidation and bullying compliance officer. If a school district chooses not to distribute such rules to all parents or guardians, students, employees, and volunteers, then notice which describes the contents of such rules and specifies the person(s) to contact for a copy shall be provided to students and parents on an annual basis in a manner reasonably calculated to come to their attention.

[Statutory Authority: RCW **28A.300.285**. WSR 11-04-076, § 392-400-226, filed 1/31/11, effective 3/3/11.]

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**392-400-227****School district rules defining students religious rights.**

It shall be the responsibility and duty of each school district to adopt policies of the district for implementation of students' rights to freedom of religion and to have their schools free from sectarian control or influence while they are participating in any school district conducted or sponsored activity or while they are otherwise subject to school district supervision and control. Such rules shall be adopted and transmitted to the superintendent of public instruction.

[Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-227, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-227, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.04.132**. WSR 85-09-049 (Order 6-85), § 180-40-227, filed 4/16/85; WSR 85-04-009 (Order 3-85), § 180-40-227, filed 1/25/85.]

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**392-400-230****Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students.**

(1) Each certificated teacher, each school administrator, each school bus driver, and any other school employee designated by the board of directors of a school district shall possess the authority to impose discipline upon a student for misconduct which violates rules of the school district established pursuant to WAC **392-400-225** and to impose an emergency removal from a class, subject, or activity upon a student pursuant to WAC **392-400-290**.

(2) The board of directors of any school district may delegate to the superintendent and/or his or her designee(s) the authority to impose suspensions and expulsions upon students for misconduct which violates rules of the school district established pursuant to WAC **392-400-225**. Each certificated teacher and each administrator shall possess the authority to recommend suspensions and expulsions for such misconduct.

(3) Any board of directors which chooses not to delegate the authority to impose suspensions and/or expulsions, nevertheless, shall be subject to the requirements set forth in this chapter when it imposes a suspension or expulsion.

(4) Notwithstanding any provision of this section to the contrary, each teacher is empowered to exclude any student who creates a disruption of the educational process in violation of the building disciplinary standards while under the teacher's immediate supervision from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first: Provided, That except in emergency circumstances as provided for in WAC **392-400-290**, the teacher shall have first attempted one or more alternative forms of corrective action: Provided further, That in no event without the consent of the teacher shall an excluded student be returned during the balance of the particular class or activity period from which the student was initially excluded.

[Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-230, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-230, filed 6/22/06, effective 6/22/06. Statutory Authority: 1980 c 171. WSR 80-10-030 (Order 11-80), § 180-40-230, filed 8/4/80; Order 6-77, § 180-40-230, filed 6/2/77, effective 8/1/77.]

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### **392-400-233**

#### **Unexcused absences and tardiness.**

(1) Students with one or more unexcused absences and subject to compulsory attendance pursuant to chapter **28A.225** RCW may be subject to corrective action reasonably calculated to modify the student's conduct. If a school district imposes corrective action on a student for one or more unexcused absences, the school district must:

(a) Provide notice to the student's parent(s) or guardian(s) in writing in English or, if different, the primary language of the parent(s) or guardian(s), that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Schedule a conference or conferences with the parent(s) or guardian(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, and to determine, by appropriate means, whether the student should be made a focus of concern for placement in special programs designed for his or her educational success; and

(c) Take steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s) or guardian(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance or participation is related to the instructional objectives or goals of the particular subject or course;

(b) The student's attendance or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course; and

(c) The circumstances pertaining to the student's inability to attend school have been taken into consideration, including whether the tardiness or absences are directly related to the student's disability under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, or the Individuals with Disabilities Education Act.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-233, filed 7/23/14, effective 8/23/14.]

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### **392-400-235**

#### **Discipline—Conditions and limitations.**

Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to this section, subject to the following limitations and conditions and the grievance procedure set forth in WAC **392-400-240**:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) School districts may not suspend the provision of educational services to a student as a disciplinary action.

(3) Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited.

Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or

(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.

[Statutory Authority: RCW **28A.600.015**. WSR 16-18-028, § 392-400-235, filed 8/26/16, effective 9/1/16; WSR 14-15-153, § 392-400-235, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-235, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-235, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.410.010**. WSR 94-03-102 (Order 3-94), § 180-40-235, filed 1/19/94, effective 2/19/94. Statutory Authority: RCW **28A.305.160**. WSR 93-01-077, § 180-40-235, filed 12/14/92, effective 1/14/93. Statutory Authority: RCW **28A.04.132**.

WSR 90-17-004, § 180-40-235, filed 8/2/90, effective 9/2/90; WSR 87-09-040 (Order 6-87), § 180-40-235, filed 4/14/87; Order 6-77, § 180-40-235, filed 6/2/77, effective 8/1/77.]

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### **392-400-240**

#### **Discipline—Grievance procedure.**

Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC **392-400-317**. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The discipline action shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

[Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-240, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-240, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 96-15-098, § 180-40-240, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-240, filed 6/2/77, effective 8/1/77.]

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### **392-400-245**

#### **Short-term suspension—Conditions and limitations.**

A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC **392-400-225**, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC **392-400-250**, and the grievance procedures set forth in WAC **392-400-255**:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude the boards of directors of school districts from establishing the nature and extent of the corrective actions which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and

the imposition of such preestablished corrective action is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating or exceptional circumstances, and (b) short-term suspension is not established as the corrective action for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating or exceptional circumstances, notwithstanding the fact prior alternative corrective action has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged, following consultation with an ad hoc citizens committee, to (a) be of such frequent occurrence, notwithstanding past attempts of district staff to control such misconduct through the use of other forms of corrective action, as to warrant an immediate resort to short-term suspension, or (b) be so serious in nature or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension. The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

(3) No student in grades kindergarten through grade four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(4) No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(5) A student may be excluded from a particular classroom or instructional or activity area for the period of suspension, but the school district must provide an opportunity for a student to receive educational services during a period of suspension. Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

[Statutory Authority: RCW **28A.600.015**. WSR 16-18-028, § 392-400-245, filed 8/26/16, effective 9/1/16; WSR 14-15-153, § 392-400-245, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-245, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-245, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 97-01-047, §

180-40-245, filed 12/12/96, effective 1/12/97. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-40-245, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW **28A.04.132**. WSR 85-12-042 (Order 14-85), § 180-40-245, filed 6/5/85. Statutory Authority: 1979 1st ex.s. c 173 and c 201. WSR 79-11-049 (Order 14-79), § 180-40-245, filed 10/16/79; Order 13-77, § 180-40-245, filed 10/18/77; Order 6-77, § 180-40-245, filed 6/2/77, effective 8/1/77.]

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### **392-400-250**

#### **Short-term suspension—Prior conference required—Notice to parent.**

(1) Prior to the short-term suspension of any student a conference shall be conducted with the student as follows:

(a) An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student;

(b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student;

(c) An oral or written explanation of the corrective action which may be imposed shall be provided to the student; and

(d) The student shall be provided the opportunity to present his/her explanation.

(2) In the event a short-term suspension is to exceed one calendar day, the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to an informal conference pursuant to WAC **392-400-255** and that the suspension may possibly be reduced as a result of such conference.

(3) All short-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-250, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-250, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-250, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-250, filed 6/2/77, effective 8/1/77.]

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### **392-400-255**

#### **Short-term suspension—Grievance procedure.**

Any student, parent, or guardian who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel



involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC **392-400-317**. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The short-term suspension shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

[Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-255, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-255, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 96-15-098, § 180-40-255, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-255, filed 6/2/77, effective 8/1/77.]

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## **392-400-260**

### **Long-term suspension—Conditions and limitations.**

A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC **392-400-225**, subject to the following limitations or conditions and the notice requirements set forth in WAC **392-400-265** and the hearing requirements set forth in WAC **392-400-270**:

- (1) School districts may not impose long-term suspension as a form of discretionary discipline as defined in WAC **392-400-205**(11).
- (2) A student may be excluded from a particular classroom or instructional or activity area for the period of suspension, but the school district must provide an opportunity for a student to receive educational services during a period of suspension.
- (3) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude the boards of directors of school districts from establishing the nature and extent of the corrective actions which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating or exceptional circumstances, and (b) long-term suspension is not established as the corrective action for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (4) of this section.
- (4) As a general rule, no student shall be suspended for a long term unless another form of corrective action reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term

suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating or exceptional circumstances, notwithstanding the fact prior alternative corrective action has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district staff to control such misconduct through the use of other forms of corrective action, as to warrant an immediate resort to long-term suspension, or (b) be so serious in nature or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension. The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

(5) No student in grades kindergarten through four shall be subject to long-term suspension during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(6) No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(8) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

[Statutory Authority: RCW **28A.600.015**. WSR 16-18-028, § 392-400-260, filed 8/26/16, effective 9/1/16; WSR 14-15-153, § 392-400-260, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-260, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-260, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160**. WSR 97-08-019, § 180-40-260, filed 3/25/97, effective 4/25/97. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 97-01-047, § 180-40-260, filed 12/12/96, effective 1/12/97. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-40-260, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW **28A.04.132**. WSR 85-12-042 (Order 14-85), § 180-40-260, filed 6/5/85. Statutory Authority: 1979 1st ex.s. c 173 and c 201. WSR 79-11-049 (Order 14-79), § 180-40-260, filed 10/16/79; Order 6-77, § 180-40-260, filed 6/2/77, effective 8/1/77.]

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## **392-400-265**

### **Long-term suspension—Notice of hearing—Waiver of hearing.**

(1) Prior to the long-term suspension of a student, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and to his or her parent (s) or guardian(s). The notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, in accordance with Title VI of the Civil Rights Act of 1964;

(b) Specify the alleged misconduct and the school district rule(s) alleged to have been violated;

(c) Set forth the corrective action proposed;

(d) Set forth the right of the student and his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s); and

(e) Set forth the facts that:

(i) A written or oral request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing; and

(ii) 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 proposed long-term suspension may be imposed by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the date of receipt of notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted in writing and may also be accepted orally.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-265, filed 7/23/14, effective 8/23/14. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-265, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-265, filed 6/2/77, effective 8/1/77.]

## **392-400-270**

### **Long-term suspension—Prehearing and hearing process.**

(1) If a request for a hearing is received pursuant to WAC **180-40-265** within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing;

(b) Be represented by legal counsel;

(c) 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:

(i) That the district made a reasonable effort to produce the witness and is unable to do so;  
or

(ii) 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.

(d) Present his or her explanation of the alleged misconduct; and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect, in advance of the hearing, any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the final decision regarding the imposition of corrective action shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form or corrective action to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-270, filed 7/23/14, effective 8/23/14. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-270, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160**. WSR 00-07-018, § 180-40-270, filed 3/3/00, effective 4/3/00; Order 6-77, § 180-40-270, filed 6/2/77, effective 8/1/77.]

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## **392-400-275**

### **Expulsion—Conditions and limitations.**

A student may be expelled for violation of school district rules adopted pursuant to WAC **392-400-225**, subject to the following limitations or conditions, the notice requirements set forth in WAC **392-400-280**, and the hearing requirements set forth in WAC **392-400-285**:

(1) School districts may not impose expulsion as a form of discretionary discipline as defined in WAC **392-400-205**(11).

(2) A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(3) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(4) No student shall be expelled unless other forms of corrective action reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action would fail if employed.

(5) An expulsion may not be for an indefinite period of time. An expulsion may not exceed the length of an academic term, as defined by the school board, from the date of the corrective action unless:

- (a) The school petitions the district superintendent for an extension; and
  - (b) The district superintendent authorizes the extension in compliance with the superintendent of public instruction's rules adopted for this purpose.
- (6) The district shall make reasonable efforts to assist students in returning to an educational setting prior to, and no later than, the end date of the corrective action.
- (7) Once a student has been expelled in compliance with this chapter, the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.
- (8) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.
- (9) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

[Statutory Authority: RCW 28A.600.015. WSR 16-18-028, § 392-400-275, filed 8/26/16, effective 9/1/16; WSR 14-15-153, § 392-400-275, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW 28A.305.160. WSR 07-04-048, § 392-400-275, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-275, filed 6/22/06, effective 6/22/06. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-40-275, filed 8/6/90, effective 9/6/90. Statutory Authority: 1979 1st ex.s. c 173 and c 201. WSR 79-11-049 (Order 14-79), § 180-40-275, filed 10/16/79; Order 6-77, § 180-40-275, filed 6/2/77, effective 8/1/77.]

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## 392-400-280

### Expulsion—Notice of hearing—Waiver of hearing.

- (1) Prior to the expulsion of a student, an oral or written notice of an opportunity for a hearing shall be delivered in person, or by certified mail to the student and to his or her parent(s) or guardian(s). The notice shall:
- (a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, in accordance with Title VI of the Civil Rights Act of 1964;
  - (b) Specify the alleged misconduct and the school district rule(s) or policy alleged to have been violated;
  - (c) Set forth the corrective action proposed;
  - (d) Set forth the right of the student and his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s); and
  - (e) Set forth the facts that:
    - (i) A written or oral request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing; and
    - (ii) 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 proposed expulsion may be imposed by the school district without any further opportunity for the student or his or her parent(s) or

guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice; and

(2) The student or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed expulsion may be imposed.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-280, filed 7/23/14, effective 8/23/14. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-280, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-280, filed 6/2/77, effective 8/1/77.]

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## **392-400-285**

### **Expulsion—Prehearing and hearing process.**

(1) If a request for a hearing is received pursuant to WAC **392-400-280** within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing;

(b) Be represented by legal counsel;

(c) 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:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or

(ii) 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.

(d) Present his or her explanation of the alleged misconduct; and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect, in advance of the hearing, any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the final decision regarding the imposition of corrective action shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-285, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-285, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-285, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160**. WSR 00-07-018, § 180-40-285, filed 3/3/00, effective 4/3/00; Order 6-77, § 180-40-285, filed 6/2/77, effective 8/1/77.]

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### **392-400-290**

#### **Emergency removal from a class, subject, or activity.**

(1) Notwithstanding any other provision of this chapter, a student may be removed immediately from a class, subject, or activity by a certificated teacher or an administrator and sent to the building principal or a designated school authority: Provided that the teacher or administrator has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school staff or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. The removal from classes, subjects, or activities shall continue only until:

- (a) The danger or threat ceases; or
- (b) The principal or designated school authority acts to impose corrective action.

(2) The principal or school authority shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action. In no case shall the student's opportunity for such meeting be delayed beyond the commencement of the school day following the student's emergency removal from a class, subject, or activity. Prior to or at the time any such student is returned to the class(es), subject(s), or activity(ies), the principal or school authority shall notify the teacher or administrator who removed the student therefrom of the action which has been taken or initiated.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-290, filed 7/23/14, effective 8/23/14. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-290, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-290, filed 6/2/77, effective 8/1/77.]

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### **392-400-295**

#### **Emergency expulsion—Limitations.**

Notwithstanding any other provision of this chapter, a student may be expelled immediately by a school district superintendent or a designee of the superintendent in emergency situations: Provided that the superintendent or designee has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to

students, school staff, or poses an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the expulsion. A school district must provide notice and due process rights if it converts the emergency expulsion to another form of corrective action.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-295, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-295, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-295, filed 6/22/06, effective 6/22/06; Order 6-77, § 180-40-295, filed 6/2/77, effective 8/1/77.]

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### **392-400-300**

#### **Emergency expulsion—Notice of hearing—Waiver of hearing right.**

(1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion. School districts must document delivery of the notice by obtaining the signature of the parent(s) or guardian(s) acknowledging receipt or the written certification of the person making the delivery; or (b) by certified letter(s) deposited in the United States mail, within twenty-four hours of the expulsion. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, in accordance with Title VI of the Civil Rights Act of 1964;

(b) Specify the alleged reasons that the student's presence poses an immediate and continuing danger to students, school staff, or poses an immediate and continuing threat of substantial disruption of the educational process;

(c) Set forth the date on which the emergency expulsion began and will end;

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible; and

(e) Set forth the facts that:

(i) A written or oral request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the third school business day after receipt of the notice of opportunity for a hearing; and

(ii) 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 emergency expulsion may be continued, as deemed necessary, for up to ten school days from the date of the student's emergency removal from school without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within three school business days after the



date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing or orally.

(3) If a request for a hearing is not received within the required three school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the emergency expulsion may be imposed, as deemed necessary, for a period of up to ten school days from the date of the emergency removal from school.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-300, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-300, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-300, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.04.132**. WSR 86-20-055 (Order 13-86), § 180-40-300, filed 9/29/86; Order 6-77, § 180-40-300, filed 6/2/77, effective 8/1/77.]

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## **392-400-305**

### **Emergency expulsion—Prehearing and hearing process.**

(1) If a request for a hearing within the required three school business days is received pursuant to WAC **392-400-300**, the school district shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the second school business day after receipt of the request for hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing;

(b) Be represented by legal counsel;

(c) 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:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or

(ii) 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;

(d) Present his or her explanation of the alleged misconduct; and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and final decision regarding the imposition of corrective action shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, the person(s) hearing the case shall issue a decision regarding whether the emergency expulsion shall continue. The school district shall provide notice of the decision to the student and the student's parent(s), guardian(s), and legal counsel, if any, by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether the immediate and continuing danger to students, school staff, or poses an immediate and continuing threat of substantial disruption of the educational process, giving rise to the emergency expulsion has terminated), and whether the emergency expulsion shall be converted to another form of corrective action.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-305, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-305, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-305, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160**. WSR 00-07-018, § 180-40-305, filed 3/3/00, effective 4/3/00; Order 6-77, § 180-40-305, filed 6/2/77, effective 8/1/77.]

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## **392-400-310**

### **Appeals—Long-term suspension and expulsion.**

Appeals from decisions rendered pursuant to WAC **392-400-270**, **392-400-285** and **392-400-305** which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. School district disciplinary appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.

(2) If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his or her parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted in writing or orally.

(3) If an appeal is not taken to the board of directors or disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.

(4) If a timely appeal is taken to the board of directors or disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and

(c) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

(i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(5) An appeal from any decision of a school board or disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board or disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

[Statutory Authority: RCW **28A.600.015**. WSR 14-15-153, § 392-400-310, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-310, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-310, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160**. WSR 97-08-019, § 180-40-310, filed 3/25/97, effective 4/25/97. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 96-15-098, § 180-40-310, filed 7/22/96, effective 8/22/96; Order 13-77, § 180-40-310, filed 10/18/77; Order 6-77, § 180-40-310, filed 6/2/77, effective 8/1/77.]

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## **392-400-315**

### **Appeals—Hearing before school board or disciplinary appeal council—Procedures.**

(1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC **392-400-310**(2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(ii) 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,

(iii) Present his or her explanation of the alleged misconduct, and

(iv) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

(b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and

(c) Either a tape-recorded or verbatim record of the hearing shall be made.

[Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-315, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-315, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160**. WSR 00-07-018, § 180-40-315, filed 3/3/00, effective 4/3/00. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 96-15-098, § 180-40-315, filed 7/22/96, effective 8/22/96. Statutory Authority: 1979 1st ex.s. c 173 and c 201. WSR 79-11-049 (Order 14-79), § 180-40-315, filed 10/16/79; Order 6-77, § 180-40-315, filed 6/2/77, effective 8/1/77.]

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## **392-400-317**

### **Appeals—Discipline and short-term suspension grievances.**

Any school district board of directors may delegate its authority to hear and decide discipline and short-term suspension grievance appeals filed pursuant to WAC **392-400-240** and **392-400-253** to a school district disciplinary appeal council established pursuant to WAC **392-400-310**(1).

[Statutory Authority: RCW **28A.305.160**. WSR 07-04-048, § 392-400-317, filed 1/31/07, effective 3/3/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-317, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 96-15-098, § 180-40-317, filed 7/22/96, effective 8/22/96.]

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### **392-400-320**

#### **School board or disciplinary appeal council decisions.**

Any decision by a school board of directors or school district disciplinary appeal council pursuant to this chapter to impose or to affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student shall be made:

- (1) Only by those board or council members who have heard or read the evidence.
- (2) Only by those board or council members who have not acted as a witness in the matter.
- (3) Only at a meeting at which a quorum of the board or council is present and by majority vote.

[Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-400-320, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW **28A.305.160** and 1996 c 321. WSR 96-15-098, § 180-40-320, filed 7/22/96, effective 8/22/96; Order 6-77, § 180-40-320, filed 6/2/77, effective 8/1/77.]

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### **392-400-325**

#### **Statewide definition of excused and unexcused daily absences.**

##### **Excused daily absences**

The following are valid excuses for absences from school:

- (1) Participation in a district or school approved activity or instructional program;
- (2) Illness, health condition or medical appointment (including, but not limited to, medical, counseling, dental or optometry) for the student or person for who the student is legally responsible;
- (3) Family emergency including, but not limited to, a death or illness in the family;
- (4) Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction;
- (5) Court, judicial proceeding, or serving on a jury;
- (6) Post-secondary, technical school or apprenticeship program visitation, or scholarship interview;
- (7) State-recognized search and rescue activities consistent with RCW **28A.225.055**;
- (8) Absence directly related to the student's homeless status;
- (9) Absences related to deployment activities of a parent or legal guardian who is an active duty member consistent with RCW **28A.705.010**;

(10) Absence resulting from a disciplinary/corrective action (e.g., short-term or long-term suspension, emergency expulsion); and

(11) Principal (or designee) and parent, guardian, or emancipated youth mutually agreed upon approved activity.

The school principal (or designee) has the authority to determine if an absence meets the above criteria for an excused absence.

### **Unexcused daily absences**

Any absence from school is unexcused unless it meets one of the criteria above for an excused absence.

[Statutory Authority: RCW **28A.300.046**. WSR 12-17-051, § 392-400-325, filed 8/9/12, effective 9/9/12.]

## **392-400-410**

### **Appeal for extension of an expulsion.**

When warranted because of risk to the public health and safety, the principal or the principal's designee may petition the district's superintendent for authorization to exceed the academic term limitation on an expulsion. The superintendent may exercise his/her discretion to grant the petition in limited circumstances, on a case-by-case basis, so long as there is evidence that, if the student were to return at or before the length of an academic term, as defined by the school board, he/she would pose a risk to public health or safety.

(1) The petition to exceed the academic term limit shall include, at least, the following:

- (a) A detailed description of the student's misconduct, the school rules which were violated, and the public health and/or safety concerns of the district;
- (b) A detailed description of the student's academic, attendance, and discipline history, if any;
- (c) A description of the lesser forms of corrective actions which were considered and reasons why those were rejected;
- (d) A description of all alternative learning experiences, vocational programs, and/or other educational services which may be available to the student;
- (e) The proposed extended length of the expulsion;
- (f) Identification of special education services or accommodations pursuant to Section 504 of the Rehabilitation Act of 1973, if appropriate; and
- (g) A proposed date for the reengagement meeting.

(2) Designated staff shall submit the petition at any time after final imposition of an academic term expulsion and prior to the end of that expulsion.

(3) A copy of the petition shall be delivered in person or by certified mail to the student and his/her parent(s)/guardian(s).

(4) The petition shall be provided in the predominant language of the student and/or parent(s)/guardian(s) who speak a language, other than English, in accordance with Title VI of the Civil Rights Act of 1964.

(5) The student and/or parent(s)/guardian(s) may submit a written or verbal response to the petition within ten school business days of the recorded receipt of the petition.

(6) Within eleven school business days, but no later than twenty school business days of the date of the petition's recorded delivery to the student/parent(s)/guardian(s), the district superintendent shall issue a written decision indicating whether the petition is granted or denied. The written decision shall also include a description of all rights and procedures for appeal.

(7) If the petition is granted, within ten school business days of the receipt of the decision, the student and/or parent(s)/guardian(s) may appeal the decision to the district's school board in accordance with WAC **392-400-310** and **392-400-315**.

Annually, all school districts shall report the number of petitions submitted, approved and denied to the office of the superintendent of public instruction.

[Statutory Authority: RCW **28A.600.015**. WSR 16-18-028, § 392-400-410, filed 8/26/16, effective 9/1/16; WSR 14-15-153, § 392-400-410, filed 7/23/14, effective 8/23/14.]

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## **392-400-420**

### **Reengagement meetings and plans.**

(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's reentry or enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

[Statutory Authority: RCW **28A.600.015**. WSR 16-18-028, § 392-400-420, filed 8/26/16, effective 9/1/16; WSR 14-15-153, § 392-400-420, filed 7/23/14, effective 8/23/14.]





5 **PART I**

6 **DISPROPORTIONALITY IN STUDENT DISCIPLINE**

7 **Sec. 101.** RCW 28A.600.490 and 2013 2nd sp.s. c 18 s 301 are each  
8 amended to read as follows:

9 (1) The office of the superintendent of public instruction shall  
10 convene a discipline task force to develop standard definitions for  
11 causes of student disciplinary actions taken at the discretion of the  
12 school district. The task force must also develop data collection  
13 standards for disciplinary actions that are discretionary and for  
14 disciplinary actions that result in the exclusion of a student from  
15 school. The data collection standards must include data about  
16 education services provided while a student is subject to a  
17 disciplinary action, the status of petitions for readmission to the  
18 school district when a student has been excluded from school, credit  
19 retrieval during a period of exclusion, and school dropout as a  
20 result of disciplinary action.

21 (2) The discipline task force shall include representatives from  
22 the K-12 data governance group, the educational opportunity gap  
23 oversight and accountability committee, the state ethnic commissions,  
24 the governor's office of Indian affairs, the office of the education  
25 (~~ombudsman~~—[~~ombuds~~]) ombuds, school districts, tribal  
26 representatives, and other education and advocacy organizations.

27 (3) The office of the superintendent of public instruction and  
28 the K-12 data governance group shall revise the statewide student  
29 data system to incorporate the student discipline data collection  
30 standards recommended by the discipline task force, and begin  
31 collecting data based on the revised standards in the 2015-16 school  
32 year.

33 NEW SECTION. **Sec. 102.** A new section is added to chapter  
34 28A.320 RCW to read as follows:

35 (1) School districts shall annually disseminate discipline  
36 policies and procedures to students, families, and the community.

1 (2) School districts shall use disaggregated data collected  
2 pursuant to RCW 28A.300.042 to monitor the impact of the school  
3 district's discipline policies and procedures.

4 (3) School districts, in consultation with school district staff,  
5 students, families, and the community, shall periodically review and  
6 update their discipline rules, policies, and procedures.

7 NEW SECTION. **Sec. 103.** A new section is added to chapter  
8 28A.345 RCW to read as follows:

9 (1) The Washington state school directors' association shall  
10 create model school district discipline policies and procedures and  
11 post these models publicly by December 1, 2016. In developing these  
12 model policies and procedures, the association shall request  
13 technical assistance and guidance from the equity and civil rights  
14 office within the office of the superintendent of public instruction  
15 and the Washington state human rights commission. The model policies  
16 and procedures shall be updated as necessary.

17 (2) School districts shall adopt and enforce discipline policies  
18 and procedures consistent with the model policy by the beginning of  
19 the 2017-18 school year.

20 NEW SECTION. **Sec. 104.** A new section is added to chapter  
21 28A.415 RCW to read as follows:

22 (1) The office of the superintendent of public instruction,  
23 subject to the availability of amounts appropriated for this specific  
24 purpose, shall develop a training program to support the  
25 implementation of discipline policies and procedures under chapter  
26 28A.600 RCW.

27 (2) School districts are strongly encouraged to provide the  
28 trainings to all school and district staff interacting with students,  
29 including instructional staff and noninstructional staff, as well as  
30 within a reasonable time following any substantive change to school  
31 discipline policies or procedures.

32 (3) To the maximum extent feasible, the trainings must  
33 incorporate or adapt existing online training or curriculum,  
34 including securing materials or curriculum under contract or purchase  
35 agreements within available funds.

36 (4) The trainings must be developed in modules that allow:

37 (a) Access to material over a reasonable number of training  
38 sessions;

1 (b) Delivery in person or online; and

2 (c) Use in a self-directed manner.

3 **Sec. 105.** RCW 28A.600.015 and 2013 2nd sp.s. c 18 s 302 are each  
4 amended to read as follows:

5 (1) The superintendent of public instruction shall adopt and  
6 distribute to all school districts lawful and reasonable rules  
7 prescribing the substantive and procedural due process guarantees of  
8 pupils in the common schools. Such rules shall authorize a school  
9 district to use informal due process procedures in connection with  
10 the short-term suspension of students to the extent constitutionally  
11 permissible: PROVIDED, That the superintendent of public instruction  
12 deems the interest of students to be adequately protected. When a  
13 student suspension or expulsion is appealed, the rules shall  
14 authorize a school district to impose the suspension or expulsion  
15 temporarily after an initial hearing for no more than ten consecutive  
16 school days or until the appeal is decided, whichever is earlier. Any  
17 days that the student is temporarily suspended or expelled before the  
18 appeal is decided shall be applied to the term of the student  
19 suspension or expulsion and shall not limit or extend the term of the  
20 student suspension or expulsion. An expulsion or suspension of a  
21 student may not be for an indefinite period of time.

22 (2) Short-term suspension procedures may be used for suspensions  
23 of students up to and including, ten consecutive school days.

24 (3) Emergency expulsions must end or be converted to another form  
25 of corrective action within ten school days from the date of the  
26 emergency removal from school. Notice and due process rights must be  
27 provided when an emergency expulsion is converted to another form of  
28 corrective action.

29 (4) School districts may not impose long-term suspension or  
30 expulsion as a form of discretionary discipline.

31 (5) Any imposition of discretionary and nondiscretionary  
32 discipline is subject to the bar on suspending the provision of  
33 educational services pursuant to subsection (8) of this section.

34 (6) As used in this chapter, "discretionary discipline" means a  
35 disciplinary action taken by a school district for student behavior  
36 that violates rules of student conduct adopted by a school district  
37 board of directors under RCW 28A.600.010 and this section, but does  
38 not constitute action taken in response to any of the following:

39 (a) A violation of RCW 28A.600.420;

1 (b) An offense in RCW 13.04.155;

2 (c) Two or more violations of RCW 9A.46.120, 9.41.280,  
3 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;  
4 or

5 (d) Behavior that adversely impacts the health or safety of other  
6 students or educational staff.

7 (7) Except as provided in RCW 28A.600.420, school districts are  
8 not required to impose long-term suspension or expulsion for behavior  
9 that constitutes a violation or offense listed under subsection  
10 (6)(a) through (d) of this section and should first consider  
11 alternative actions.

12 (8) School districts may not suspend the provision of educational  
13 services to a student as a disciplinary action. A student may be  
14 excluded from a particular classroom or instructional or activity  
15 area for the period of suspension or expulsion, but the school  
16 district must provide an opportunity for a student to receive  
17 educational services during a period of suspension or expulsion.

18 (9) Nothing in this section creates any civil liability for  
19 school districts, or creates a new cause of action or new theory of  
20 negligence against a school district board of directors, a school  
21 district, or the state.

22 **Sec. 106.** RCW 28A.600.020 and 2013 2nd sp.s. c 18 s 303 are each  
23 amended to read as follows:

24 (1) The rules adopted pursuant to RCW 28A.600.010 shall be  
25 interpreted to ensure that the optimum learning atmosphere of the  
26 classroom is maintained, and that the highest consideration is given  
27 to the judgment of qualified certificated educators regarding  
28 conditions necessary to maintain the optimum learning atmosphere.

29 (2) Any student who creates a disruption of the educational  
30 process in violation of the building disciplinary standards while  
31 under a teacher's immediate supervision may be excluded by the  
32 teacher from his or her individual classroom and instructional or  
33 activity area for all or any portion of the balance of the school  
34 day, or up to the following two days, or until the principal or  
35 designee and teacher have conferred, whichever occurs first. Except  
36 in emergency circumstances, the teacher first must attempt one or  
37 more alternative forms of corrective action. In no event without the  
38 consent of the teacher may an excluded student return to the class  
39 during the balance of that class or activity period or up to the

1 following two days, or until the principal or his or her designee and  
2 the teacher have conferred.

3 (3) In order to preserve a beneficial learning environment for  
4 all students and to maintain good order and discipline in each  
5 classroom, every school district board of directors shall provide  
6 that written procedures are developed for administering discipline at  
7 each school within the district. Such procedures shall be developed  
8 with the participation of parents and the community, and shall  
9 provide that the teacher, principal or designee, and other  
10 authorities designated by the board of directors, make every  
11 reasonable attempt to involve the parent or guardian and the student  
12 in the resolution of student discipline problems. Such procedures  
13 shall provide that students may be excluded from their individual  
14 classes or activities for periods of time in excess of that provided  
15 in subsection (2) of this section if such students have repeatedly  
16 disrupted the learning of other students. The procedures must be  
17 consistent with the rules of the superintendent of public instruction  
18 and must provide for early involvement of parents in attempts to  
19 improve the student's behavior.

20 (4) The procedures shall assure, pursuant to RCW 28A.400.110,  
21 that all staff work cooperatively toward consistent enforcement of  
22 proper student behavior throughout each school as well as within each  
23 classroom.

24 (5)(a) A principal shall consider imposing long-term suspension  
25 or expulsion as a sanction when deciding the appropriate disciplinary  
26 action for a student who, after July 27, 1997:

27 (i) Engages in two or more violations within a three-year period  
28 of RCW 9A.46.120, (~~(28A.320.135,)~~) 28A.600.455, 28A.600.460,  
29 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280(~~(, — or~~  
30 ~~28A.320.140))~~); or

31 (ii) Engages in one or more of the offenses listed in RCW  
32 13.04.155.

33 (b) The principal shall communicate the disciplinary action taken  
34 by the principal to the school personnel who referred the student to  
35 the principal for disciplinary action.

36 (6) Any corrective action involving a suspension or expulsion  
37 from school for more than ten days must have an end date of not more  
38 than (~~(one calendar year))~~ the length of an academic term, as defined  
39 by the school board, from the time of corrective action. Districts  
40 shall make reasonable efforts to assist students and parents in

1 returning to an educational setting prior to and no later than the  
2 end date of the corrective action. Where warranted based on public  
3 health or safety, a school may petition the superintendent of the  
4 school district, pursuant to policies and procedures adopted by the  
5 office of the superintendent of public instruction, for authorization  
6 to exceed the (~~one calendar year~~) academic term limitation provided  
7 in this subsection. The superintendent of public instruction shall  
8 adopt rules outlining the limited circumstances in which a school may  
9 petition to exceed the (~~one calendar year~~) academic term  
10 limitation, including safeguards to ensure that the school district  
11 has made every effort to plan for the student's return to school.  
12 School districts shall report to the office of the superintendent of  
13 public instruction the number of petitions made to the school board  
14 and the number of petitions granted on an annual basis.

15 (7) Nothing in this section prevents a public school district,  
16 educational service district, the Washington state center for  
17 childhood deafness and hearing loss, or the state school for the  
18 blind if it has suspended or expelled a student from the student's  
19 regular school setting from providing educational services to the  
20 student in an alternative setting or modifying the suspension or  
21 expulsion on a case-by-case basis. An alternative setting should be  
22 comparable, equitable, and appropriate to the regular education  
23 services a student would have received without the exclusionary  
24 discipline. Example alternative settings include alternative high  
25 schools, one-on-one tutoring, and online learning.

26 **Sec. 107.** RCW 28A.600.022 and 2013 2nd sp.s. c 18 s 308 are each  
27 amended to read as follows:

28 (1) School districts should make efforts to have suspended or  
29 expelled students return to an educational setting as soon as  
30 possible. School districts (~~should~~) must convene a meeting with the  
31 student and the student's parents or guardians within twenty days of  
32 the student's long-term suspension or expulsion, but no later than  
33 five days before the student's enrollment, to discuss a plan to  
34 reengage the student in a school program. Families must have access  
35 to, provide meaningful input on, and have the opportunity to  
36 participate in a culturally sensitive and culturally responsive  
37 reengagement plan.

38 (2) In developing a reengagement plan, school districts should  
39 consider shortening the length of time that the student is suspended

1 or expelled, other forms of corrective action, and supportive  
2 interventions that aid in the student's academic success and keep the  
3 student engaged and on track to graduate. School districts must  
4 create a reengagement plan tailored to the student's individual  
5 circumstances, including consideration of the incident that led to  
6 the student's long-term suspension or expulsion. The plan should aid  
7 the student in taking the necessary steps to remedy the situation  
8 that led to the student's suspension or expulsion.

9 (3) Any reengagement meetings conducted by the school district  
10 involving the suspended or expelled student and his or her parents or  
11 guardians are not intended to replace a petition for readmission.

12 **Sec. 108.** RCW 43.41.400 and 2012 c 229 s 585 are each amended to  
13 read as follows:

14 (1) An education data center shall be established in the office  
15 of financial management. The education data center shall jointly,  
16 with the legislative evaluation and accountability program committee,  
17 conduct collaborative analyses of early learning, K-12, and higher  
18 education programs and education issues across the P-20 system, which  
19 includes the department of early learning, the superintendent of  
20 public instruction, the professional educator standards board, the  
21 state board of education, the state board for community and technical  
22 colleges, the workforce training and education coordinating board,  
23 the student achievement council, public and private nonprofit four-  
24 year institutions of higher education, and the employment security  
25 department. The education data center shall conduct collaborative  
26 analyses under this section with the legislative evaluation and  
27 accountability program committee and provide data electronically to  
28 the legislative evaluation and accountability program committee, to  
29 the extent permitted by state and federal confidentiality  
30 requirements. The education data center shall be considered an  
31 authorized representative of the state educational agencies in this  
32 section under applicable federal and state statutes for purposes of  
33 accessing and compiling student record data for research purposes.

34 (2) The education data center shall:

35 (a) In consultation with the legislative evaluation and  
36 accountability program committee and the agencies and organizations  
37 participating in the education data center, identify the critical  
38 research and policy questions that are intended to be addressed by

1 the education data center and the data needed to address the  
2 questions;

3 (b) Coordinate with other state education agencies to compile and  
4 analyze education data, including data on student demographics that  
5 is disaggregated by distinct ethnic categories within racial  
6 subgroups, and complete P-20 research projects;

7 (c) Collaborate with the legislative evaluation and  
8 accountability program committee and the education and fiscal  
9 committees of the legislature in identifying the data to be compiled  
10 and analyzed to ensure that legislative interests are served;

11 (d) Annually provide to the K-12 data governance group a list of  
12 data elements and data quality improvements that are necessary to  
13 answer the research and policy questions identified by the education  
14 data center and have been identified by the legislative committees in  
15 (c) of this subsection. Within three months of receiving the list,  
16 the K-12 data governance group shall develop and transmit to the  
17 education data center a feasibility analysis of obtaining or  
18 improving the data, including the steps required, estimated time  
19 frame, and the financial and other resources that would be required.  
20 Based on the analysis, the education data center shall submit, if  
21 necessary, a recommendation to the legislature regarding any  
22 statutory changes or resources that would be needed to collect or  
23 improve the data;

24 (e) Monitor and evaluate the education data collection systems of  
25 the organizations and agencies represented in the education data  
26 center ensuring that data systems are flexible, able to adapt to  
27 evolving needs for information, and to the extent feasible and  
28 necessary, include data that are needed to conduct the analyses and  
29 provide answers to the research and policy questions identified in  
30 (a) of this subsection;

31 (f) Track enrollment and outcomes through the public centralized  
32 higher education enrollment system;

33 (g) Assist other state educational agencies' collaborative  
34 efforts to develop a long-range enrollment plan for higher education  
35 including estimates to meet demographic and workforce needs;

36 (h) Provide research that focuses on student transitions within  
37 and among the early learning, K-12, and higher education sectors in  
38 the P-20 system; ((and))

39 (i) Prepare a regular report on the educational and workforce  
40 outcomes of youth in the juvenile justice system, using data



1 disaggregated by age, and by ethnic categories and racial subgroups  
2 in accordance with RCW 28A.300.042; and

3 (j) Make recommendations to the legislature as necessary to help  
4 ensure the goals and objectives of this section and RCW 28A.655.210  
5 and 28A.300.507 are met.

6 (3) The department of early learning, superintendent of public  
7 instruction, professional educator standards board, state board of  
8 education, state board for community and technical colleges,  
9 workforce training and education coordinating board, student  
10 achievement council, public four-year institutions of higher  
11 education, department of social and health services and employment  
12 security department shall work with the education data center to  
13 develop data-sharing and research agreements, consistent with  
14 applicable security and confidentiality requirements, to facilitate  
15 the work of the center. The education data center shall also develop  
16 data-sharing and research agreements with the administrative office  
17 of the courts to conduct research on educational and workforce  
18 outcomes using data maintained under RCW 13.50.010(12) related to  
19 juveniles. Private, nonprofit institutions of higher education that  
20 provide programs of education beyond the high school level leading at  
21 least to the baccalaureate degree and are accredited by the Northwest  
22 association of schools and colleges or their peer accreditation  
23 bodies may also develop data-sharing and research agreements with the  
24 education data center, consistent with applicable security and  
25 confidentiality requirements. The education data center shall make  
26 data from collaborative analyses available to the education agencies  
27 and institutions that contribute data to the education data center to  
28 the extent allowed by federal and state security and confidentiality  
29 requirements applicable to the data of each contributing agency or  
30 institution.

31 **Sec. 109.** RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1  
32 are each reenacted and amended to read as follows:

33 (1) For purposes of this chapter:

34 (a) "Good faith effort to pay" means a juvenile offender has  
35 either (i) paid the principal amount in full; (ii) made at least  
36 eighty percent of the value of full monthly payments within the  
37 period from disposition or deferred disposition until the time the  
38 amount of restitution owed is under review; or (iii) can show good

1 cause why he or she paid an amount less than eighty percent of the  
2 value of full monthly payments;

3 (b) "Juvenile justice or care agency" means any of the following:  
4 Police, diversion units, court, prosecuting attorney, defense  
5 attorney, detention center, attorney general, the legislative  
6 children's oversight committee, the office of the family and  
7 children's ombuds, the department of social and health services and  
8 its contracting agencies, schools; persons or public or private  
9 agencies having children committed to their custody; and any  
10 placement oversight committee created under RCW 72.05.415;

11 (c) "Official juvenile court file" means the legal file of the  
12 juvenile court containing the petition or information, motions,  
13 memorandums, briefs, findings of the court, and court orders;

14 (d) "Records" means the official juvenile court file, the social  
15 file, and records of any other juvenile justice or care agency in the  
16 case;

17 (e) "Social file" means the juvenile court file containing the  
18 records and reports of the probation counselor.

19 (2) Each petition or information filed with the court may include  
20 only one juvenile and each petition or information shall be filed  
21 under a separate docket number. The social file shall be filed  
22 separately from the official juvenile court file.

23 (3) It is the duty of any juvenile justice or care agency to  
24 maintain accurate records. To this end:

25 (a) The agency may never knowingly record inaccurate information.  
26 Any information in records maintained by the department of social and  
27 health services relating to a petition filed pursuant to chapter  
28 13.34 RCW that is found by the court to be false or inaccurate shall  
29 be corrected or expunged from such records by the agency;

30 (b) An agency shall take reasonable steps to assure the security  
31 of its records and prevent tampering with them; and

32 (c) An agency shall make reasonable efforts to insure the  
33 completeness of its records, including action taken by other agencies  
34 with respect to matters in its files.

35 (4) Each juvenile justice or care agency shall implement  
36 procedures consistent with the provisions of this chapter to  
37 facilitate inquiries concerning records.

38 (5) Any person who has reasonable cause to believe information  
39 concerning that person is included in the records of a juvenile  
40 justice or care agency and who has been denied access to those

1 records by the agency may make a motion to the court for an order  
2 authorizing that person to inspect the juvenile justice or care  
3 agency record concerning that person. The court shall grant the  
4 motion to examine records unless it finds that in the interests of  
5 justice or in the best interests of the juvenile the records or parts  
6 of them should remain confidential.

7 (6) A juvenile, or his or her parents, or any person who has  
8 reasonable cause to believe information concerning that person is  
9 included in the records of a juvenile justice or care agency may make  
10 a motion to the court challenging the accuracy of any information  
11 concerning the moving party in the record or challenging the  
12 continued possession of the record by the agency. If the court grants  
13 the motion, it shall order the record or information to be corrected  
14 or destroyed.

15 (7) The person making a motion under subsection (5) or (6) of  
16 this section shall give reasonable notice of the motion to all  
17 parties to the original action and to any agency whose records will  
18 be affected by the motion.

19 (8) The court may permit inspection of records by, or release of  
20 information to, any clinic, hospital, or agency which has the subject  
21 person under care or treatment. The court may also permit inspection  
22 by or release to individuals or agencies, including juvenile justice  
23 advisory committees of county law and justice councils, engaged in  
24 legitimate research for educational, scientific, or public purposes.  
25 Each person granted permission to inspect juvenile justice or care  
26 agency records for research purposes shall present a notarized  
27 statement to the court stating that the names of juveniles and  
28 parents will remain confidential.

29 (9) The court shall release to the caseload forecast council the  
30 records needed for its research and data-gathering functions. Access  
31 to caseload forecast data may be permitted by the council for  
32 research purposes only if the anonymity of all persons mentioned in  
33 the records or information will be preserved.

34 (10) Juvenile detention facilities shall release records to the  
35 caseload forecast council upon request. The commission shall not  
36 disclose the names of any juveniles or parents mentioned in the  
37 records without the named individual's written permission.

38 (11) Requirements in this chapter relating to the court's  
39 authority to compel disclosure shall not apply to the legislative

1 children's oversight committee or the office of the family and  
2 children's ombuds.

3 (12) For the purpose of research only, the administrative office  
4 of the courts shall maintain an electronic research copy of all  
5 records in the judicial information system related to juveniles.  
6 Access to the research copy is restricted to the (~~Washington state~~  
7 ~~center for court research~~) administrative office of the courts for  
8 research purposes as authorized by the supreme court or by state  
9 statute. The (~~Washington state center for court research~~)  
10 administrative office of the courts shall maintain the  
11 confidentiality of all confidential records and shall preserve the  
12 anonymity of all persons identified in the research copy. Data  
13 contained in the research copy may be shared with other governmental  
14 agencies as authorized by state statute, pursuant to data-sharing and  
15 research agreements, and consistent with applicable security and  
16 confidentiality requirements. The research copy may not be subject to  
17 any records retention schedule and must include records destroyed or  
18 removed from the judicial information system pursuant to RCW  
19 13.50.270 and 13.50.100(3).

20 (13) The court shall release to the Washington state office of  
21 public defense records needed to implement the agency's oversight,  
22 technical assistance, and other functions as required by RCW  
23 2.70.020. Access to the records used as a basis for oversight,  
24 technical assistance, or other agency functions is restricted to the  
25 Washington state office of public defense. The Washington state  
26 office of public defense shall maintain the confidentiality of all  
27 confidential information included in the records.

28 (14) The court shall release to the Washington state office of  
29 civil legal aid records needed to implement the agency's oversight,  
30 technical assistance, and other functions as required by RCW  
31 2.53.045. Access to the records used as a basis for oversight,  
32 technical assistance, or other agency functions is restricted to the  
33 Washington state office of civil legal aid. The Washington state  
34 office of civil legal aid shall maintain the confidentiality of all  
35 confidential information included in the records, and shall, as soon  
36 as possible, destroy any retained notes or records obtained under  
37 this section that are not necessary for its functions related to RCW  
38 2.53.045.

39

## Appendix E. Working Document–Additional Discipline Data Elements

Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

### 1. Have you done interventions prior to suspension? Y or N

### 2. Education Services (type and location) during the Suspension or Expulsion? Y or N

Title	Definition	Pick List
<b>In School Suspension- in a different room in the same school</b>	A room for students serving in-school suspension (ISS) within the same school building but separate and apart from the classrooms in which they normally attend.	Student in different room in same school: a) Yes b) No Student received: Academic instruction/services a) Yes b) No Social /emotional instruction a) Yes b) No Who provided instruction? a) Certificated teacher b) Paraeducator under supervision of certificated teacher
<b>Alternative Building in School District</b>	A building that is owned/operated by the School District that is separate and apart from the school that the student attended prior to the suspension or expulsion.	Student placed in alternative building in school district: a) Yes b) No Academic instruction/services a) Yes b) No Individualized behavior intervention a) Yes b) No
<b>Provided at home</b>	Within the student's home	Student at home: a) Yes b) No Academic instruction/services a) Yes b) No
<b>Other location outside of school</b>	Public venue, such as library or at another provider's location	Student at another public location a) Yes

## Appendix E. Working Document–Additional Discipline Data Elements

Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
		b) No Academic instruction/services a) Yes b) No Individualized behavior intervention a) Yes b) No
<b>Virtual Academy/Online Learning</b>	District approved online learning opportunities provided to suspended or expelled students to allow them to stay current with grade-level studies.	Student received: Online academic instruction/services a) Yes b) No # hours online access per week: _____
<b>Tutoring</b>	Tutoring services provided by the district to assist students in maintaining continued academic learning while out of the classroom environment.	Student provided a tutor: a) Yes b) No Student received: Academic instruction/services a) Yes b) No Individualized behavior intervention a) Yes b) No
<b>Non-traditional school hours</b>	Learning opportunities for students provided outside of standard schools hours (e.g. Friday afternoon, Saturday school, etc.)	Student furnished services in non-traditional school hours: a) Yes b) No Student received: a) Academic instruction/services a) Yes b) No Individualized behavior intervention a) Yes b) No
<b>Work packet</b>	Assignments completed and returned as agreed to by the student/family and district.	Student received assignments: a) All

## Appendix E. Working Document–Additional Discipline Data Elements

☐ Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
		b) Partial c) none Student completed work: a) All b) Partial c) None Student was allowed to complete work and received credit a) All b) Partial c) None
<b>Social/emotional behavioral support</b>	Instruction and/or intervention in social/emotional behavioral support	Student was provided instruction and coaching in behavior a) Yes (if yes, hours /days provided: _____) b) No c) Not available at my school

### 3. Academic progress

Title	Definition	Pick List
<b>Credits prior to exclusionary discipline (w/date stamp)</b>	Academic progress student makes prior to the date of suspension or mandatory expulsion	Student maintains all credit received prior to exclusion. a) Yes b) No The student's grades were frozen at the time of expulsion. a) Yes b) No
<b>Credits lost during exclusion</b>	Student fails to make academic progress based on the student's projected graduation date because of the suspension or expulsion	Student does not receive grades/credit during exclusion. a) Yes b) No
<b>Program of credit retrieval or accrual</b>	Student continues to accrue credit without gaps.	Educational Services one or more options used. Note all that applies:

## Appendix E. Working Document–Additional Discipline Data Elements

Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
		<ul style="list-style-type: none"> <li>a) District Liaison for Suspended or Expelled Students</li> <li>b) District Certificated or Para Educator led during school hours</li> <li>c) Evening or Saturday School</li> <li>d) Online learning</li> <li>e) Contract work packets</li> <li>f) Private tutor</li> <li>g) Student Performance Agreement</li> <li>h) Credit Retrieval Program After return from expulsion</li> <li>i) Other: List _____</li> </ul>
<b>Credits earned</b>	Academic progress made by student during suspension / expulsion	Number of credits earned during exclusion: _____ Number of credits earned via a Credit Retrieval Program: _____
<b>Number of lost credits</b>	Number of academic credits student should have received during the time period of their suspension or expulsion minus the number of academic credits the student actually received during that time.	Net Number of credits lost: _____
<b>Retrieval</b>	Students are informed, allowed, and expected to make up all missed coursework or tests for modified assignments without penalty and to potentially retrieve lost credits.	Students received: <ul style="list-style-type: none"> <li>a) Yes</li> <li>b) No</li> </ul>
<b>Academic progress (grades 9-12)</b>	Academic credit and/or partial academic credit can be earned or awarded during regular attendance, during a period of exclusion, for suspension, or after their return to school.	How many credits earned prior to exclusion : (auto populate from CEDARS)  Grade level: (drop down grade levels)  How many credits earned at completion of credit retrieval:  Grade level: (drop down grade levels)



## Appendix E. Working Document–Additional Discipline Data Elements

☐ Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
		Did student lose academic standing as a result of suspension/Expulsion- in excess of one trimester/semester? a) Yes b) No Student earned credits while suspended or expelled: a) Yes b) No Credit Retrieval provided at no cost: a) Yes b) No

### 4. A) Reengagement Meeting Held? Y or N

Title	Definition	Pick List
<b>Reengagement Meeting Notification</b>	Notification of right to meeting, including information on parent/guardian's right-to interpreter/translation (language access services).	School sent notification: a) Yes b) No Interpreter/translation notice included in parent/guardian notification: c) Yes d) No Date sent: _____
<b>Reengagement meeting</b>	Meeting between school district/ student/parent and or guardian to discuss how to return a student to an educational setting as soon as possible.	Date meeting held: _____ Held within 20 days of suspension/expulsion a) Yes b) No No later than 5 days prior to return to school: a) Yes b) No Interpretation provided in primary language, if requested a) Yes b) No

## Appendix E. Working Document–Additional Discipline Data Elements

Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
		<p>Translated materials provided in requested language</p> <ul style="list-style-type: none"> <li>a) Yes</li> <li>b) No</li> </ul> <p>Who participated in meeting:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> General Ed. Teacher</li> <li><input type="checkbox"/> SPED Teacher</li> <li><input type="checkbox"/> School Psychologist</li> <li><input type="checkbox"/> District Representative</li> <li><input type="checkbox"/> Administrator</li> <li><input type="checkbox"/> Counselor/Behavior Support</li> <li><input type="checkbox"/> Parent(s)/guardian</li> <li><input type="checkbox"/> Student</li> <li><input type="checkbox"/> District Liaison for Suspended or Expelled Students</li> <li><input type="checkbox"/> Other: _____</li> </ul> <p>Reengagement plan completed:</p> <ul style="list-style-type: none"> <li>a) Yes</li> <li>b) No</li> </ul> <p>School completed enrollment/reenrollment paperwork:</p> <ul style="list-style-type: none"> <li>a) Yes</li> <li>b) No</li> </ul> <p>Dates:</p> <ul style="list-style-type: none"> <li>a) Suspension/Expulsion occurred: _____</li> <li>b) Meeting occurred: _____</li> <li>c) Student's scheduled return to school: _____</li> </ul>

## Appendix E. Working Document–Additional Discipline Data Elements

Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

### B) Meeting Outcomes/Interventions

Title	Definition	Pick List
<b>Shortened length of Exclusionary Discipline period</b>	Shortened period of time for the suspension or expulsion	Shortened length of exclusionary discipline: a) Yes b) No Number of days reduced: _____
<b>Supportive Interventions</b>	Interventions identified and implemented to aid in student’s academic success/engagement and keep student on track to graduate	Challenges/stressors identified: a) Yes b) No Barriers to attendance identified: a) Yes b) No Was the attendance issue due to : a) physical health b) mental health c) Drug/alcohol abuse d) Other: _____ Referral to 504/SPED if relevant: a) Yes b) No Safety plan : a) Yes b) No Behavioral success plan developed: a) Yes b) No Relevant counseling discussed with family: a) Yes b) No Communication plan between school and student/family: a) Yes b) No
<b>Discipline Review Committee</b>	Optional Committee comprised of student’s teachers/principal/counselor reviews student’s	Committee was used: a) Yes

## Appendix E. Working Document–Additional Discipline Data Elements

Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
	<p>prior conduct and discipline to determine 1) Whether prior discipline has been effective; and 2) Whether another type of corrective action would be more effective or appropriate under the circumstances.</p>	<p>b) No            Date held: _____            Held within 20 days of suspension/expulsion            a) Yes            b) No            No later than 5 days prior to return to school:            a) Yes            b) No            Language access provided            a) Yes            b) No            Translated materials provided in requested language            a) Yes            b) No            Who participated in meeting:  <input type="checkbox"/> General Ed. Teacher  <input type="checkbox"/> SPED Teacher  <input type="checkbox"/> School Psychologist  <input type="checkbox"/> District Representative  <input type="checkbox"/> Administrator  <input type="checkbox"/> Counselor/Behavior Support  <input type="checkbox"/> Parent(s)/Guardian  <input type="checkbox"/> Student?  <input type="checkbox"/> District Liaison for Suspended or Expelled Students  <input type="checkbox"/> Other: _____            Dates:            Expulsion occurred: _____            Meeting occurred: _____            Student’s scheduled return to school: _____</p>
<p><b>Student-district contract</b></p>	<p>Contract in which student complies with certain conditions in exchange for a shortened term of suspension.</p>	<p>Student received:            a) Yes If yes, number of days shortened out of “x” days _____            b) No</p>

## Appendix E. Working Document–Additional Discipline Data Elements

☐ Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
<b>District Liaison for Suspended-Expelled Students</b>	A trained and qualified staff member (not a compliance officer) assigned by the district to communicate with the student and the student's family during the period of suspension or expulsion. The assigned staff member's duties include: 1) Monitoring the student's receipt of assignments and return on course work; 2) Serving as a liaison between the student/family and the district to provide updates on improvements in the student's behavior and academic progress; 3) Reviewing the student's progress with the district administrators to determine whether it warrants a shortening of the suspension/expulsion.	District Liaison was used throughout the time of suspension/expulsion: a) Yes b) No  District liaison information provided to parents/guardians? a) Yes b) No

### 5. Petition for Readmission

Title	Definition	Pick List
<b>Submitted Petition for readmission</b>	Petition for readmission outlining request to be readmitted to school at any time during the exclusion.	Student submitted petition for readmission a) Yes (if yes- Date _____) b) No
<b>Status of Petition for Readmission</b>	Readmission determined in accordance with school district policies and procedures.	Student petition for readmission granted a) Yes (if yes-date) b) No

### 6. Grievances/Appeals

Title	Definition	Pick List
<b>Short term suspension grievance</b>	Student and family submitted a grievance of the short term suspension according to school district policy and procedures	Short term suspension grievance submitted a) Yes (if yes- Date _____) b) No
<b>Status of Short term suspension grievance</b>	Decision by principal or designee about the short term suspension grievance Comment: what if the district uses someone else? Need to specify.	Decision made by: a) Principal b) Other: _____ (title/position)  Change in Short term suspension a) Yes

## Appendix E. Working Document–Additional Discipline Data Elements

Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
		b) No Date _____
<b>Long term suspension/expulsion Request for hearing</b>	Student and family request a hearing to appeal long term suspension/expulsion within 3 days after written notice of long term suspension/expulsion	Hearing requested: a) Yes (if yes- Date _____) b) No
<b>Emergency expulsion appeal</b>	Student and family appeal emergency expulsion Student/family appeal the emergency expulsion	Date of Emergency appeal : _____ Result/ granted: a) Yes b) No Date Appeal requested: _____ Change in emergency expulsion: a) yes b) no Date _____
<b>School set hearing</b>	School sets hearing date within 3 days of receiving timely hearing request	School set hearing date: a) Yes (if yes- Date _____) b) No Hearing postponed: a) Yes (if yes, - Date: _____) b) No If yes, who requested postponement: a) District staff (title) _____ b) Student & Family
<b>Hearing Decision notice</b>	Hearing decision provided to the student and parents for suspension/expulsion appeal.	School sends hearing decision: a) Yes (if yes- Date _____) b) No
<b>Hearing Decision outcome</b>	Outcome of long term suspension/expulsion appeal, as decided by hearing officer.	Hearing Decision Outcome: Written decision setting out findings of fact, conclusions, and nature of suspension/expulsion provided to student and parents. a) Yes b) No Long term suspension shortened a) Yes (if yes- how many days shorter _____

## Appendix E. Working Document–Additional Discipline Data Elements

Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

Title	Definition	Pick List
		Expulsion shortened a) Yes (if yes- how many days shorter _____) b) No
<b>Appeal to school board</b>	Student and family appeal long term suspension/expulsion hearing decision within 3 days to school board.	Appeal of hearing decision to school board a) Yes (if yes- Date _____) b) No School Board Decision: (Date: _____) Long term suspension shortened a) Yes (if yes- how many days shorter- _____) b) No Expulsion shortened a) Yes (if yes- how many days short _____) b) No
<b>Appeal to Superior Court</b>	Student and family appeal school board decision within 30 days to local superior court.	Appeal of school board decision to Superior Court a) Yes (if yes-Date _____) b) No Superior Court Decision: (Date: _____) Long term suspension shortened a) Yes (if yes- how many days shorter) b) No Expulsion shortened a) Yes (if yes- how many days shorter) b) No c) Other: _____

## Appendix E. Working Document–Additional Discipline Data Elements

☐ Indicates elements the Student Discipline Task Force prioritized for collection in the 2015–16 school year

### 7. Expulsions that Exceed More than One Calendar Year

Title	Definition	Pick List
<p><b>Petition to exceed calendar year</b></p>		<p>Was petition made to exceed to one calendar year:            a) Yes            b) No</p> <p>Was the petition granted            a) Yes (if yes, date)            b) No</p> <p>If extended expulsion, what is end date:            Date _____</p> <p>Number of extensions to the expulsion:            (number) and (date)            a) Number: _____            b) Dates: _____</p>
<p><b>Reason for exceeding more than one year</b></p>		<p>Select reason and give brief description:            a) Public health            b) Safety            c) Other: _____</p>