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HOUSE BILL 1292

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State of Washington

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By Representatives Pelesky, Carrell, McMahan, Huff, Campbell, L. Thomas, Smith, Crouse, Buck, Sherstad, Clements, Hymes, Thompson, Lambert, Mulliken, Padden, Radcliff, Johnson, Hickel, Mielke, Casada and Hargrove

Read first time 01/20/95. Referred to Committee on Education.

1 AN ACT Relating to classroom discipline; amending RCW 28A.600.020;  
2 and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28A.600.020 and 1990 c 33 s 497 are each amended to  
5 read as follows:

6 (1) The rules adopted pursuant to RCW 28A.600.010 shall be  
7 interpreted to insure that the optimum learning atmosphere of the  
8 classroom is maintained, and that the highest consideration is given to  
9 the judgment of qualified certificated educators regarding conditions  
10 necessary to maintain the optimum learning atmosphere.

11 (2) Any student who creates a disruption of the educational process  
12 in violation of the building disciplinary standards while under a  
13 teacher's immediate supervision may be excluded by the teacher from his  
14 or her individual classroom and instructional or activity area for all  
15 or any portion of the balance of the school day or until the principal  
16 or designee and teacher have conferred, whichever occurs first(~~(=~~  
17 ~~PROVIDED, That~~)). Except in emergency circumstances, the teacher shall  
18 have first attempted one or more alternative forms of corrective  
19 action( (: ~~PROVIDED FURTHER, That~~ )). In no event without the consent

1 of the teacher shall an excluded student be returned during the balance  
2 of that class or activity period.

3 (3) Maintaining order in the educational environment is a school-  
4 based activity necessary for achieving a performance-based education  
5 system and for improving student learning for all students, including  
6 students with diverse needs and is consistent with the student learning  
7 goals in RCW 28A.150.210.

8 In order to maintain an environment conducive to educational  
9 excellence and to enhance the ability of all students to learn, school  
10 teachers, principals, and superintendents shall have the authority to  
11 expel permanently students who engage in consistent disruptive  
12 behavior.

13 Permanent expulsion may be imposed for consistent disobedience or  
14 disruptive behavior by a student that substantially interferes with the  
15 educational process or the ability of a teacher, principal, or  
16 superintendent to maintain discipline or provide a quality learning  
17 environment.

18 A student with a handicapping condition shall not be expelled for  
19 behavior that occurs solely as a result of the student's handicapping  
20 condition.

21 Before permanent expulsion, a parent or legal guardian of the  
22 student subject to permanent expulsion shall meet with the authorities  
23 considering permanent expulsion and shall be given the opportunity to  
24 sign a written understanding that the parent or legal guardian and the  
25 student will work with school officials in specific ways to eliminate  
26 the disruptive behavior, and that the student is on a probationary  
27 status and further disruptive behavior may result in permanent  
28 expulsion.

29 For violations of this subsection, a teacher may permanently expel  
30 a student from his or her individual classroom or instructional or  
31 activity area, a school principal may permanently expel a student from  
32 the school, and a district superintendent may permanently expel a  
33 student from the district. Expulsion shall be in compliance with  
34 procedures developed under subsection (4) of this section.

35 (4) In order to preserve a beneficial learning environment for all  
36 students and to maintain good order and discipline in each classroom,  
37 every school district board of directors shall provide that written  
38 procedures are developed for administering discipline at each school  
39 within the district. Such procedures shall be developed with the

1 participation of parents and the community, and shall provide that the  
2 teacher, principal, or superintendent, or his or her designee, and  
3 other authorities designated by the board of directors, make every  
4 reasonable attempt to involve the parent or guardian and the student in  
5 the resolution of student discipline problems. Such procedures shall  
6 provide that students may be excluded from their individual classes or  
7 activities for periods of time in excess of that provided in subsection  
8 (2) of this section, or permanently, if such students have repeatedly  
9 disrupted the learning of other students(~~(:—PROVIDED, That)~~). The  
10 procedures ~~((are))~~ shall be consistent with the ~~((regulations))~~ rules  
11 of the state board of education and provide for early involvement of  
12 parents in attempts to improve the student's behavior(~~(:—PROVIDED~~  
13 ~~FURTHER, That)~~). Pursuant to RCW 28A.400.110, the procedures shall  
14 assure that all staff work cooperatively toward consistent enforcement  
15 of proper student behavior throughout each school as well as within  
16 each classroom.

17 School districts, district superintendents, school principals, and  
18 teachers are not liable for civil damages or criminal penalties  
19 resulting from the exclusion or permanent expulsion of a student from  
20 an individual classroom or instructional or activity area, a school, or  
21 a district unless a district superintendent, school principal, or  
22 teacher acts with malice as defined in RCW 9A.04.110.

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