
SENATE BILL 5301

State of Washington

63rd Legislature

2013 Regular Session

By Senators Rolfes, Litzow, McAuliffe, Dammeier, Mullet, Rivers, Billig, and Keiser

Read first time 01/25/13. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the suspension and expulsion of students;
2 amending RCW 28A.300.046, 28A.300.042, 28A.300.507, 28A.600.015,
3 28A.600.020, and 28A.600.410; adding new sections to chapter 28A.600
4 RCW; creating a new section; and providing an expiration date.

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

6 **Sec. 1.** RCW 28A.300.046 and 2011 c 288 s 10 are each amended to
7 read as follows:

8 (1)(a) The superintendent of public instruction shall adopt rules
9 establishing a standard definition of student absence from school. In
10 adopting the definition, the superintendent shall review current
11 practices in Washington school districts, definitions used in other
12 states, and any national standards or definitions used by the national
13 center for education statistics or other national groups. The
14 superintendent shall also consult with the building bridges work group
15 established under RCW 28A.175.075.

16 (b) Using the definition of student absence adopted under this
17 section, the superintendent shall establish an indicator for measuring
18 student attendance in high schools for purposes of the PASS program
19 under RCW 28A.175.130.

1 (2)(a) The K-12 data governance group under RCW 28A.300.507 shall
2 establish the parameters and an implementation schedule for statewide
3 collection through the comprehensive education and data research system
4 of: (i) Student attendance data using the definitions of student
5 absence adopted under this section; and (ii) student discipline data
6 with a focus on suspensions and expulsions from school.

7 (b) ~~((At a minimum,))~~ Student suspension and expulsion data
8 collected for the purposes of this subsection (2) must be:

9 (i) Made publicly available and easily accessible on the
10 superintendent of public instruction's web site;

11 (ii) Disaggregated and crosstabulated as established under RCW
12 28A.300.042; and

13 (iii) If reported by schools, reviewed for accuracy by the
14 superintendent of public instruction, which shall include the
15 superintendent of public instruction reviewing twenty high schools'
16 discipline data for accuracy each year.

17 (c) School districts must collect and submit student attendance
18 data and student discipline data for high school students through the
19 comprehensive education and data research system for purposes of the
20 PASS program under RCW 28A.175.130 beginning in the 2012-13 school
21 year.

22 **Sec. 2.** RCW 28A.300.042 and 2009 c 468 s 4 are each amended to
23 read as follows:

24 (1) All student data-related reports required of the superintendent
25 of public instruction in this title must be disaggregated by at least
26 the following subgroups of students: White, Black, Hispanic, American
27 Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low
28 income, transitional bilingual, migrant, special education, and
29 students covered by section 504 of the federal rehabilitation act of
30 1973, as amended (29 U.S.C. Sec. 794).

31 (2) All student data-related reports required of the superintendent
32 of public instruction regarding student suspensions and expulsions as
33 required in RCW 28A.300.046 are subject to disaggregation by subgroups
34 including:

35 (a) Gender;

36 (b) Foster care;

37 (c) Homeless;

1 (d) School district;
2 (e) School;
3 (f) Grade level;
4 (g) Behavior infraction code, including:
5 (i) Bullying;
6 (ii) Tobacco;
7 (iii) Alcohol;
8 (iv) Illicit drug;
9 (v) Fighting without major injury;
10 (vi) Violence without major injury;
11 (vii) Violence with major injury;
12 (viii) Possession of a weapon; and
13 (ix) Other behavior resulting from a short-term or long-term
14 suspension, expulsion, or interim alternative education setting
15 intervention;
16 (h) Intervention applied, including:
17 (i) Short-term suspension;
18 (ii) Long-term suspension;
19 (iii) Emergency expulsion;
20 (iv) Expulsion;
21 (v) Interim alternative education settings;
22 (vi) No intervention applied; and
23 (vii) Other intervention applied that is not described in this
24 subsection (2)(h);
25 (i) Number of days a student is suspended or expelled, to be
26 counted in half or full days; and
27 (j) Any other categories added at a future date by the data
28 governance group.
29 (3) All student data-related reports required of the superintendent
30 of public instruction regarding student suspensions and expulsions as
31 required in RCW 28A.300.046 are subject to cross-tabulation at a
32 minimum by the following:
33 (a) School and district;
34 (b) Race, low income, special education, transitional bilingual,
35 migrant, foster care, homeless, students covered by section 504 of the
36 federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794),
37 and categories to be added in the future;
38 (c) Behavior infraction code; and

1 (d) Intervention applied.

2 **Sec. 3.** RCW 28A.300.507 and 2009 c 548 s 203 are each amended to
3 read as follows:

4 (1) A K-12 data governance group shall be established within the
5 office of the superintendent of public instruction to assist in the
6 design and implementation of a K-12 education data improvement system
7 for financial, student, and educator data. It is the intent that the
8 data system reporting specifically serve requirements for teachers,
9 parents, superintendents, school boards, the office of the
10 superintendent of public instruction, the legislature, and the public.

11 (2) The K-12 data governance group shall include representatives of
12 the education data center, the office of the superintendent of public
13 instruction, the legislative evaluation and accountability program
14 committee, the professional educator standards board, the state board
15 of education, and school district staff, including information
16 technology staff. Additional entities with expertise in education data
17 may be included in the K-12 data governance group.

18 (3) The K-12 data governance group shall:

19 (a) Identify the critical research and policy questions that need
20 to be addressed by the K-12 education data improvement system;

21 (b) Identify reports and other information that should be made
22 available on the internet in addition to the reports identified in
23 subsection (5) of this section;

24 (c) Create a comprehensive needs requirement document detailing the
25 specific information and technical capacity needed by school districts
26 and the state to meet the legislature's expectations for a
27 comprehensive K-12 education data improvement system as described under
28 RCW 28A.655.210;

29 (d) Conduct a gap analysis of current and planned information
30 compared to the needs requirement document, including an analysis of
31 the strengths and limitations of an education data system and programs
32 currently used by school districts and the state, and specifically the
33 gap analysis must look at the extent to which the existing data can be
34 transformed into canonical form and where existing software can be used
35 to meet the needs requirement document;

36 (e) Focus on financial and cost data necessary to support the new
37 K-12 financial models and funding formulas, including any necessary

1 changes to school district budgeting and accounting, and on assuring
2 the capacity to link data across financial, student, and educator
3 systems; and

4 (f) Define the operating rules and governance structure for K-12
5 data collections, ensuring that data systems are flexible and able to
6 adapt to evolving needs for information, within an objective and
7 orderly data governance process for determining when changes are needed
8 and how to implement them. Strong consideration must be made to the
9 current practice and cost of migration to new requirements. The
10 operating rules should delineate the coordination, delegation, and
11 escalation authority for data collection issues, business rules, and
12 performance goals for each K-12 data collection system, including:

13 (i) Defining and maintaining standards for privacy and
14 confidentiality;

15 (ii) Setting data collection priorities;

16 (iii) Defining and updating a standard data dictionary;

17 (iv) Ensuring data compliance with the data dictionary;

18 (v) Ensuring data accuracy; and

19 (vi) Establishing minimum standards for school, student, financial,
20 and teacher data systems. Data elements may be specified "to the
21 extent feasible" or "to the extent available" to collect more and
22 better data sets from districts with more flexible software. Nothing
23 in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed
24 to require that a data dictionary or reporting should be hobbled to the
25 lowest common set. The work of the K-12 data governance group must
26 specify which data are desirable. Districts that can meet these
27 requirements shall report the desirable data. Funding from the
28 legislature must establish which subset data are absolutely required.

29 (4)(a) The K-12 data governance group shall provide updates on its
30 work as requested by the education data center and the legislative
31 evaluation and accountability program committee.

32 (b) The work of the K-12 data governance group shall be
33 periodically reviewed and monitored by the educational data center and
34 the legislative evaluation and accountability program committee.

35 (5) To the extent data is available, the office of the
36 superintendent of public instruction shall make the following minimum
37 reports available on the internet. The reports must either be run on

1 demand against current data, or, if a static report, must have been run
2 against the most recent data:

3 (a) The percentage of data compliance and data accuracy by school
4 district;

5 (b) The magnitude of spending per student, by student estimated by
6 the following algorithm and reported as the detailed summation of the
7 following components:

8 (i) An approximate, prorated fraction of each teacher or human
9 resource element that directly serves the student. Each human resource
10 element must be listed or accessible through online tunneling in the
11 report;

12 (ii) An approximate, prorated fraction of classroom or building
13 costs used by the student;

14 (iii) An approximate, prorated fraction of transportation costs
15 used by the student; and

16 (iv) An approximate, prorated fraction of all other resources
17 within the district. District-wide components should be disaggregated
18 to the extent that it is sensible and economical;

19 (c) The cost of K-12 basic education, per student, by student, by
20 school district, estimated by the algorithm in (b) of this subsection,
21 and reported in the same manner as required in (b) of this subsection;

22 (d) The cost of K-12 special education services per student, by
23 student receiving those services, by school district, estimated by the
24 algorithm in (b) of this subsection, and reported in the same manner as
25 required in (b) of this subsection;

26 (e) Improvement on the statewide assessments computed as both a
27 percentage change and absolute change on a scale score metric by
28 district, by school, and by teacher that can also be filtered by a
29 student's length of full-time enrollment within the school district;

30 (f) Number of K-12 students per classroom teacher on a per teacher
31 basis;

32 (g) Number of K-12 classroom teachers per student on a per student
33 basis;

34 (h) Percentage of a classroom teacher per student on a per student
35 basis; and

36 (i) The cost of K-12 education per student by school district
37 sorted by federal, state, and local dollars.

1 ~~(6) ((The superintendent of public instruction shall submit a~~
2 ~~preliminary report to the legislature by November 15, 2009, including~~
3 ~~the analyses by the K-12 data governance group under subsection (3) of~~
4 ~~this section and preliminary options for addressing identified gaps.~~
5 ~~A final report, including a proposed phase in plan and preliminary cost~~
6 ~~estimates for implementation of a comprehensive data improvement system~~
7 ~~for financial, student, and educator data shall be submitted to the~~
8 ~~legislature by September 1, 2010.~~

9 ~~(7))~~ All reports and data referenced in this section and RCW
10 43.41.400 and 28A.655.210 shall be made available in a manner
11 consistent with the technical requirements of the legislative
12 evaluation and accountability program committee and the education data
13 center so that selected data can be provided to the legislature,
14 governor, school districts, and the public.

15 ~~((8))~~ (7) Reports shall contain data to the extent it is
16 available. All reports must include documentation of which data are
17 not available or are estimated. Reports must not be suppressed because
18 of poor data accuracy or completeness. Reports may be accompanied with
19 documentation to inform the reader of why some data are missing or
20 inaccurate or estimated.

21 (8) The K-12 data governance group shall examine the data collected
22 under the behavior infraction subgroup in RCW 28A.300.042(2)(g)(ix) and
23 create at least four additional behavior infraction codes including
24 defiance, disruption, cell phone violations, and gang activity, and may
25 create other categories as needed, by December 1, 2013.

26 **Sec. 4.** RCW 28A.600.015 and 2006 c 263 s 701 are each amended to
27 read as follows:

28 (1) The superintendent of public instruction shall adopt and
29 distribute to all school districts lawful and reasonable rules
30 prescribing the substantive and procedural due process guarantees of
31 pupils in the common schools. Such rules shall authorize a school
32 district to use informal due process procedures in connection with the
33 short-term suspension of students to the extent constitutionally
34 permissible: PROVIDED, That the superintendent of public instruction
35 deems the interest of students to be adequately protected. When a
36 student suspension or expulsion is appealed, the rules shall authorize
37 a school district to impose the suspension or expulsion temporarily

1 after an initial hearing for no more than ten consecutive school days
2 or until the appeal is decided, whichever is earlier. Any days that
3 the student is temporarily suspended or expelled before the appeal is
4 decided shall be applied to the term of the student suspension or
5 expulsion and shall not limit or extend the term of the student
6 suspension or expulsion. Under no circumstance may a suspension or an
7 expulsion last for an indefinite period of time.

8 (2) Short-term suspension procedures may be used for suspensions of
9 students up to and including, ten consecutive school days.

10 (3) Emergency expulsions must end or be converted to another form
11 of disciplinary action within ten school days from the date of the
12 emergency removal from school. Notice of the conversion and due
13 process procedures must be provided to the student when an emergency
14 expulsion is converted to another form of disciplinary action.

15 **Sec. 5.** RCW 28A.600.020 and 2006 c 263 s 706 are each amended to
16 read as follows:

17 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
18 interpreted to ensure that the optimum learning atmosphere of the
19 classroom is maintained, and that the highest consideration is given to
20 the judgment of qualified certificated educators regarding conditions
21 necessary to maintain the optimum learning atmosphere.

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

34 (3) In order to preserve a beneficial learning environment for all
35 students and to maintain good order and discipline in each classroom,
36 every school district board of directors shall provide that written
37 procedures are developed for administering discipline at each school

1 within the district. Such procedures shall be developed with the
2 participation of parents and the community, and shall provide that the
3 teacher, principal or designee, and other authorities designated by the
4 board of directors, make every reasonable attempt to involve the parent
5 or guardian and the student in the resolution of student discipline
6 problems. Such procedures shall provide that students may be excluded
7 from their individual classes or activities for periods of time in
8 excess of that provided in subsection (2) of this section if such
9 students have repeatedly disrupted the learning of other students. The
10 procedures must be consistent with the rules of the superintendent of
11 public instruction and must provide for early involvement of parents in
12 attempts to improve the student's behavior.

13 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that
14 all staff work cooperatively toward consistent enforcement of proper
15 student behavior throughout each school as well as within each
16 classroom.

17 (5)(a) A principal shall consider imposing long-term suspension or
18 expulsion as a sanction when deciding the appropriate disciplinary
19 action for a student who, after July 27, 1997:

20 ((+a)) (i) Engages in two or more violations within a three-year
21 period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460,
22 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

23 ((+b)) (ii) Engages in one or more of the offenses listed in RCW
24 13.04.155.

25 (b) The principal shall communicate the disciplinary action taken
26 by the principal to the school personnel who referred the student to
27 the principal for disciplinary action.

28 (6) Any disciplinary action involving an expulsion from school for
29 more than ten days must have an end date of not more than one calendar
30 year from the first day of the expulsion. School districts shall make
31 reasonable efforts to assist students and their parents or guardians in
32 returning students to school prior to or no later than the last day of
33 the expulsion.

34 (7) Nothing in this section prevents a school district, educational
35 service district, the Washington state center for childhood deafness
36 and hearing loss, or the state school for the blind from providing
37 educational services to a suspended or expelled student in an

1 alternative school or academic setting or modifying the suspension or
2 expulsion on a case-by-case basis.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.600
4 RCW to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

13 (2) "Short-term suspension" means suspension for any portion of a
14 calendar day up to and not exceeding ten consecutive school days.

15 (3) "Expulsion" means a denial of attendance at any single subject
16 or class or at any full schedule of subjects or classes for more than
17 ten days and up to one calendar year. An expulsion also may include a
18 denial of admission to or entry upon real and personal property that is
19 owned, leased, rented, or controlled by the school district for more
20 than ten days and up to one calendar year.

21 **Sec. 7.** RCW 28A.600.410 and 1992 c 155 s 1 are each amended to
22 read as follows:

23 ~~((School districts are encouraged to find alternatives to~~
24 ~~suspension including reducing the length of a student's suspension))~~
25 The state of Washington excludes tens of thousands of students from
26 school each year due to out-of-school suspensions and expulsions. Out-
27 of-school suspensions and expulsions contribute to poor academic
28 achievement, lower graduation rates, and higher dropout rates. It is
29 the intent of the legislature to minimize the use of out-of-school
30 suspension and expulsion and its impact on student achievement by
31 reducing the number of days that students are excluded from school due
32 to disciplinary action conditioned by the commencement of counseling or
33 other treatment services. Consistent with current law, the
34 conditioning of a student's suspension does not obligate the school
35 district to pay for the counseling or other treatment services except

1 for those stipulated and agreed to by the district at the inception of
2 the suspension. Student behavior should not result in the permanent
3 loss of educational opportunity in the public school system.

4 NEW SECTION. Sec. 8. A new section is added to chapter 28A.600
5 RCW to read as follows:

6 (1) School districts are expected to continue to serve, support,
7 and reengage students who are excluded from the regular school setting
8 as a result of an expulsion. These students should not be unenrolled
9 from the school they were expelled from unless they are enrolled in
10 another school program. School districts should make efforts to have
11 expelled students return to the educational setting they were expelled
12 from as soon as possible. School districts should convene a school
13 reentry meeting with the student and the student's parents or guardians
14 within twenty days of the student's expulsion to discuss a plan to
15 reenter and reengage the student in a school program.

16 (2) In developing a reentry and reengagement plan, school districts
17 should consider shortening the length of time that the student is
18 expelled, other forms of corrective action, and supportive
19 interventions that aid in the student's academic success and keep
20 students engaged and on track to graduate. School districts must
21 create a reentry and reengagement plan tailored to the student's
22 individual circumstances, including consideration of the incident that
23 led to the student's expulsion. The plan should aid the student in
24 taking the necessary steps to remedy the situation that led to the
25 student's expulsion.

26 (3) Any reentry meetings conducted by the school district involving
27 the expelled student and his or her parents or guardians are not
28 intended to replace a petition for readmission.

29 NEW SECTION. Sec. 9. (1) The superintendent of public instruction
30 and the Washington state school directors' association shall meet with
31 a group of stakeholders to develop a handbook and model policy for
32 school districts to implement changes to suspension and expulsion
33 policies.

34 (2) The group shall consist of the following members:

35 (a) A representative from the student support office at the

1 superintendent of public instruction, selected by the superintendent of
2 public instruction;

3 (b) A representative from the Washington education association,
4 selected by the Washington education association;

5 (c) A representative from the Washington state school directors'
6 association, selected by the Washington state school directors'
7 association;

8 (d) A representative from a nonprofit advocacy group that works
9 with students who have been suspended or expelled and helps those
10 students reenter into school, selected by the superintendent of public
11 instruction and the Washington state school directors' association;

12 (e) An educational consultant, selected by the superintendent of
13 public instruction and the Washington state school directors'
14 association;

15 (f) A former president of the Washington state school directors'
16 association, selected by the Washington state school directors'
17 association;

18 (g) A Washington state positive behavioral interventions and
19 supports coordinator, selected by the superintendent of public
20 instruction and the Washington state school directors' association;

21 (h) A representative from an education advocacy organization that
22 works to improve public education in Washington from a student's
23 infancy to his or her career that has ample, equitable, and stable
24 funding, selected by the superintendent of public instruction and the
25 Washington state school directors' association; and

26 (i) An expert in child development and trauma, selected by the
27 superintendent of public instruction and the Washington state school
28 directors' association.

29 (3) The handbook and model policy must include at a minimum:
30 Appropriate discipline actions for unwanted student behavior, training
31 in cultural sensitivity regarding school discipline policies and
32 procedures; prevention and intervention guidance including best
33 practices; and parental engagement.

34 (4) The group shall meet at least six times before December 1,
35 2013.

36 (5) The handbook and model policy must be provided to the

1 legislature by December 1, 2013.

2 (6) This section expires July 1, 2014.

--- END ---