

SHB 1207 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 04/05/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300
4 RCW to read as follows:

5 (1) The office of the superintendent of public instruction shall
6 develop, and periodically update, model student handbook language
7 that includes information about policies and complaint procedures
8 related to discrimination, including sexual harassment and addressing
9 transgender students, and information about policies and complaint
10 procedures related to harassment, intimidation, and bullying, as well
11 as the overlap between the policies and complaint procedures. The
12 model student handbook language must also include a description of
13 the services available through the office of the education ombuds and
14 the contact information for the office of the education ombuds. The
15 model student handbook language must be aligned with existing
16 requirements in state law including chapters 28A.640 and 28A.642 RCW
17 and RCW 28A.600.477 and 28A.600.510. The model student handbook
18 language must be jointly developed with the Washington state school
19 directors' association, and in consultation with the office of the
20 education ombuds. The model student handbook language must be posted
21 publicly on the office of the superintendent of public instruction's
22 website beginning July 1, 2024.

23 (2) Beginning with the 2024-25 school year, each school district
24 must include the model student handbook language developed under
25 subsection (1) of this section in any student, parent, employee, and
26 volunteer handbook that it or one of its schools publishes and on the
27 school district's website, and any school's website, if a school or
28 the school district maintains a website. If a school district neither
29 publishes a handbook nor maintains a website, it must provide the
30 model student handbook language developed under subsection (1) of

1 this section to each student, parent, employee, and volunteer at
2 least annually.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.642
4 RCW to read as follows:

5 (1) Each school district shall designate one person in the school
6 district as the primary contact regarding school district compliance
7 with this chapter. In addition to any other duties required by law
8 and the school district, the primary contact must:

9 (a) Ensure that complaints of discrimination communicated to the
10 school district are promptly investigated and resolved; and

11 (b) Communicate with the primary contact regarding the school
12 district's policy and procedure prohibiting harassment, intimidation,
13 and bullying under RCW 28A.600.477, and the primary contact regarding
14 the school district's policies and procedures related to transgender
15 students under RCW 28A.642.080.

16 (2) The primary contact may also serve as the primary contact
17 regarding the school district's policy and procedure prohibiting
18 harassment, intimidation, and bullying under RCW 28A.600.477 and the
19 primary contact regarding the school district's policy and procedure
20 related to transgender students under RCW 28A.642.080.

21 **Sec. 3.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
22 read as follows:

23 (1) The superintendent of public instruction shall develop
24 regulations and guidelines to eliminate sex discrimination as it
25 applies to public school employment, counseling and guidance services
26 to students, recreational and athletic activities for students,
27 access to course offerings, and in textbooks and instructional
28 materials used by students.

29 (a) Specifically with respect to public school employment, all
30 schools shall be required to:

31 (i) Maintain credential requirements for all personnel without
32 regard to sex;

33 (ii) Make no differentiation in pay scale on the basis of sex;

34 (iii) Assign school duties without regard to sex except where
35 such assignment would involve duty in areas or situations, such as
36 but not limited to a shower room, where persons might be disrobed;

37 (iv) Provide the same opportunities for advancement to males and
38 females; and

1 (v) Make no difference in conditions of employment including, but
2 not limited to, hiring practices, leaves of absence, hours of
3 employment, and assignment of, or pay for, instructional and
4 noninstructional duties, on the basis of sex.

5 (b) Specifically with respect to counseling and guidance services
6 for students, they shall be made available to all students equally.
7 All certificated personnel shall be required to stress access to all
8 career and vocational opportunities to students without regard to
9 sex.

10 (c) Specifically with respect to recreational and athletic
11 activities, they shall be offered to all students without regard to
12 sex. Schools may provide separate teams for each sex. Schools which
13 provide the following shall do so with no disparities based on sex:
14 Equipment and supplies; medical care; services and insurance;
15 transportation and per diem allowances; opportunities to receive
16 coaching and instruction; laundry services; assignment of game
17 officials; opportunities for competition, publicity and awards;
18 scheduling of games and practice times including use of courts, gyms,
19 and pools: PROVIDED, That such scheduling of games and practice times
20 shall be determined by local administrative authorities after
21 consideration of the public and student interest in attending and
22 participating in various recreational and athletic activities. Each
23 school which provides showers, toilets, or training room facilities
24 for athletic purposes shall provide comparable facilities for both
25 sexes. Such facilities may be provided either as separate facilities
26 or shall be scheduled and used separately by each sex.

27 The superintendent of public instruction shall also be required
28 to develop a student survey to distribute every three years to each
29 local school district in the state to determine student interest for
30 male/female participation in specific sports.

31 (d) Specifically with respect to course offerings, all classes
32 shall be required to be available to all students without regard to
33 sex: PROVIDED, That separation is permitted within any class during
34 sessions on sex education or gym classes.

35 (e) Specifically with respect to textbooks and instructional
36 materials, which shall also include, but not be limited to, reference
37 books and audiovisual materials, they shall be required to adhere to
38 the guidelines developed by the superintendent of public instruction
39 to implement the intent of this chapter: PROVIDED, That this
40 subsection shall not be construed to prohibit the introduction of

1 material deemed appropriate by the instructor for educational
2 purposes.

3 (2) (a) By December 31, 1994, the superintendent of public
4 instruction shall develop criteria for use by school districts in
5 developing sexual harassment policies as required under (b) of this
6 subsection. The criteria shall address the subjects of grievance
7 procedures, remedies to victims of sexual harassment, disciplinary
8 actions against violators of the policy, and other subjects at the
9 discretion of the superintendent of public instruction. Disciplinary
10 actions must conform with collective bargaining agreements and state
11 and federal laws. The superintendent of public instruction also shall
12 supply sample policies to school districts upon request.

13 (b) By June 30, 1995, every school district shall adopt and
14 implement a written policy concerning sexual harassment. The policy
15 shall apply to all school district employees, volunteers, parents,
16 and students, including, but not limited to, conduct between
17 students.

18 (c) School district policies on sexual harassment shall be
19 reviewed by the superintendent of public instruction considering the
20 criteria established under (a) of this subsection as part of the
21 monitoring process established in RCW 28A.640.030.

22 (d) The school district's sexual harassment policy shall be
23 conspicuously posted throughout each school building, and provided to
24 each employee. A copy of the policy shall appear in any publication
25 of the school or school district setting forth the rules,
26 regulations, procedures, and standards of conduct for the school or
27 school district. This requirement as it relates to students, parents,
28 and guardians may be satisfied by using the model student handbook
29 language in section 1 of this act.

30 (e) Each school shall develop a process for discussing the
31 district's sexual harassment policy. The process shall ensure the
32 discussion addresses the definition of sexual harassment and issues
33 covered in the sexual harassment policy.

34 (f) "Sexual harassment" as used in this section means unwelcome
35 sexual advances, requests for sexual favors, sexually motivated
36 physical contact, or other verbal or physical conduct or
37 communication of a sexual nature if:

38 (i) Submission to that conduct or communication is made a term or
39 condition, either explicitly or implicitly, of obtaining an education
40 or employment;

1 (ii) Submission to or rejection of that conduct or communication
2 by an individual is used as a factor in decisions affecting that
3 individual's education or employment; or

4 (iii) That conduct or communication has the purpose or effect of
5 substantially interfering with an individual's educational or work
6 performance, or of creating an intimidating, hostile, or offensive
7 educational or work environment.

8 **Sec. 4.** RCW 28A.600.477 and 2019 c 194 s 1 are each amended to
9 read as follows:

10 (1)(a) By January 31, 2020, each school district must adopt or
11 amend if necessary a policy and procedure prohibiting harassment,
12 intimidation, and bullying of any student and that, at a minimum,
13 incorporates the model policy and procedure described in subsection
14 (3) of this section.

15 (b) School districts must share the policy and procedure
16 prohibiting harassment, intimidation, and bullying with parents or
17 guardians, students, volunteers, and school employees in accordance
18 with the rules adopted by the office of the superintendent of public
19 instruction. This requirement as it relates to students, parents, and
20 guardians may be satisfied by using the model student handbook
21 language in section 1 of this act.

22 (c)(i) Each school district must designate one person in the
23 school district as the primary contact regarding the policy and
24 procedure prohibiting harassment, intimidation, and bullying. In
25 addition to other duties required by law and the school district, the
26 primary contact must:

27 (A) Ensure the implementation of the policy and procedure
28 prohibiting harassment, intimidation, and bullying;

29 (B) Receive copies of all formal and informal complaints relating
30 to harassment, intimidation, or bullying;

31 (C) Communicate with the school district employees responsible
32 for monitoring school district compliance with chapter 28A.642 RCW
33 prohibiting discrimination in public schools, and the primary contact
34 regarding the school district's policies and procedures related to
35 transgender students under RCW 28A.642.080; and

36 (D) Serve as the primary contact between the school district, the
37 office of the education ombuds, and the office of the superintendent
38 of public instruction on the policy and procedure prohibiting
39 harassment, intimidation, and bullying.

1 (ii) The primary contact from each school district must attend at
2 least one training class as provided in subsection (4) of this
3 section, once this training is available.

4 (iii) The primary contact may also serve as the primary contact
5 regarding the school district's policies and procedures relating to
6 transgender students under RCW 28A.642.080 and the primary contact
7 regarding school district compliance with nondiscrimination laws
8 under section 1 of this act.

9 (2) School districts are encouraged to adopt and update the
10 policy and procedure prohibiting harassment, intimidation, and
11 bullying through a process that includes representation of parents or
12 guardians, school employees, volunteers, students, administrators,
13 and community representatives.

14 (3)(a) By September 1, 2019, and periodically thereafter, the
15 Washington state school directors' association must collaborate with
16 the office of the superintendent of public instruction to develop and
17 update a model policy and procedure prohibiting harassment,
18 intimidation, and bullying.

19 (b) Each school district must provide to the office of the
20 superintendent of public instruction a brief summary of its policies,
21 procedures, programs, partnerships, vendors, and instructional and
22 training materials prohibiting harassment, intimidation, and bullying
23 to be posted on the office of the superintendent of public
24 instruction's school safety center website, and must also provide the
25 office of the superintendent of public instruction with a link to the
26 school district's website for further information. The school
27 district's primary contact for harassment, intimidation, and bullying
28 issues must annually by August 15th verify posted information and
29 links and notify the school safety center of any updates or changes.

30 (c) The office of the superintendent of public instruction must
31 publish on its website, with a link to the school safety center
32 website, the revised and updated model policy and procedure
33 prohibiting harassment, intimidation, and bullying, along with
34 training and instructional materials on the components that must be
35 included in any school district policy and procedure prohibiting
36 harassment, intimidation, and bullying. By September 1, 2019, the
37 office of the superintendent of public instruction must adopt rules
38 regarding school districts' communication of the policy and procedure
39 prohibiting harassment, intimidation, and bullying to parents,
40 students, employees, and volunteers.

1 (4) By December 31, 2020, the office of the superintendent of
2 public instruction must develop a statewide training class for those
3 people in each school district who act as the primary contact
4 regarding the policy and procedure prohibiting harassment,
5 intimidation, and bullying as provided in subsection (1) of this
6 section. The training class must be offered on an annual basis by
7 educational service districts in collaboration with the office of the
8 superintendent of public instruction. The training class must be
9 based on the model policy and procedure prohibiting harassment,
10 intimidation, and bullying as provided in subsection (3) of this
11 section and include materials related to hazing and the Washington
12 state school directors' association model transgender student policy
13 and procedure as provided in RCW 28A.642.080.

14 (5) The definitions in this subsection apply throughout this
15 section unless the context clearly requires otherwise.

16 (a) "Electronic" means any communication where there is the
17 transmission of information by wire, radio, optical cable,
18 electromagnetic, or other similar means.

19 (b)(i) "Harassment, intimidation, or bullying" means any
20 intentional electronic, written, verbal, or physical act including,
21 but not limited to, one shown to be motivated by any characteristic
22 in RCW 28A.640.010 and 28A.642.010, or other distinguishing
23 characteristics, when the intentional electronic, written, verbal, or
24 physical act:

25 (A) Physically harms a student or damages the student's property;

26 (B) Has the effect of substantially interfering with a student's
27 education;

28 (C) Is so severe, persistent, or pervasive that it creates an
29 intimidating or threatening educational environment; or

30 (D) Has the effect of substantially disrupting the orderly
31 operation of the school.

32 (ii) Nothing in (b)(i) of this subsection requires the affected
33 student to actually possess a characteristic that is a basis for the
34 harassment, intimidation, or bullying.

35 **Sec. 5.** RCW 28A.642.080 and 2019 c 194 s 2 are each amended to
36 read as follows:

37 (1)(a) By January 31, 2020, each school district must adopt or
38 amend if necessary policies and procedures that, at a minimum,

1 incorporate all the elements of the model transgender student policy
2 and procedure described in subsection (3) of this section.

3 (b) School districts must share the policies and procedures that
4 meet the requirements of (a) of this subsection with parents or
5 guardians, students, volunteers, and school employees in accordance
6 with rules adopted by the office of the superintendent of public
7 instruction. This requirement as it relates to students, parents, and
8 guardians may be satisfied by using the model student handbook
9 language in section 1 of this act.

10 (c) (i) Each school district must designate one person in the
11 school district as the primary contact regarding the policies and
12 procedures relating to transgender students that meet the
13 requirements of (a) of this subsection. In addition to any other
14 duties required by law and the school district, the primary contact
15 must:

16 (A) Ensure the implementation of the policies and procedures
17 relating to transgender students that meet the requirements of (a) of
18 this subsection;

19 (B) Receive copies of all formal and informal complaints relating
20 to transgender students;

21 (C) Communicate with the school district employees responsible
22 for monitoring school district compliance with this chapter, and the
23 primary contact regarding the school district's policy and procedure
24 prohibiting harassment, intimidation, and bullying under RCW
25 28A.600.477; and

26 (D) Serve as the primary contact between the school district, the
27 office of the education ombuds, and the office of the superintendent
28 of public instruction on policies and procedures relating to
29 transgender students that meet the requirements of (a) of this
30 subsection.

31 (ii) The primary contact from each school district must attend at
32 least one training class as provided in RCW 28A.600.477, once this
33 training is available.

34 (iii) The primary contact may also serve as the primary contact
35 regarding the school district's policy and procedure prohibiting
36 harassment, intimidation, and bullying under RCW 28A.600.477 and the
37 primary contact regarding school district compliance with
38 nondiscrimination laws under section 1 of this act.

39 (2) As required by the office of the superintendent of public
40 instruction, each school district must provide to the office of the

1 superintendent of public instruction its policies and procedures
2 relating to transgender students that meet the requirements of
3 subsection (1)(a) of this section.

4 (3)(a) By September 1, 2019, and periodically thereafter, the
5 Washington state school directors' association must collaborate with
6 the office of the superintendent of public instruction to develop and
7 update a model transgender student policy and procedure.

8 (b) The elements of the model transgender student policy and
9 procedure must, at a minimum: Incorporate the office of the
10 superintendent of public instruction's rules and guidelines developed
11 under RCW 28A.642.020 to eliminate discrimination in Washington
12 public schools on the basis of gender identity and expression;
13 address the unique challenges and needs faced by transgender students
14 in public schools; and describe the application of the model policy
15 and procedure prohibiting harassment, intimidation, and bullying,
16 required under RCW 28A.600.477, to transgender students.

17 (c) The office of the superintendent of public instruction and
18 the Washington state school directors' association must maintain the
19 model policy and procedure on each agency's website at no cost to
20 school districts.

21 (4)(a) By December 31, 2020, the office of the superintendent of
22 public instruction must develop online training material available to
23 all school staff based on the model transgender student policy and
24 procedure described in subsection (3) of this section and the office
25 of the superintendent of public instruction's rules and guidance as
26 provided under this chapter.

27 (b) The online training material must describe the role of school
28 district primary contacts for monitoring school district compliance
29 with this chapter prohibiting discrimination in public schools, RCW
30 28A.600.477 related to the policies and procedures prohibiting
31 harassment, intimidation, and bullying, and this section related to
32 policies and procedures relating to transgender students.

33 (c) The online training material must include best practices for
34 policy and procedure implementation and cultural change that are
35 guided by school district experiences.

36 (d) The office of the superintendent of public instruction must
37 annually notify school districts of the availability of the online
38 training material.

1 **Sec. 6.** RCW 28A.600.510 and 2022 c 222 s 2 are each amended to
2 read as follows:

3 (1) Beginning August 1, 2023, public schools must:

4 (a) Provide students and their parents or guardians with a
5 description of the services available through the office of the
6 education ombuds and the contact information for the office of the
7 education ombuds at the time of initial enrollment or admission; and

8 (b) Either: (i) Include on their website a description of the
9 services available through the office of the education ombuds and a
10 link to the website of the office of the education ombuds; or (ii)
11 provide a description of the services available through the office of
12 the education ombuds and the contact information for the office of
13 the education ombuds in existing materials that are shared annually
14 with families, students, and school employees, such as welcome
15 packets, orientation guides, and newsletters. This requirement as it
16 relates to students and families may be satisfied by using the model
17 student handbook language in section 1 of this act.

18 (2) Public schools are encouraged to comply with both subsection
19 (1)(b)(i) and (ii) of this section.

20 (3) By July 1, 2022, the office of the education ombuds must
21 develop a template of the information described in subsection (1) of
22 this section. The template must be translated into Spanish and into
23 other languages as resources allow. The template must be made
24 available upon request and updated as needed.

25 (4) For the purposes of this section, "public schools" has the
26 same meaning as in RCW 28A.150.010.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.600
28 RCW to read as follows:

29 (1) The legislature recognizes that public schools have the
30 authority to immediately remove a student from school if the student
31 poses an immediate and continuing danger to other students or to
32 school staff, or if the student poses an immediate and continuing
33 threat of material and substantial disruption of the education
34 process. The legislature acknowledges that emergency expulsion is
35 limited to 10 consecutive school days, the school must provide an
36 opportunity for the student to receive educational services during
37 the emergency expulsion, and both the emergency expulsion and any
38 suspension or expulsion that the emergency expulsion is converted to
39 can be appealed. However, the legislature finds that emergency

1 expulsion tarnishes a student's reputation and self-image, which can
2 result in school staff, fellow students, or the student's families
3 making assumptions about the student, and, in some cases, these
4 assumptions result in harassment, intimidation, or bullying of the
5 student. Therefore, the legislature intends to discontinue the use of
6 the prejudicial term "emergency expulsion," and replace it with the
7 term "emergency removal," which is a more accurate description of the
8 temporary removal of a student from school to assess and properly
9 respond to an emergent situation involving the student.

10 (2) As soon as possible after the effective date of this section,
11 the office of the superintendent of public instruction must publish a
12 bulletin to notify school districts and public schools that the term
13 "emergency removal" must be used instead of the term "emergency
14 expulsion" in the context of student discipline and as required by
15 RCW 28A.300.042 and 28A.600.015. The legislature's intent as
16 described in subsection (1) of this section must be included in the
17 bulletin. The bulletin must also include guidance about student
18 discipline data collection and historical data comparison.

19 (3) A student who was emergency expelled between September 1,
20 2019, and the effective date of this section may request that any
21 reference to "emergency expulsion" in the student's education record
22 be revised to "emergency removal."

23 **Sec. 8.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to
24 read as follows:

25 (1) Beginning with the 2017-18 school year, and using the phase-
26 in provided in subsection (2) of this section, the superintendent of
27 public instruction must collect and school districts must submit all
28 student-level data using the United States department of education
29 2007 race and ethnicity reporting guidelines, including the subracial
30 and subethnic categories within those guidelines, with the following
31 modifications:

32 (a) Further disaggregation of the Black category to differentiate
33 students of African origin and students native to the United States
34 with African ancestors;

35 (b) Further disaggregation of countries of origin for Asian
36 students;

37 (c) Further disaggregation of the White category to include
38 subethnic categories for Eastern European nationalities that have
39 significant populations in Washington; and

1 (d) For students who report as multiracial, collection of their
2 racial and ethnic combination of categories.

3 (2) Beginning with the 2017-18 school year, school districts
4 shall collect student-level data as provided in subsection (1) of
5 this section for all newly enrolled students, including transfer
6 students. When the students enroll in a different school within the
7 district, school districts shall resurvey the newly enrolled students
8 for whom subracial and subethnic categories were not previously
9 collected. School districts may resurvey other students.

10 (3) All student data-related reports required of the
11 superintendent of public instruction in this title must be
12 disaggregated by at least the following subgroups of students: White,
13 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
14 Islander/Hawaiian Native, low income, transitional bilingual,
15 migrant, special education, and students covered by section 504 of
16 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
17 794).

18 (4) All student data-related reports prepared by the
19 superintendent of public instruction regarding student suspensions
20 and expulsions as required under this title are subject to
21 disaggregation by subgroups including:

- 22 (a) Gender;
- 23 (b) Foster care;
- 24 (c) Homeless, if known;
- 25 (d) School district;
- 26 (e) School;
- 27 (f) Grade level;
- 28 (g) Behavior infraction code, including:
 - 29 (i) Bullying;
 - 30 (ii) Tobacco;
 - 31 (iii) Alcohol;
 - 32 (iv) Illicit drug;
 - 33 (v) Fighting without major injury;
 - 34 (vi) Violence without major injury;
 - 35 (vii) Violence with major injury;
 - 36 (viii) Possession of a weapon; and
 - 37 (ix) Other behavior resulting from a short-term or long-term
38 suspension, expulsion, or interim alternative education setting
39 intervention;
- 40 (h) Intervention applied, including:

1 (i) Short-term suspension;
2 (ii) Long-term suspension;
3 (iii) Emergency (~~(expulsion)~~) removal;
4 (iv) Expulsion;
5 (v) Interim alternative education settings;
6 (vi) No intervention applied; and
7 (vii) Other intervention applied that is not described in this
8 subsection (4) (h);

9 (i) Number of days a student is suspended or expelled, to be
10 counted in half or full days; and

11 (j) Any other categories added at a future date by the data
12 governance group.

13 (5) All student data-related reports required of the
14 superintendent of public instruction regarding student suspensions
15 and expulsions as required in RCW 28A.300.046 are subject to cross-
16 tabulation at a minimum by the following:

17 (a) School and district;

18 (b) Race, low income, special education, transitional bilingual,
19 migrant, foster care, homeless, students covered by section 504 of
20 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
21 794), and categories to be added in the future;

22 (c) Behavior infraction code; and

23 (d) Intervention applied.

24 (6) The K-12 data governance group shall develop the data
25 protocols and guidance for school districts in the collection of data
26 as required under this section, and the office of the superintendent
27 of public instruction shall modify the statewide student data system
28 as needed. The office of the superintendent of public instruction
29 shall also incorporate training for school staff on best practices
30 for collection of data on student race and ethnicity in other
31 training or professional development related to data provided by the
32 office.

33 **Sec. 9.** RCW 28A.600.015 and 2016 c 72 s 105 are each amended to
34 read as follows:

35 (1) The superintendent of public instruction shall adopt and
36 distribute to all school districts lawful and reasonable rules
37 prescribing the substantive and procedural due process guarantees of
38 pupils in the common schools. Such rules shall authorize a school
39 district to use informal due process procedures in connection with

1 the short-term suspension of students to the extent constitutionally
2 permissible: PROVIDED, That the superintendent of public instruction
3 deems the interest of students to be adequately protected. When a
4 student suspension or expulsion is appealed, the rules shall
5 authorize a school district to impose the suspension or expulsion
6 temporarily after an initial hearing for no more than (~~ten~~) 10
7 consecutive school days or until the appeal is decided, whichever is
8 earlier. Any days that the student is temporarily suspended or
9 expelled before the appeal is decided shall be applied to the term of
10 the student suspension or expulsion and shall not limit or extend the
11 term of the student suspension or expulsion. An expulsion or
12 suspension of a student may not be for an indefinite period of time.

13 (2) Short-term suspension procedures may be used for suspensions
14 of students up to and including, (~~ten~~) 10 consecutive school days.

15 (3) Emergency (~~expulsions~~) removals must end or be converted to
16 another form of corrective action within ten school days from the
17 date of the emergency removal from school. Notice and due process
18 rights must be provided when an emergency (~~expulsion~~) removal is
19 converted to another form of corrective action.

20 (4) School districts may not impose long-term suspension or
21 expulsion as a form of discretionary discipline.

22 (5) Any imposition of discretionary and nondiscretionary
23 discipline is subject to the bar on suspending the provision of
24 educational services pursuant to subsection (8) of this section.

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

30 (a) A violation of RCW 28A.600.420;

31 (b) An offense in RCW 13.04.155;

32 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
33 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;
34 or

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

37 (7) Except as provided in RCW 28A.600.420, school districts are
38 not required to impose long-term suspension or expulsion for behavior
39 that constitutes a violation or offense listed under subsection

1 (6)(a) through (d) of this section and should first consider
2 alternative actions.

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

9 (9) Nothing in this section creates any civil liability for
10 school districts, or creates a new cause of action or new theory of
11 negligence against a school district board of directors, a school
12 district, or the state."

SHB 1207 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 04/05/2023

13 On page 1, line 6 of the title, after "term;" strike the
14 remainder of the title and insert "amending RCW 28A.640.020,
15 28A.600.477, 28A.642.080, 28A.600.510, 28A.300.042, and 28A.600.015;
16 adding a new section to chapter 28A.300 RCW; adding a new section to
17 chapter 28A.642 RCW; and adding a new section to chapter 28A.600
18 RCW."

EFFECT: (1) Requires the model student handbook language to be aligned with existing requirements regarding transgender students; sexual harassment; harassment, intimidation, and bullying; and Office of the Education Ombuds.

(2) Allows existing requirements regarding policies and procedures and notification as it relates to students, parents, and guardians to be satisfied by using the model student handbook language.

(3) Allows the primary contact regarding nondiscrimination laws to also serve as the primary contact regarding transgender students and harassment, intimidation, and bullying.

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