
SUBSTITUTE HOUSE BILL 1207

State of Washington

68th Legislature

2023 Regular Session

By House Education (originally sponsored by Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai, and Pollet)

READ FIRST TIME 01/30/23.

1 AN ACT Relating to preventing and responding to harassment,
2 intimidation, bullying, and discrimination in schools by requiring
3 distribution of related policies and complaint procedures,
4 designation of a primary contact for compliance with
5 nondiscrimination laws, and changing a prejudicial student discipline
6 term; amending RCW 28A.300.042 and 28A.600.015; adding a new section
7 to chapter 28A.300 RCW; adding a new section to chapter 28A.642 RCW;
8 and adding a new section to chapter 28A.600 RCW.

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

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

12 (1) The office of the superintendent of public instruction shall
13 develop, and periodically update, model student handbook language
14 that includes information about policies and complaint procedures
15 related to discrimination, including sexual harassment, and
16 information about policies and complaint procedures related to
17 harassment, intimidation, and bullying, as well as the overlap
18 between the policies and complaint procedures. The model student
19 handbook language must also include a description of the services
20 available through the office of the education ombuds and the contact
21 information for the office of the education ombuds. The model student

1 handbook language must be jointly developed with the Washington state
2 school directors' association, and in consultation with the office of
3 the education ombuds. The model student handbook language must be
4 posted publicly on the office of the superintendent of public
5 instruction's website beginning July 1, 2024.

6 (2) Beginning with the 2024-25 school year, each school district
7 must include the model student handbook language developed under
8 subsection (1) of this section in any student, parent, employee, and
9 volunteer handbook that it or one of its schools publishes and on the
10 school district's website, and any school's website, if a school or
11 the school district maintains a website. If a school district neither
12 publishes a handbook nor maintains a website, it must provide the
13 model student handbook language developed under subsection (1) of
14 this section to each student, parent, employee, and volunteer at
15 least annually.

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

18 Each school district shall designate one person in the school
19 district as the primary contact regarding school district compliance
20 with this chapter. In addition to any other duties required by law
21 and the school district, the primary contact must:

22 (1) Ensure that complaints of discrimination communicated to the
23 school district are promptly investigated and resolved; and

24 (2) Communicate with the primary contact regarding the school
25 district's policy and procedure prohibiting harassment, intimidation,
26 and bullying under RCW 28A.600.477, and the primary contact regarding
27 the school district's policies and procedures related to transgender
28 students under RCW 28A.642.080.

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

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

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

13 (2) As soon as possible after the effective date of this section,
14 the office of the superintendent of public instruction must publish a
15 bulletin to notify school districts and public schools that the term
16 "emergency removal" must be used instead of the term "emergency
17 expulsion" in the context of student discipline and as required by
18 sections 4 and 5 of this act. The legislature's intent as described
19 in subsection (1) of this section must be included in the bulletin.
20 The bulletin must also include guidance about student discipline data
21 collection and historical data comparison.

22 (3) A student who was emergency expelled between September 1,
23 2019, and the effective date of this section may request that any
24 reference to "emergency expulsion" in the student's education record
25 be revised to "emergency removal."

26 **Sec. 4.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to
27 read as follows:

28 (1) Beginning with the 2017-18 school year, and using the phase-
29 in provided in subsection (2) of this section, the superintendent of
30 public instruction must collect and school districts must submit all
31 student-level data using the United States department of education
32 2007 race and ethnicity reporting guidelines, including the subracial
33 and subethnic categories within those guidelines, with the following
34 modifications:

35 (a) Further disaggregation of the Black category to differentiate
36 students of African origin and students native to the United States
37 with African ancestors;

38 (b) Further disaggregation of countries of origin for Asian
39 students;

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

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

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

13 (3) All student data-related reports required of the
14 superintendent of public instruction in this title must be
15 disaggregated by at least the following subgroups of students: White,
16 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
17 Islander/Hawaiian Native, low income, transitional bilingual,
18 migrant, special education, and students covered by section 504 of
19 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
20 794).

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

- 25 (a) Gender;
- 26 (b) Foster care;
- 27 (c) Homeless, if known;
- 28 (d) School district;
- 29 (e) School;
- 30 (f) Grade level;
- 31 (g) Behavior infraction code, including:
 - 32 (i) Bullying;
 - 33 (ii) Tobacco;
 - 34 (iii) Alcohol;
 - 35 (iv) Illicit drug;
 - 36 (v) Fighting without major injury;
 - 37 (vi) Violence without major injury;
 - 38 (vii) Violence with major injury;
 - 39 (viii) Possession of a weapon; and

1 (ix) Other behavior resulting from a short-term or long-term
2 suspension, expulsion, or interim alternative education setting
3 intervention;

4 (h) Intervention applied, including:

5 (i) Short-term suspension;

6 (ii) Long-term suspension;

7 (iii) Emergency (~~(expulsion)~~) removal;

8 (iv) Expulsion;

9 (v) Interim alternative education settings;

10 (vi) No intervention applied; and

11 (vii) Other intervention applied that is not described in this
12 subsection (4) (h);

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

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

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

21 (a) School and district;

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

26 (c) Behavior infraction code; and

27 (d) Intervention applied.

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

37 **Sec. 5.** RCW 28A.600.015 and 2016 c 72 s 105 are each amended to
38 read as follows:

1 (1) The superintendent of public instruction shall adopt and
2 distribute to all school districts lawful and reasonable rules
3 prescribing the substantive and procedural due process guarantees of
4 pupils in the common schools. Such rules shall authorize a school
5 district to use informal due process procedures in connection with
6 the short-term suspension of students to the extent constitutionally
7 permissible: PROVIDED, That the superintendent of public instruction
8 deems the interest of students to be adequately protected. When a
9 student suspension or expulsion is appealed, the rules shall
10 authorize a school district to impose the suspension or expulsion
11 temporarily after an initial hearing for no more than ~~((ten))~~ 10
12 consecutive school days or until the appeal is decided, whichever is
13 earlier. Any days that the student is temporarily suspended or
14 expelled before the appeal is decided shall be applied to the term of
15 the student suspension or expulsion and shall not limit or extend the
16 term of the student suspension or expulsion. An expulsion or
17 suspension of a student may not be for an indefinite period of time.

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

20 (3) Emergency ~~((expulsions))~~ removals must end or be converted to
21 another form of corrective action within ten school days from the
22 date of the emergency removal from school. Notice and due process
23 rights must be provided when an emergency ~~((expulsion))~~ removal is
24 converted to another form of corrective action.

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

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

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

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

36 (b) An offense in RCW 13.04.155;

37 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
38 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;

39 or

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

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

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

14 (9) Nothing in this section creates any civil liability for
15 school districts, or creates a new cause of action or new theory of
16 negligence against a school district board of directors, a school
17 district, or the state.

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