
HOUSE BILL 1207

State of Washington

68th Legislature

2023 Regular Session

By Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai, and Pollet

Read first time 01/10/23. Referred to Committee on Education.

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 creating a new section.

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 be posted publicly on the office of the
20 superintendent of public instruction's website beginning July 1,
21 2024.

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

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

13 Each school district shall designate one person in the school
14 district as the primary contact regarding school district compliance
15 with this chapter. In addition to any other duties required by law
16 and the school district, the primary contact must:

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

19 (2) Communicate with the primary contact regarding the school
20 district's policy and procedure prohibiting harassment, intimidation,
21 and bullying under RCW 28A.600.477, and the primary contact regarding
22 the school district's policies and procedures related to transgender
23 students under RCW 28A.642.080.

24 NEW SECTION. **Sec. 3.** (1) The legislature recognizes that public
25 schools have the authority to immediately remove a student from
26 school if the student poses an immediate and continuing danger to
27 other students or to school staff, or if the student poses an
28 immediate and continuing threat of material and substantial
29 disruption of the education process. The legislature acknowledges
30 that emergency expulsion is limited to 10 consecutive school days,
31 the school must provide an opportunity for the student to receive
32 educational services during the emergency expulsion, and both the
33 emergency expulsion and any suspension or expulsion that the
34 emergency expulsion is converted to can be appealed. However, the
35 legislature finds that emergency expulsion tarnishes a student's
36 reputation and self-image, which can result in school staff, fellow
37 students, or the student's families making assumptions about the
38 student, and, in some cases, these assumptions result in harassment,

1 intimidation, or bullying of the student. Therefore, the legislature
2 intends to discontinue the use of the prejudicial term "emergency
3 expulsion," and replace it with the term "emergency removal," which
4 is a more accurate description of the temporary removal of a student
5 from school to assess and properly respond to an emergent situation
6 involving the student.

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

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

18 (1) Beginning with the 2017-18 school year, and using the phase-
19 in provided in subsection (2) of this section, the superintendent of
20 public instruction must collect and school districts must submit all
21 student-level data using the United States department of education
22 2007 race and ethnicity reporting guidelines, including the subracial
23 and subethnic categories within those guidelines, with the following
24 modifications:

25 (a) Further disaggregation of the Black category to differentiate
26 students of African origin and students native to the United States
27 with African ancestors;

28 (b) Further disaggregation of countries of origin for Asian
29 students;

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

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

35 (2) Beginning with the 2017-18 school year, school districts
36 shall collect student-level data as provided in subsection (1) of
37 this section for all newly enrolled students, including transfer
38 students. When the students enroll in a different school within the
39 district, school districts shall resurvey the newly enrolled students

1 for whom subracial and subethnic categories were not previously
2 collected. School districts may resurvey other students.

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

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

- 15 (a) Gender;
- 16 (b) Foster care;
- 17 (c) Homeless, if known;
- 18 (d) School district;
- 19 (e) School;
- 20 (f) Grade level;
- 21 (g) Behavior infraction code, including:
 - 22 (i) Bullying;
 - 23 (ii) Tobacco;
 - 24 (iii) Alcohol;
 - 25 (iv) Illicit drug;
 - 26 (v) Fighting without major injury;
 - 27 (vi) Violence without major injury;
 - 28 (vii) Violence with major injury;
 - 29 (viii) Possession of a weapon; and
 - 30 (ix) Other behavior resulting from a short-term or long-term
31 suspension, expulsion, or interim alternative education setting
32 intervention;
- 33 (h) Intervention applied, including:
 - 34 (i) Short-term suspension;
 - 35 (ii) Long-term suspension;
 - 36 (iii) Emergency (~~expulsion~~) removal;
 - 37 (iv) Expulsion;
 - 38 (v) Interim alternative education settings;
 - 39 (vi) No intervention applied; and

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

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

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

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

11 (a) School and district;

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

16 (c) Behavior infraction code; and

17 (d) Intervention applied.

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

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

29 (1) The superintendent of public instruction shall adopt and
30 distribute to all school districts lawful and reasonable rules
31 prescribing the substantive and procedural due process guarantees of
32 pupils in the common schools. Such rules shall authorize a school
33 district to use informal due process procedures in connection with
34 the short-term suspension of students to the extent constitutionally
35 permissible: PROVIDED, That the superintendent of public instruction
36 deems the interest of students to be adequately protected. When a
37 student suspension or expulsion is appealed, the rules shall
38 authorize a school district to impose the suspension or expulsion
39 temporarily after an initial hearing for no more than (~~ten~~) 10

1 consecutive school days or until the appeal is decided, whichever is
2 earlier. Any days that the student is temporarily suspended or
3 expelled before the appeal is decided shall be applied to the term of
4 the student suspension or expulsion and shall not limit or extend the
5 term of the student suspension or expulsion. An expulsion or
6 suspension of a student may not be for an indefinite period of time.

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

9 (3) Emergency (~~(expulsions)~~) removals must end or be converted to
10 another form of corrective action within ten school days from the
11 date of the emergency removal from school. Notice and due process
12 rights must be provided when an emergency (~~(expulsion)~~) removal is
13 converted to another form of corrective action.

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

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

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

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

25 (b) An offense in RCW 13.04.155;

26 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
27 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;
28 or

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

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

36 (8) School districts may not suspend the provision of educational
37 services to a student as a disciplinary action. A student may be
38 excluded from a particular classroom or instructional or activity
39 area for the period of suspension or expulsion, but the school

1 district must provide an opportunity for a student to receive
2 educational services during a period of suspension or expulsion.

3 (9) Nothing in this section creates any civil liability for
4 school districts, or creates a new cause of action or new theory of
5 negligence against a school district board of directors, a school
6 district, or the state.

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