
SECOND SUBSTITUTE SENATE BILL 5244

State of Washington

63rd Legislature

2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Litzow, Dammeier, Ranker, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Schoesler, Smith, and Mullet)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to school suspensions and expulsions; amending RCW
2 28A.600.015, 28A.600.020, 28A.600.410, 28A.300.046, 28A.300.042, and
3 28A.300.507; and creating a new section.

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

5 **Sec. 1.** RCW 28A.600.015 and 2006 c 263 s 701 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall adopt and
8 distribute to all school districts lawful and reasonable rules
9 prescribing the substantive and procedural due process guarantees of
10 pupils in the common schools. Such rules shall authorize a school
11 district to use informal due process procedures in connection with the
12 short-term suspension of students to the extent constitutionally
13 permissible: PROVIDED, That the superintendent of public instruction
14 deems the interest of students to be adequately protected. When a
15 student suspension or expulsion is appealed, the rules shall authorize
16 a school district to impose the suspension or expulsion temporarily
17 after an initial hearing for no more than ten consecutive school days
18 or until the appeal is decided, whichever is earlier. Any days that
19 the student is temporarily suspended or expelled before the appeal is

1 decided shall be applied to the term of the student suspension or
2 expulsion and shall not limit or extend the term of the student
3 suspension or expulsion. An expulsion or suspension of a student may
4 not be for an indefinite period of time.

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

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

12 **Sec. 2.** RCW 28A.600.020 and 2006 c 263 s 706 are each amended to
13 read as follows:

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

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

31 (3) In order to preserve a beneficial learning environment for all
32 students and to maintain good order and discipline in each classroom,
33 every school district board of directors shall provide that written
34 procedures are developed for administering discipline at each school
35 within the district. Such procedures shall be developed with the
36 participation of parents and the community, and shall provide that the
37 teacher, principal or designee, and other authorities designated by the

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

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

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

17 ((+a)) (i) Engages in two or more violations within a three-year
18 period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460,
19 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

20 ((+b)) (ii) Engages in one or more of the offenses listed in RCW
21 13.04.155.

22 (b) The principal shall communicate the disciplinary action taken
23 by the principal to the school personnel who referred the student to
24 the principal for disciplinary action.

25 (6) Any corrective action involving a suspension or expulsion from
26 school for more than ten days must have an end date of not more than
27 one calendar year from the time of corrective action. Districts shall
28 make reasonable efforts to assist students and parents in returning to
29 an educational setting prior to and no later than the end date of the
30 corrective action.

31 (7) Nothing in this section prevents a public school district,
32 educational service district, the Washington state center for childhood
33 deafness and hearing loss, or the state school for the blind if it has
34 suspended or expelled a student from the student's regular school
35 setting from providing educational services to the student in an
36 alternative setting or modifying the suspension or expulsion on a case-
37 by-case basis.

1 **Sec. 3.** RCW 28A.600.410 and 1992 c 155 s 1 are each amended to
2 read as follows:

3 The state of Washington excludes tens of thousands of students from
4 school each year due to out-of-school suspensions and expulsions. Out-
5 of-school suspensions and expulsions contribute to poor academic
6 achievement, lower graduation rates, and higher dropout rates. It is
7 the intent of the legislature to minimize the use of out-of-school
8 suspension and expulsion and its impact on student achievement by
9 reducing the number of days that students are excluded from school due
10 to disciplinary action. Student behavior should not result in the
11 permanent loss of educational opportunity in the public school system.

12 School districts are encouraged to find alternatives to suspension
13 including reducing the length of a student's suspension conditioned by
14 the commencement of counseling or other treatment services. Consistent
15 with current law, the conditioning of a student's suspension does not
16 obligate the school district to pay for the counseling or other
17 treatment services except for those stipulated and agreed to by the
18 district at the inception of the suspension.

19 **Sec. 4.** RCW 28A.300.046 and 2011 c 288 s 10 are each amended to
20 read as follows:

21 (1)(a) The superintendent of public instruction shall adopt rules
22 establishing a standard definition of student absence from school. In
23 adopting the definition, the superintendent shall review current
24 practices in Washington school districts, definitions used in other
25 states, and any national standards or definitions used by the national
26 center for education statistics or other national groups. The
27 superintendent shall also consult with the building bridges work group
28 established under RCW 28A.175.075.

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

33 (2)(a) The K-12 data governance group under RCW 28A.300.507 shall
34 establish the parameters and an implementation schedule for statewide
35 collection through the comprehensive education and data research system
36 of: (i) Student attendance data using the definitions of student

1 absence adopted under this section; and (ii) student discipline data
2 with a focus on suspensions and expulsions from school.

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

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

7 (ii) Disaggregated and crosstabulated as established under RCW
8 28A.300.042.

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

14 **Sec. 5.** RCW 28A.300.042 and 2009 c 468 s 4 are each amended to
15 read as follows:

16 (1) All student data-related reports required of the superintendent
17 of public instruction in this title must be disaggregated by at least
18 the following subgroups of students: White, Black, Hispanic, American
19 Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low
20 income, transitional bilingual, migrant, special education, and
21 students covered by section 504 of the federal rehabilitation act of
22 1973, as amended (29 U.S.C. Sec. 794).

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

27 (a) Gender;

28 (b) Foster care;

29 (c) Homeless;

30 (d) School district;

31 (e) School;

32 (f) Grade level;

33 (g) Behavior infraction code, including:

34 (i) Bullying;

35 (ii) Tobacco;

36 (iii) Alcohol;

37 (iv) Illicit drug;

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

32 **Sec. 6.** RCW 28A.300.507 and 2009 c 548 s 203 are each amended to
33 read as follows:

34 (1) A K-12 data governance group shall be established within the
35 office of the superintendent of public instruction to assist in the
36 design and implementation of a K-12 education data improvement system
37 for financial, student, and educator data. It is the intent that the

1 data system reporting specifically serve requirements for teachers,
2 parents, superintendents, school boards, the office of the
3 superintendent of public instruction, the legislature, and the public.

4 (2) The K-12 data governance group shall include representatives of
5 the education data center, the office of the superintendent of public
6 instruction, the legislative evaluation and accountability program
7 committee, the professional educator standards board, the state board
8 of education, and school district staff, including information
9 technology staff. Additional entities with expertise in education data
10 may be included in the K-12 data governance group.

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

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

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

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

22 (d) Conduct a gap analysis of current and planned information
23 compared to the needs requirement document, including an analysis of
24 the strengths and limitations of an education data system and programs
25 currently used by school districts and the state, and specifically the
26 gap analysis must look at the extent to which the existing data can be
27 transformed into canonical form and where existing software can be used
28 to meet the needs requirement document;

29 (e) Focus on financial and cost data necessary to support the new
30 K-12 financial models and funding formulas, including any necessary
31 changes to school district budgeting and accounting, and on assuring
32 the capacity to link data across financial, student, and educator
33 systems; and

34 (f) Define the operating rules and governance structure for K-12
35 data collections, ensuring that data systems are flexible and able to
36 adapt to evolving needs for information, within an objective and
37 orderly data governance process for determining when changes are needed
38 and how to implement them. Strong consideration must be made to the

1 current practice and cost of migration to new requirements. The
2 operating rules should delineate the coordination, delegation, and
3 escalation authority for data collection issues, business rules, and
4 performance goals for each K-12 data collection system, including:

5 (i) Defining and maintaining standards for privacy and
6 confidentiality;

7 (ii) Setting data collection priorities;

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

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

10 (v) Ensuring data accuracy; and

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

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

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

27 (5) To the extent data is available, the office of the
28 superintendent of public instruction shall make the following minimum
29 reports available on the internet. The reports must either be run on
30 demand against current data, or, if a static report, must have been run
31 against the most recent data:

32 (a) The percentage of data compliance and data accuracy by school
33 district;

34 (b) The magnitude of spending per student, by student estimated by
35 the following algorithm and reported as the detailed summation of the
36 following components:

37 (i) An approximate, prorated fraction of each teacher or human

1 resource element that directly serves the student. Each human resource
2 element must be listed or accessible through online tunneling in the
3 report;

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

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

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

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

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

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

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

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

26 (h) Percentage of a classroom teacher per student on a per student
27 basis; and

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

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

1 ~~(7)~~) All reports and data referenced in this section and RCW
2 43.41.400 and 28A.655.210 shall be made available in a manner
3 consistent with the technical requirements of the legislative
4 evaluation and accountability program committee and the education data
5 center so that selected data can be provided to the legislature,
6 governor, school districts, and the public.

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

13 (8) The K-12 data governance group shall examine the data collected
14 under the behavior infraction subgroup in RCW 28A.300.042(2)(g)(ix) and
15 create at least four additional behavior infraction codes including the
16 four most common behaviors reported under the behavior infraction
17 subgroup in RCW 28A.300.042(2)(g)(ix), and may create other categories
18 as needed, by December 1, 2013.

19 NEW SECTION. Sec. 7. (1) The Washington state school directors'
20 association shall develop a model policy for school districts to
21 implement changes to suspension and expulsion policies.

22 (2) The model policy must include at a minimum: Appropriate
23 discipline actions for unwanted student behavior, training in cultural
24 sensitivity regarding school discipline policies and procedures;
25 prevention and intervention guidance including best practices; and
26 parental engagement.

27 (3) The model policy must be made available on the Washington state
28 school directors' association web site by May 1, 2014.

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